

Home Affairs Committee

Oral evidence: [Work of the Home Office](#), HC 1713

Tuesday 13 November 2018

Ordered by the House of Commons to be published on 13 November 2018.

[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Rehman Chishti; Stephen Doughty; Kate Green; Tim Loughton; Stuart C. McDonald; Douglas Ross.

Questions 1–255

Witnesses

I: Charu Gorasia, Director General, Capabilities and Resources, Home Office, Sir Philip Rutnam, Permanent Secretary, Home Office, and Mark Thomson, Director General, HM Passport Office.

Examination of witnesses

Witnesses: Charu Gorasia, Sir Philip Rutnam and Mark Thomson.

Q1 Chair: Welcome to this session of the Home Affairs Select Committee scrutiny of the Home Office. Welcome, Sir Philip. Welcome to your colleagues. Could I just ask you to each introduce yourselves and the sections of the Home Office that you work in?

Charu Gorasia: Hello. I am Charu Gorasia. I am the Director General for Capabilities and Resources at Home Office.

Sir Philip Rutnam: I am Sir Philip Rutnam, Permanent Secretary at the Home Office.

Mark Thomson: Thank you, Chair. I am Mark Thomson. I am Director General for Her Majesty's Passport Office and I am also Director General for UK Visas and Immigration.

Chair: Thank you. You are welcome before us. We want to cover some of the Brexit preparations within the Home Office in some detail, but we would like to start with the current running and operations issues of the Home Office and particularly some of the recent challenges that the Home Office has had to deal with.

Q2 Tim Loughton: Sir Philip, on the recent report into the problems at the Home Office that led to the resignation of the previous Home Secretary—and has been sat on for some time—you sent an e-mail to staff saying, "Many of you will be disappointed by the decision to publish". Why would they be disappointed?

Sir Philip Rutnam: That comment reflected the fact that the report, as I think you know, was commissioned by me as a confidential review of conduct by officials in relation to a particular sequence of events—not the entire sequence of events—following the emergence of the Windrush scandal, the Windrush issue, to which the Department had to respond. A particular sequence of events around the support provided to the then Home Secretary immediately before, during and after an appearance before this Select Committee.

It was a confidential internal review to me, and I gave assurances to the staff who were involved in the inquiry, following agreement, that it would be kept confidential. You will understand that, albeit that only the executive summary was published, there would naturally be a feeling of some disappointment among staff that a document that was intended to be kept confidential was released.

However, that said, I have to say that Ministers considered very carefully whether to publish any part of the report. They considered that very carefully. They took into account the feelings of staff, they took into



HOUSE OF COMMONS

account the assurances that had been given, but they also took into account the considerable public and parliamentary interest in those events, and they made a judgment, which I entirely respect, that the balance of interest was in favour of publishing the executive summary. It was a very reasoned and considered process that took all the relevant factors into account, as I think my e-mails to staff also reflected.

Q3 Tim Loughton: If you had had your way, not even the executive summary would have been published?

Sir Philip Rutnam: My job is not to make decisions on that matter. My job is to provide advice to Ministers.

Q4 Tim Loughton: Would your advice to Ministers have been, and was it, that this should not be published in any form whatsoever?

Sir Philip Rutnam: As you will also know, it is a longstanding convention in this Select Committee and other Select Committees that we do not discuss the advice we give to Ministers. It is a matter for Ministers to consider the—

Q5 Tim Loughton: How are we going to get to the bottom of this if you will not tell us what your opinion is? You say it is not your job to expose your opinion, and you are also not prepared to tell us what advice you gave to Ministers based on that opinion. How do we know whether you would ever, if given the opportunity yourself, have published the executive summary or the full report at all?

Sir Philip Rutnam: It was not a decision for me. It was a decision for Ministers. It is a slippery slope if one starts to get into the position of disclosing the advice one gives to Ministers.

However, I think you will have inferred from what I have said that I attach a lot of weight to assurances given to staff. I attach a lot of weight to the confidentiality of personal information. It is a very important duty of mine to protect personal information, whether that is the information of the public or the information of my staff. That is a very important duty both legally and ethically and one that I take very seriously.

Q6 Tim Loughton: What is the prime responsibility and role of a permanent secretary, Sir Philip?

Sir Philip Rutnam: The prime responsibility is to provide the best possible support to Ministers in the conduct of the business of the Department. That extends to the advice given to Ministers in confidence. It extends to the implementation of the decisions they make. It extends to the management of the resources, financial, human and physical, that the Department has. It is a primary responsibility to do my very best to support Ministers in the Government of the day in designing and then executing the policies they choose to adopt.

Q7 Tim Loughton: To quote from the Government website, "Permanent secretaries are responsible for supporting their Secretary of State on the



HOUSE OF COMMONS

implementation of the Government's priorities in their Department and for responding effectively to new challenges."

In everything you have said, in defending what may or may not be your opinion and may or may not have been your advice to existing Ministers, that this report commissioned by you—and as a promise also to this Committee—should not be published, not once did you refer to the interests of Ministers, but purely to those of your staff. Yet as a result of the actions of your staff, for whom you are the accounting officer—in your Department you are the chief executive—a Home Secretary lost her job.

Where along this process did you exercise any responsibility to the Prime Minister in your Department, whom your prime responsibility is to, according to your definition and the definition from the Government website I have just given you?

Sir Philip Rutnam: The definition on the website and the definition I gave are very similar. My responsibility was to give the best possible advice to Ministers during and after the Windrush episode and indeed on all other matters, including on the conduct of the staff in my Department. I commissioned that review in order to be able to give that advice. Human resources issues, personnel issues, are typically confidential matters in every organisation, and we have duties of confidentiality in relation to the personal information of our staff, duties that are well understood by Ministers and that were taken into account in the decision made.

I would say that I have considered and held at the centre of my actions my duty to Ministers throughout this entire proceeding.

Q8 Tim Loughton: Whose fault was it that the Home Secretary had to resign?

Sir Philip Rutnam: I do not wish to comment on the then-Home Secretary's decision to resign. I do not think it is appropriate for me to comment.

Q9 Tim Loughton: Why not? It is what we are asking. That is partly why this whole inquiry was set up, and certainly it is at the heart of this Committee's review at the moment as well.

Sir Philip Rutnam: That was a personal decision for her. It is a decision that she has chosen to give an account of. I do not think that I should be drawn into commenting on why the then Home Secretary or any other Minister has chosen to resign. That is a matter that they should properly account for.

What I would draw your attention to, though, is the point that I made at the outset: the Alex Allan review, which you are discussing, considered a very particular sequence of events, beginning with the preparation for the Home Affairs Select Committee hearing that we will all recall, going through that hearing and then the events immediately after. It does not go to the very subject of the Home Secretary's resignation. It does not go



HOUSE OF COMMONS

to the decisions that she made about that. It is not within the scope of that inquiry.

Q10 **Tim Loughton:** Do you agree with her account of events that led her to have to resign?

Sir Philip Rutnam: It is for the then Home Secretary to account for her decision to resign. It is not my job to agree or disagree with it. It is my job to ensure that the conduct of officials in my Department meets the standards that are set for the Civil Service and—

Q11 **Tim Loughton:** Did it?

Sir Philip Rutnam: The review by Alex Allan is very helpful because it deals with the question of what happened factually during that sequence of events and it deals with the question of misconduct. Was the conduct of officials in the Department in accordance with the standards in the Civil Service Code? Sir Alex found that there were no grounds for misconduct. He found that there were no grounds—this was the key question I wanted him to advise me on—for disciplinary proceedings against any official. He did, however, criticise two senior officials in rather different terms for performance issues, which is a performance management issue, not a disciplinary issue.

Q12 **Tim Loughton:** You have just told us part of the contents of the Alex Allan review, which you wanted to keep secret.

Sir Philip Rutnam: I have gone through it because plainly it has now been published. These questions—

Q13 **Tim Loughton:** Not the full extent. Only the executive summary. You have just given us information that goes beyond the executive summary.

Sir Philip Rutnam: I do not think I have. Sir Alex says that there are no grounds for misconduct, which is principal grounds for disciplinary proceedings, and he does criticise the conduct of two senior officials. In fact, that is plain in the executive summary as published. It has been plain because the executive summary, before it was published, was leaked. It has been in the public domain for some time.

Q14 **Tim Loughton:** Do you feel at all responsible for the actions of those two officials?

Sir Philip Rutnam: I have ultimate responsibility as the most senior official for the actions of all officials in the Department. That does not mean that I scrutinise in real time the actions of each and every one of them. That is not possible. I do have a responsibility for making sure that standards of conduct are upheld. Where they are not upheld, appropriate action is taken. I have responsibility—

Q15 **Tim Loughton:** You feel no personal responsibility for the way those two officials acted?



Sir Philip Rutnam: That is a different question. Of course I feel a personal responsibility for everything that happens in the Department. I feel a personal responsibility for the fact that we did not spot the Windrush events sooner. I feel a personal responsibility for the fact that there were failings in the advice that was given. Of course I feel personal responsibility for those things. It is not the same, though, as saying that I am responsible in the sense that I should have done something in real time to prevent it.

- Q16 **Tim Loughton:** You do not think you could have done anything differently? We are not talking about some minor issue where there was a failing. We are talking about a very high-profile “scandal”, which was absolutely overshadowing all the operations of the Home Office and was the biggest political issue for some weeks. As the lead official, the chief executive, the boss with the responsibility both to the Secretary of State and Ministers and all of your staff, you would have been expected to take a rather closer interest than usual in everything that those senior officials closest to the issue did and, therefore, on whose advice the Home Secretary would rely greatly at that time. You do not think you did anything wrong that you might have done differently so that you would have taken a greater interest and that might have pointed out, “Hold on, there appears to be a looming dichotomy here between what my boss, the Secretary of State, is saying and what my officials appear to be advising”?

Sir Philip Rutnam: There is always more that can be done. Believe me, I recognise that and accept that. Did I do things through the Windrush scandal in order to ensure that the Home Secretary was supported? Of course I did. I attended numerous key meetings. I checked before the relevant Home Affairs Select Committee that the key senior official who was supporting her in that felt that everything was in good order. He did feel that everything was in good order.

I did not know—indeed it only happened literally minutes before the Select Committee—that the Home Secretary wanted to know the answer to: were there targets for removals in Immigration Enforcement? Of course there is always more that can be done.

Do I feel that I reasonably did all that could be expected? I do feel I did all that could reasonably be expected. As I said in my note to staff, there are many aspects of our response to Windrush—the establishment of the task force, the way that our staff have worked extremely hard to put things right—of which I am proud and remain proud.

- Q17 **Tim Loughton:** You would not have done anything differently with regard to the way information was passed to the Home Secretary? You think you fulfilled your duties as such and there was not a problem?

Sir Philip Rutnam: With hindsight, of course there is always more—

- Q18 **Tim Loughton:** Not with hindsight.



HOUSE OF COMMONS

Sir Philip Rutnam: No. We are speaking with hindsight. Of course there is more that could have been, and of course, if I had been present at the Select Committee hearing alongside the Home Secretary, I would have sought to handle things differently. I was not, however, present at that Select Committee alongside the Home Secretary.

Q19 **Tim Loughton:** Did you brief those officials ahead of that Select Committee hearing?

Sir Philip Rutnam: I spoke to the relevant senior official who was attending the Select Committee with the Home Secretary to make sure that he felt that it was properly prepared, and he did feel it was properly prepared. I was personally involved in detail in briefing the Home Secretary before her appearance earlier in the week in the House. I think she made a statement on the Monday.

The Select Committee was something that one of my most senior colleagues, who was the relevant expert, was leading on.

Q20 **Tim Loughton:** Final point. At any stage did you discuss the issue of the operation of possible targets in that briefing?

Sir Philip Rutnam: To my recollection, the question of whether or not there were targets for removals in Immigration Enforcement never came up. To my recollection. It did not come up until just before the Select Committee hearing. That is my recollection and I think it is reinforced by Alex Allan's review.

Q21 **Chair:** You suggested you might have handled it differently if you had been at the Committee as well. Did you know that there were targets in place for immigration removals?

Sir Philip Rutnam: If you remember, there was also a minute leaked, unfortunately, that the then Home Secretary had sent the Prime Minister in January—I think it was the beginning of January that year—in which she had not used the word "target" but talked about, from recollection, something like an "ambition" or an "aim" of increasing the number of removals by 10%. I certainly was aware of that, and I think, with hindsight—again, speaking with hindsight—a more caveated answer on the question of targets might have been preferable. One of the sources of confusion in all of this is the question of what exactly is a target. To my mind, in a common-sense way, setting an aim of increasing the number of removals by 10% is pretty close to a target.

Q22 **Chair:** You knew as soon as the Home Secretary had given her evidence, because it was reported relatively quickly because of the conflict with the previous evidence that we had just heard, that the Home Secretary had given incorrect information to Parliament?

Sir Philip Rutnam: No, because the then Home Secretary was adamant that that minute did not involve setting a target, that the process of setting an aim or an ambition of increasing the number of removals by



HOUSE OF COMMONS

10% was a target. She was adamant on that point and remained so through the following days.

I say that I might have handled things differently—we are all speaking here with hindsight—because, being aware of the nuances of this and how an aim of increasing a target by 10% might be seen, a more caveated answer might have been preferable. That was a minute that was then leaked, as I recall.

Q23 **Chair:** Did you know about the other targets specifically for removals?

Sir Philip Rutnam: No, I did not.

Q24 **Chair:** You did not know that there were regional targets for removals?

Sir Philip Rutnam: It certainly was not in the forefront of my mind because it is quite a complex story and quite a complex business, the question of target setting for Immigration Enforcement. By that point in the year and towards the end of the previous year, the leadership of Immigration Enforcement had decided to move away from setting targets, which is one of the reasons this all ended up as a tangled and confused story and why they did not give a clear enough answer.

Q25 **Chair:** You knew all of that? You knew that there had been a process of changing the approach and not having targets?

Sir Philip Rutnam: No. I have to say it was not at the forefront of my mind. The question of the performance management regime for Immigration Enforcement in relation to this aspect of its business was not really in my mind. There are many, many other things. We are talking here about perhaps a quarter of the work of Immigration Enforcement even, and of course there are many, many other aspects of the work of the Home Office.

Q26 **Chair:** The reason I found this slightly puzzling is it would seem to me that you do not take responsibility for policy decisions—those are for Ministers—but you do have responsibility for delivery within the Home Office, and delivery within the Home Office does depend on the performance management regime: what targets are set, what targets are not set, what your delivery plan is over time, in which areas you think it is appropriate to set targets for staff, in which areas it is appropriate to set bonuses for staff. I just find it really, really puzzling that you, as Permanent Secretary, or your senior staff, would not have an overview of the targets and the monitoring of targets that were being set within the institution.

Sir Philip Rutnam: I understand the concern. However, I repeat, we are talking here about some detail in the performance management arrangements for one part, not the whole, of Immigration Enforcement. It does many other things besides, including detention, including criminal and financial investigations, a whole range of things. We are only talking about one part of it.



HOUSE OF COMMONS

Also, if you recall, in the structure of the Home Office it is a very large organisation with very, very large operational partners, not least in policing. There are many, many, many different aspects to which the question of, “What is the performance management regime that is appropriate?” could arise.

I would not claim to have—you may be concerned by this—an encyclopaedic knowledge of what is the performance management regime across each and every one of all of those activities. My primary job is to make sure that we have the right strategic goals, the right management information, the right monitoring of that, Changing the arrangements for operational targets in Immigration Enforcement during the course of 2017-18, which is what had happened in 2016-17, was an issue that was dealt with by the Immigration Enforcement board, which was chaired by the relevant Director General. It did not come to the Department’s Executive Committee. The oversight of Immigration Enforcement, alongside the oversight of other functions in the borders, immigration and citizenship space, lay not directly with me. I was not line-managing the relevant Director General. It was the second Permanent Secretary.

Chair: We have raised with you, I think repeatedly, concerns about the nature of management oversight within the Home Office in a series of different areas, so I think that this may be an issue that we will come back to.

Q27 **Douglas Ross:** Sir Philip, what authority did you have to say this would be a confidential review?

Sir Philip Rutnam: I have the authority to commission the review. I did so in concert with the Cabinet Office, which has overall responsibility for the Civil Service, and—

Q28 **Douglas Ross:** Let us try again. What authority did you have to say it would be a confidential review?

Sir Philip Rutnam: If I commission a review into the management and conduct, in particular, of my officials, that is by definition a confidential process because it involves personal information. I have the authority that goes with commissioning the review.

Q29 **Douglas Ross:** The publication is not your decision. Whether that is published in full or in part is not your decision.

Sir Philip Rutnam: It was a decision that—

Q30 **Douglas Ross:** It is not your decision.

Sir Philip Rutnam: No. It was a decision that we put to Ministers, clearly.

Q31 **Douglas Ross:** Yes, but you said in response to Mr Loughton about the publication of the report, “My job is not to make decisions on that matter.



HOUSE OF COMMONS

It wasn't a decision for me", quote unquote. Yet on 8 May, when you wrote to the Home Secretary, you said it was a confidential review, so you had already made that decision. You had put the backs of the Ministers and the Prime Minister and the Home Secretary up against the wall. They had no option because you had already decided it was going to be confidential, with no authority.

Sir Philip Rutnam: Establishing the review was something that I did as Permanent Secretary in concert with the Cabinet Office, which, as I say, has overall responsibility for the Civil Service and is well used to handling matters not precisely of this nature but broadly of this nature. The framework within which one looks at the conduct of individuals in the organisation is a pretty well-established framework whether in terms of employment law or the duty of care to employees.

Q32 **Douglas Ross:** Did you leave all options open to Ministers to decide the publication of the report? Yes or no?

Sir Philip Rutnam: It cannot have been all options open because—

Q33 **Douglas Ross:** No, because you said the only option was it was confidential, so you did not want to publish.

Sir Philip Rutnam: It cannot have been leaving all options open, plainly. Was there discussion at the time about the need to conduct such a review? Yes. Was there discussion at the time about how such a review should be conducted? Yes.

Q34 **Douglas Ross:** Not that you will have options at the end of this, given that it was evidence in a public committee, to publicise that report in full because there is a public interest surrounding this report. You gave the Prime Minister and the Home Secretary no option, if they had wished to, to publish the report in full.

Sir Philip Rutnam: Mr Ross, I took all those decision in good faith and in consultation with partners in the Cabinet Office, other key senior officials including the then Cabinet Secretary. All those decisions were taken in good faith. If you are implying that with hindsight—again, with the benefit of hindsight—we might have approached this review differently, I would accept that.

Q35 **Douglas Ross:** You would have made it public?

Sir Philip Rutnam: I think we are dealing here with a tension between two principles, which I have—

Q36 **Douglas Ross:** No, Sir Philip. I will tell you what the tension is: when members of this Committee ask you a question and you do not answer it. It is very clear that you are trying to use a lot of words in all your answers to filibuster this session out for some reason. I hope now you are uncomfortable with the situation you have left us as elected Members in, that basically we have a report where there is a significant public interest, that we have not seen that full report. I think, based on what you wrote



HOUSE OF COMMONS

at the time, you have left Ministers with no option to publish that public report. It is damning on you, as the head civil servant in the Home Office, for initiating the review in that way. Frankly, the public have less and less faith in the Home Office if this is the way you are going to operate.

Sir Philip Rutnam: I regret those comments. The review was conducted in good faith as an attempt to establish the facts in relation to what had happened and in particular to give advice as to whether there were any grounds for disciplinary action. The Civil Service, as you are I imagine well aware, reports to Ministers. We are accountable to Ministers. Ministers are accountable to Parliament. I am clear that I have discharged my duty to Ministers in the way in which this review has been conducted and the way in which it has been reported to them, and indeed in the action taken following it.

The tension that I was seeking to identify was between the duty of accountability that the Civil Service has constitutionally to Ministers and the duty of transparency to Committees such as this, which I think you are highlighting. To be honest, I do not have a way of resolving that. I do say—

Q37 **Douglas Ross:** You accept you failed on the transparency issue?

Sir Philip Rutnam: No, I would say that—

Q38 **Douglas Ross:** No?

Sir Philip Rutnam: No. The review was a good review, done in good faith and a very important exercise to establish what happened and how I should hold individuals in the Department to account for it. That is a proper way of proceeding. The Civil Service operates within pretty standard rules in terms of protecting our staff, in terms of protecting their confidential information, and exercising a duty of care towards them. That is what has been at the forefront of my mind in the whole handling of this.

Q39 **Douglas Ross:** The review was about the conduct of your staff before, during and after a Home Affairs Select Committee. Do you think it is fair that members of the Home Affairs Select Committee have no idea what the review established about what happened during our Committee meeting?

Sir Philip Rutnam: You have of course seen the executive summary. The executive summary was shared in confidence with the Select Committee.

Q40 **Chair:** Which we respected.

Sir Philip Rutnam: It was shared in confidence with the Select Committee, and you then asked—

Q41 **Douglas Ross:** As the Chair said, we respected it, so I think you should acknowledge that. Correct?



HOUSE OF COMMONS

Sir Philip Rutnam: It was leaked. I have to say I do not know how it was leaked.

Tim Loughton: Everything is leaked from the Home Office, so do not blame us.

Q42 **Chair:** I hope that you will withdraw that because this Committee kept that executive summary in confidence for very, very many months despite considerable pressure on each of us as individuals with people asking for it. We took the decision to keep it in confidence, as we had given the assurances, and we also asked you repeatedly for the full report.

Sir Philip Rutnam: I am very grateful for that reassurance and of course I accept that. Thank you. Given your reassurance to me, for which I am very grateful, I am not implying that the Committee or any member of it leaked it. However—

Q43 **Douglas Ross:** You were before you got that reassurance—

Sir Philip Rutnam: No. You asked me directly if I could confirm that you had respected the confidence or words to that effect. You have confirmed that, for which I am very grateful.

Q44 **Chair:** I think you are suggesting that it was leaked the day before it was published.

Sir Philip Rutnam: It was leaked also the day before it was published.

Q45 **Chair:** Was it leaked before that?

Sir Philip Rutnam: I think there was a story, as I recall, in the newspapers earlier in the summer. I cannot recall exactly when.

Q46 **Chair:** I think it would be unwise for you to be making suggestions about members of the Committee when we have the rest of the Committee session still to get through.

Sir Philip Rutnam: I withdraw any imputation. Thank you, Chair. I withdraw any imputation of that or any inference of that. I am grateful for the reassurance that you have provided. That is very helpful.

Your question, Mr Ross—sorry, I have lost the train of thought.

Q47 **Douglas Ross:** My question was, as members of the Home Affairs Select Committee who were involved in the review in terms of the review being about before, during that Select Committee and after, do you think it is fair that we, as members of that Committee, have no understanding or idea what the Alex Allan review established or the facts surrounding the support given during that evidence session?

Sir Philip Rutnam: Thank you for reminding me. You have the executive summary. The executive summary is, I can assure you and Sir Alex no doubt could assure you, a fair summary of the whole report, but of



HOUSE OF COMMONS

course it does not include more detail as to individual officials than those who are named in the executive summary.

The question of whether or not to share the full report with the Committee or indeed whether or not to publish the full report was considered by Ministers very carefully, and they concluded, in light of the range of factors that I talked about earlier, not to do so.

Q48 Douglas Ross: That is right. You are reiterating the point you made earlier, but my question is very specific to members of this Committee who were involved in this process. Do you think it is right that we have no idea what Sir Alex Allan looked at in terms of the support given during the Committee and his findings? For example, did he discuss with Glyn Williams about notes being passed by other advisers to Glyn Williams that he did not share with the Committee and he did not share with the then-Home Secretary?

Sir Philip Rutnam: Do I think it is fair? I think that relates fundamentally to the question of the accountability of the Civil Service. We are accountable to Ministers, and Ministers are accountable to Parliament. Ministers, I can assure you, have considered very carefully the question of whether more information should be disclosed to the Committee, and they have decided not to share the full report.

Q49 Douglas Ross: Did the report look at advice given to Glyn Williams from people sat behind him in notes passed to him that he read but did not share with the Committee and the then-Home Secretary?

Sir Philip Rutnam: Now, Mr Ross, you are trying to take me into the rest of the report, of course, and—

Q50 Douglas Ross: You can understand why I might be interested in that, given that I have asked on the public record Glyn Williams's question to himself, and he was awaiting the interview with the Alex Allan review, so there was an interest then that you are surely aware of because you will have researched what this Committee has asked about in the past. It is in the public domain already. You can confirm or deny if the review did look at that.

Sir Philip Rutnam: There are obviously many such questions that could be asked, and—

Q51 Douglas Ross: This is one.

Sir Philip Rutnam: Given that a decision has been taken, very carefully considered, not to share the full report, I—

Q52 Douglas Ross: You said it was about members who had not been named in the executive summary. Glyn Williams is named in the executive summary. This is a question that does not impact on anyone else. It impacts on advice given to a senior member of your team, which he received from someone sat behind him. He confirmed on the record that it did relate to targets, and either that note said the targets do exist or



HOUSE OF COMMONS

they do not exist. Therefore, he should have passed that information to the Committee and the then-Home Secretary at the time. Yet we, as members of this Committee who saw that note being passed, are no clearer as to how that was established and how that happened.

Sir Philip Rutnam: I recognise the concern, but it does impact on the question of whether or not the document beyond the executive summary should be disclosed, and Ministers have taken a decision on that.

Q53 **Douglas Ross:** You are saying it is impossible now for members of this Committee to find out what your officials were told during that meeting and they did not share with elected Members of this Parliament?

Sir Philip Rutnam: In relation to the specific request you are making, of course I can take that away and I can see whether we are able to share more information with you, but I want to reiterate that a very careful and thoughtful process has been gone through in relation to further disclosure.

Q54 **Douglas Ross:** I am grateful for that. I will be following that up. What lessons have you learned from this? What has changed?

Sir Philip Rutnam: There are many lessons. As I alluded—

Q55 **Douglas Ross:** What has changed?

Sir Philip Rutnam: The process for supporting Ministers and senior officials appearing before Select Committees has changed.

Q56 **Douglas Ross:** In what way?

Sir Philip Rutnam: There was a failing in that hearing in relation to providing appropriate presence in the pre-hearing that the Select Committee had: Lucy Moreton of the Immigration Services Union. We did not have the right person in the room to take a note of the points that Lucy Moreton was raising and to make sure that the Home Secretary was briefed on that. That is not acceptable. That process has been changed. So long as I have anything to do with it, that will not happen again.

Q57 **Douglas Ross:** You have just highlighted an individual. You have not named the person, but you have highlighted that there was an individual who did that, and at this public meeting you have just highlighted that that individual did not act as well as they could have done.

Sir Philip Rutnam: There is a reference to the fact that the—

Q58 **Douglas Ross:** The Home Secretary was informed of the questions about targets, but it went to her SpAd rather than to someone in the Home Office. There was someone doing exactly what you are saying should be done, so you have just criticised the person that did that.

Sir Philip Rutnam: No, Mr Ross. The executive summary as published says, "During the session before hers, an official sitting in—"



HOUSE OF COMMONS

Q59 **Douglas Ross:** "An official sitting in on that hearing spotted the questioning about removals targets and e-mailed the team with the Home Secretary."

Sir Philip Rutnam: "The import of this was missed due to misunderstandings."

Q60 **Douglas Ross:** Yes, but all you have told us is the only change is someone is going to sit through the meeting and alert the Home Secretary or someone about what has been asked. That happened.

Sir Philip Rutnam: "The import of this was missed due to misunderstandings." It clearly did not work as it should have done.

Q61 **Douglas Ross:** The person was here and they did what you are saying will now happen.

Sir Philip Rutnam: The person who was here was not here for that purpose.

Q62 **Douglas Ross:** They did what you want them to do.

Sir Philip Rutnam: You asked what had changed. The process for making sure that things that were raised in what I described as the pre-hearing were identified and reported to the Home Secretary and appropriate briefing prepared. That process did not work as it should have done. We have changed that process.

Q63 **Douglas Ross:** I know we have taken up a lot of time, so I will have one last question because I would like to discuss that further. This has clearly been an absolute mess by your Department and I do not think there is any way to defend it. I take it since that very unfortunate hearing that for any further information you have provided this Committee, there have been no further failures by your Department. Everything we have received about the Alex Allan review is competent and we are able to use it perfectly legitimately. Yes or no? We need to move on, so just—

Sir Philip Rutnam: I am never going to claim that we achieve a standard of perfection. Have we changed our procedures? Yes, we have. Is there always room for further improvement? Yes, there is.

Q64 **Douglas Ross:** I am just checking that there are no further problems with the information the Home Office has provided this Committee about the Alex Allan review, and we are free to publish anything we have, or have there been further issues?

Sir Philip Rutnam: There is at least one document that we have shared with the Committee. In order to publish it, we are in a discussion—I discussed this with your Chair—about the need for some redactions, but that is a process that is continuing, and I think we are waiting to hear from the Committee on that.

Q65 **Douglas Ross:** Why would you share it with the Committee? Sorry. My question is: if you share a document that you need some redactions in,



HOUSE OF COMMONS

why not do the same with the full report.

Sir Philip Rutnam: The full report, were it redacted, would, I have to say, either be close to meaningless because the report is about conduct, in particular conduct of individuals. If you take my point about the information about individuals, certainly individuals below the level of seniority covered in the executive summary, that is personal information, then the report would be very heavily redacted.

Q66 **Douglas Ross:** Have you mucked up again with information you have given this Committee, if we now need to redact, apparently, information? Have you failed this Committee again?

Sir Philip Rutnam: We share information with the Committee frequently in—

Q67 **Douglas Ross:** You meant to share the information that you are now asking to be redacted?

Sir Philip Rutnam: We share information with the Committee frequently, and sometimes that is done in confidence. As we have discussed earlier, that is a confidence that is respected.

Q68 **Douglas Ross:** Did you mean to share that information with the Committee that you are now asking to be redacted?

Sir Philip Rutnam: I think, Mr Ross—

Q69 **Douglas Ross:** No, Sir Philip. Yes or no? The information that you are now asking to be redacted: when you sent it to the Committee, were you aware of what had been sent, and why are you now asking for that to be redacted, if you were aware?

Sir Philip Rutnam: I think, Mr Ross, you were referring to the fact that a clerical error was very unfortunately made. I think this is where you are going in your line of questioning.

Q70 **Douglas Ross:** It has taken a while to get there, hasn't it?

Sir Philip Rutnam: A clerical error was made by a colleague in the Department in one document sent to the Committee, which I regret. I have suggested that, while obviously it is a matter for the Committee to decide whether or not to publish the document, some redactions would be appropriate, again in order to protect personal information.

Q71 **Chair:** Just on the wider review, I think, Sir Philip, it would be worth you considering that our interest is not in the names of junior officials in the wider Alex Allan review, but our interest is in what structures and what oversight might have been in place or might have not been in place. I think some of the things we have taken from these different reviews and these issues are not just about what individuals have done but are in fact about the overarching performance of the Home Office and the oversight or lack thereof.



HOUSE OF COMMONS

We have quite a lot of issues that we want to cover with you, and we do want to come back to some of the wider issues, the important issues around immigration casework and around the Windrush scandal that led to some of these departmental issues in the first place.

Can I just first cover with you some of the issues around the Home Office preparations for Brexit? Can you tell me how many people are currently working on no-deal preparation within the Home Office?

Sir Philip Rutnam: Our work is not divided between deal and no deal. We have a large number of people working on Brexit. Most of them are working either on implementation—and we can talk about that—that is relevant to deal or no deal in varying ways or on planning. Again, the planning capacity is mostly about how we plan whether for implementation of a deal or for no deal, if one were not to happen. We have not established across the Department separate no-deal teams from deal teams because what we need to be able to do is to prepare appropriately for all the scenarios we face.

Q72 **Chair:** How many people are working on Brexit preparation?

Sir Philip Rutnam: We have over 4,000 people now working on Brexit, from memory. I am going to ask Ms Gorasia perhaps to add a bit more detail to that.

Charu Gorasia: Yes, we have 4,100 that we have identified who are working on Brexit preparations for the Home Office.

Q73 **Chair:** What is the range of those jobs and what are most of those people working on?

Charu Gorasia: I have a detailed breakdown here. We have Border Force colleagues who are working on Brexit issues. We have UK—

Q74 **Chair:** How many of them?

Charu Gorasia: One thousand and ninety-five. We have UKVI staff working on EU supplement scheme, caseworking and resolution centre. We have—

Q75 **Chair:** How many of them?

Charu Gorasia: Two thousand, two hundred and thirteen. We have Immigration Enforcement, 141, and other, which includes corporate support, digital and so on, 651. These are numbers as we know them now. We keep our resourcing under review constantly. Depending on which scenario we go towards and as people tell us they need more or less capacity, we will change and flex these numbers.

Q76 **Chair:** That is approximately over a third of the UKVI staff and, what, 20% of the Border Force?

Charu Gorasia: I do not have the exact head count to be able to tell you the proportions.



HOUSE OF COMMONS

Sir Philip Rutnam: Less than that of Border Force. I think Border Force head count at the moment is 8,190. It will be whatever it is, a seventh of the Border Force.

Q77 **Chair:** About a third of the UKVI?

Sir Philip Rutnam: Again a bit less, but Mr Thomson could pick up on that.

Q78 **Chair:** You have 6,100 as your last head count in UKVI in the annual report.

Mark Thomson: Yes. Perhaps if I go into the numbers on the EU settlement scheme preparation in a bit more detail, if that would be helpful.

The ambition is to have 1,500 caseworkers in place for the operation of the EU settlement scheme. We will also have 300 colleagues in what will be called the resolution centre, for anyone to call us if they have any questions or concerns or want more detail on the scheme. As we sit here today I have 1,215 caseworkers already in place.

Q79 **Chair:** Say that again. One thousand?

Mark Thomson: One thousand, two hundred and fifteen. I have a further 109 who have been security-cleared, who are just about to start to undertake training, and we have another 166 individuals who are waiting to go through security clearance.

Chair, if I could go into the resolution centre numbers, would that be helpful to you?

Q80 **Chair:** That would be helpful.

Mark Thomson: I mentioned that we want 300 in place in time. At the moment we have 151. These are colleagues who are getting ready in handling training and practising handling calls from customers. There are a further 47 security-cleared.

Q81 **Chair:** Are these for basically cases where there are queries or where things have gone wrong?

Mark Thomson: Yes. It could be anything. We are making sure we have a facility in place for anyone who has any questions about the settlement scheme, easy that it should be to complete. They can give us a call.

Q82 **Chair:** On the Border Force, what are those staff working on?

Charu Gorasia: We have 900 staff for operations, and non-operational, 195. The 4,100 figure I quoted is our requirement. As of today, we have recruited 2,662 of those, 1,438 are either in the pipeline or we have launched campaigns.

Q83 **Chair:** Can you just clarify that? This is additional Border Force staff, or is this basically just replacing turnover of existing Border Force staff?



HOUSE OF COMMONS

Charu Gorasia: These are additional Border Force staff. The 900 is the number Paul Lincoln has mentioned it the Committee before.

Q84 **Chair:** You currently have 8,100?

Sir Philip Rutnam: Eight thousand, one hundred and ninety I think was the figure that Paul used for Border Force.

Q85 **Chair:** That is right. The additional staff on top of that that you plan to recruit is how many?

Charu Gorasia: The 8,190 includes the 475 that have already been recruited. There are 620 more for us to recruit.

Sir Philip Rutnam: We aim to be at about 8,700 or 8,600 Border Force complement next year. Obviously I would like it to be in the end of March next year. Some of that recruitment though is likely to slip into the summer.

Q86 **Chair:** I do not understand the figures that you were referring to then when you were talking about 2,600 or something like that. Did I misunderstand?

Charu Gorasia: Shall I try that again, Chair? The question was, how many people does Home Office need for EU exit preparations? Our requirement is 4,100—these are additional staff—of which 2,662 have already been recruited.

Q87 **Chair:** Just pause for a second. When I asked you the first question about how many staff you had working on Brexit, you said 4,000 were working on Brexit. How does that 4,000 that were currently working on Brexit compare to the 4,100 that you need for preparations? Are they the same? Are they different?

Charu Gorasia: They are not all currently working on Brexit. We require 4,100 in total to work on Brexit.

Q88 **Chair:** How many people are currently working on Brexit?

Charu Gorasia: Two thousand, six hundred and sixty-two that have all been recruited.

Q89 **Chair:** All of those figures then—we have just been talking, let us say, at cross-purposes on this. My question is, how many people are working on Brexit preparation at the moment?

Charu Gorasia: Two thousand, six hundred and sixty-two.

Q90 **Chair:** Two thousand, six hundred and sixty-two.

Sir Philip Rutnam: Sorry. We misunderstood your question as about the requirement—how many there are as opposed to how many are required. Apologies for the misunderstanding.

Q91 **Chair:** Compared to what is required, we have a pretty stonking great



HOUSE OF COMMONS

gap, then. Where is the biggest gap there? Is that on Border Force? Is that on UKVI? Where is that gap made up from?

Sir Philip Rutnam: The biggest proportionate gap is in Border Force. We should talk about that, but I think it might be helpful first of all just to hear about where UKVI is and how it is feeling its gap, because it also needs to recruit more staff, and coming forward—

Q92 **Chair:** I think we have just heard that because you talked about having 1,500 caseworkers in place.

Mark Thomson: Indeed, Chair. Could I clarify one point that I think is quite important? The 1,500 will not all be new staff. We had at one point 700 colleagues working on what is called the Euro Service. That is fundamentally where applicants would apply for residence documentation. We had a very high demand for this service in previous years, which has now gone down again. We are utilising the colleagues that we recruited to handle that surge in applications to now point to handling the EU settlement scheme, which is, if I may say, a good thing, because we have experienced caseworkers used to doing cases pointed to the new scheme. The 1,500 is not all new, 700 of those colleagues were already in operation in UKVI.

Q93 **Chair:** Can we just then clarify? You need 4,100 people to work on Brexit. Your previous head count in the last annual report was 30,600 in the Home Office. Is this 4,100 on top of that head count, or does that 4,100 include a lot of people who are currently working in the Home Office?

Sir Philip Rutnam: Some of the 4,100 is in that head count because we have redeployed some staff, but there is significant growth as well. If I could give an example of Border Force head count, Border Force head count at the end of March 2018 was, from memory, 7,600. We are expecting Border Force head count a year on—it may take until, say, the summer—to be 8,700. That is an increase in the total size of Border Force. There is also an increase in the total size of UKVI but some redeployment. I am sorry, I do not have in my head the mix between redeployment and growth as proposed for Brexit.

Q94 **Chair:** The reason this is important is I am trying to understand how much you need additional capacity within the Home Office in order to deal with Brexit and how much you are reallocating existing resources. Surely you have a clear picture. That feels like a basic thing to have a clear picture of the scale of additional capacity needed and the scale of redeployment.

Sir Philip Rutnam: It is best to take that area by area. I wonder if Mark could answer that in relation to UKVI and then we will talk about—

Q95 **Chair:** I was quite interested in the whole figure because it seems for the Home Office you have to deploy people and move people around within the Home Office as a whole.



HOUSE OF COMMONS

Sir Philip Rutnam: Yes, I understand that. If we take it area by area and then we look at the whole, we might be able to come to the answer to your question. I do not have an answer in my head. That is why I want to do it area by area.

Q96 **Chair:** Give it a try.

Mark Thomson: Should I start with UKVI again, Chair?

Q97 **Chair:** Yes. If I am honest, I think you have already told us those figures. Do you want to tell us the Border Force figures?

Mark Thomson: Chair, I have not given you any detail on HMPO, I am afraid.

Q98 **Chair:** Have you not? That is different. Sorry. Go on.

Mark Thomson: In a normal circumstance I would not be recruiting another 300 people to handle the extra passport demand. That is the only missing figure that we have for both UKVI and HMPO.

Q99 **Chair:** On the rest of the Home Office?

Sir Philip Rutnam: In Border Force the great bulk of the resource we are talking about, the 1,095 that Ms Gorasia described, is new. The great bulk of it. There will be some resource in policy areas that will be redeployed. There is also some backfilling in the readiness task force, but we are doing a great deal of recruitment into Border Force and most of that is new. The reason I was wanting Mr Thomson to speak was I am afraid I did not catch—perhaps he gave the answer to this earlier—the breakdown within UKVI between redeployment and new staff.

Mark Thomson: Shall I clarify that, Chair? Eighteen hundred is the total commitment in UKVI to operate the EU settlement scheme, 700 of those colleagues were already working in UKVI on the Euro scheme.

Q100 **Chair:** We have 4,100 on preparations. Do you need additional staff if there is no deal?

Sir Philip Rutnam: Again, it varies area by area. In relation to the EU settlement scheme, that does not really vary according to whether it is deal or no deal. If it is the border, you can imagine we have developed a pretty comprehensive no-deal plan and we would expect to seek to redeploy staff out of other areas in the organisation, in particular Immigration Enforcement, in order to further strengthen the border, so redeployment.

In other areas of the Department what I would principally expect to do is to again redeploy staff at short notice out of other areas of work in order to deliver on our no-deal plans.

Q101 **Chair:** When do you have to start doing that redeployment?



HOUSE OF COMMONS

Sir Philip Rutnam: Pretty soon. We are already in the course of training people to bolster our command and control arrangements for dealing with an event such as this. That is a form of redeployment. Switching off other projects and activities in order to move into the execution of a no-deal plan: we are not at that point but we will reach it soon.

Q102 **Chair:** When is soon? What is the date at which you, as a responsible civil servant, are just going to have to start moving people, whatever the wider issues are?

Sir Philip Rutnam: Again, it varies by function, but if I am not doing this before Christmas I would be concerned. It is not a simple, binary thing in terms of switching activities, but we are already significantly increasing the level of activity around no deal and we will continue to do that. I would be expecting to make more redeployment decisions in December. If it is clear that the outcome is no deal, this will be an enormously intensive activity for the Department from Christmas onwards.

Q103 **Chair:** What are the things that you will stop doing? You talked of some projects that you will have to stop doing. Have you stopped any already?

Sir Philip Rutnam: Not as such, no. For example, in relation to the training activity, we are looking to do that by people essentially moving their training activity into building our command and control capacity.

Q104 **Chair:** What does "command and control capacity" mean? What do you mean by that?

Sir Philip Rutnam: If we had to staff a 24-seven operations centre, we already have one for dealing with counter-terrorism and national security incidents, but we do not have such a facility for dealing with civil contingencies. That is the kind of capability that we would put in place.

Q105 **Chair:** That is to deal with what kinds of civil contingencies?

Sir Philip Rutnam: Disruption at the border, for example. The potential need for intensified co-operation with the police. The need no doubt would also exist for a great deal of collaboration with the centre of Government, with the Cobra machinery and the Cabinet Office. We have not formally stopped doing other activities that I can recall but we are intensifying our activity on no deal, week on week, and there will come a point soon at which we will need formally to switch resource.

Q106 **Chair:** You are basically talking about in the next couple of weeks, whenever that is?

Sir Philip Rutnam: I talked about Christmas and December. It is a little bit further than a couple of weeks.

Q107 **Chair:** The command and control: you basically would set up a system kind of equivalent to the command and control systems when there is a serious terrorist incident? It is that kind of command and control?



HOUSE OF COMMONS

Sir Philip Rutnam: Broadly, but I would not use exactly that analogy because obviously the task would be different. We already have command and control capabilities in the Department. Border Force has one for running its activities. There is one, as I have said, in relation to counter-terrorist incidents and national security. This would be in order to make sure that we could in particular liaise with the police and with other civil authorities.

Q108 **Chair:** This sounds immensely serious and it sounds like you have an awful lot of work to do. I am still struggling just in terms of where the staff are going to come from in order to do this. You talked about reducing Immigration Enforcement. How many people do you think you can take out of Immigration Enforcement?

Sir Philip Rutnam: Potentially low hundreds. These are uniformed staff who have immigration powers and are immigration-trained. We would need to work through a number of procedures in order to redeploy them in this way, and it depends on the scale of the task, but potentially a significant number.

Mr Thomson has in fact been helping to co-ordinate and intensify our no-deal planning so he might want to add a bit at this point.

Mark Thomson: The other area, Chair, where significant resources could be freed up would be in our enablers department.

Q109 **Chair:** What is that?

Mark Thomson: That is a lot of Charu's people. This would be IT colleagues, HR colleagues and those who run support functions for the Home Office.

Q110 **Chair:** Is that a bit of a problem if you get rid of them? Doesn't IT stop functioning?

Mark Thomson: Perhaps, Chair, but this is more around if you had significant change deployment programmes at the time of no deal coming into operation. If the border is going to be intensively busy, it would be foolish to deploy things like that at that time. It is reappointing colleagues from that space.

Q111 **Chair:** The staff who currently fix the IT when it goes wrong might have to go to the border?

Mark Thomson: No. One of the things that is crucially important is identifying the very systems you mention, Chair, to make sure that they do not fall over at the time that they are most required. We definitely would not be moving those people. It is those who might be working on strategy development and things like that, which are important topics in themselves but perhaps not pressing in the short term.

Q112 **Chair:** What are they actually going to have to do? Are they going to have to just go to the border and do the extra checks, having been



previously writing strategies?

Mark Thomson: No.

Charu Gorasia: Chair, if I may, these are staff in my area who have project management skills, for example. We may wish to release them to support Border Force, so Border Force can release its some other staff to backfill other roles. Those are the sorts of things we are considering. We are thinking about, are there minimum viable products that we must deliver? For example, I have a team that works on continuous improvement projects. I will have a team that is looking at implementation of new or improving some of our IT and our processes. It is those sorts of people and capacity that we could release.

Q113 **Chair:** I notice you did not say at all about whether there were any staffing issues that you would need in terms of dealing with security or policing co-operation issues.

Sir Philip Rutnam: That too, yes. This goes to the question of how we are preparing for no deal. We have already increased the resource in the team that deals with international co-operation around alternative instruments, if we are cannot continue to rely on the EU instruments. We have increased the team there and increased the resourcing also, in consultation with partners and the National Crime Agency and National Police Chiefs' Council, in law enforcement. There is a significant amount of activity there. That is continuing because of the lead time. It would need to grow further but not by necessarily very much because the activity is already under way.

Q114 **Chair:** Do you have clarity yet about what the reduction in security information you will have will be at the border as a result, for example, of losing SIS2 or other European databases?

Sir Philip Rutnam: I know that this issue came up at another of your hearings recently. I can confirm that if we were in a no-deal situation, then we foresee that there would be a reduction in the information that is available at the border. That is because while we would expect to use alternative instruments, we would not expect those to be able to provide the same amount of information as quickly as the existing EU instruments, certainly not to begin with.

A comparison between SIS2, for example, and the Interpol alternatives: the Interpol alternatives are very good, but they will take time. In particular, we need to make sure that it is not just the UK that is using them but also our EU partners are using them. They are not exactly the same instruments in terms of how they work. The Interpol systems are somewhat different from the European instruments. There are some real issues there. We are very alive to them. As we have discussed with you before, if we are in this situation we will do everything possible to fill the gap in terms of information, but I cannot say that the information will be the same. It will not be, certainly to begin with.



HOUSE OF COMMONS

Q115 **Chair:** Do you have information about how many times a day or how many times a week or a month the Border Force uses SIS2 information?

Sir Philip Rutnam: I do not have that information to share with the Committee because it is sensitive operational information. I am sorry but I am not able to go any further into the detail of what effects the alternative instruments would have. There would be an effect but I cannot go into the detail.

Q116 **Chair:** We know that, on average, police, Border Force and immigration officials access SIS2 more than 1.4 million times a day. Why can't you tell us what proportion of that 1.4 million is from the Border Force?

Sir Philip Rutnam: The advice I have had is that I cannot go any further in giving you operational information because, as you will understand, while there are effects on information—

Q117 **Chair:** 1.4 million. We know the total.

Sir Philip Rutnam: —we do not want to give any criminals or other adversaries any advantage.

Q118 **Chair:** I do not think they will have an advantage if they know that. Roughly, the police use that 1.4 million a third of the time, the Border Force a third of the times, and Immigration Enforcement officials a third of the times. I do not see how that remotely provides criminals with useful information that will somehow make it easier for them to get through the border.

Sir Philip Rutnam: I am looking in my notes because I already believe—I have already made my point about the contents of the systems and the operational reasons for not going any further, but I think there is also European obligation not to go any further. I can check that if you like; I am afraid I cannot find it in my notes immediately.

Q119 **Chair:** I am finding this utterly baffling. We are simply trying to work out what is the scale of the reduction in security information as a result of having no deal, and we are asking in very broad terms, very broad questions. We know that 1.4 million times a day the police, Border Force and immigration officials access SIS2, so we have an upper bound to the information that we have been giving. We are just asking for a little bit further information so we can understand the scale of the impact on the Border Force.

Sir Philip Rutnam: At the moment I am afraid I am unable to provide that to you.

Q120 **Chair:** I think this is baffling. The problem is that given there appears to be no good explanation for this, what it looks as though you are doing is simply hiding behind this information in order not to provide Parliament with proper information about what the scale of the impact is as a result of no deal.



HOUSE OF COMMONS

Sir Philip Rutnam: I understand the concern, and that is not the reason. The reason is that the best advice I have is that we should not share more information about—

Q121 **Chair:** Whose advice?

Sir Philip Rutnam: From Border Force and from the colleagues in the Department who are responsible for these instruments and the obligations under which we operate.

Q122 **Chair:** You confirm that there is a reduction in security as a result?

Sir Philip Rutnam: There would be a reduction in the information available at the border. I can confirm that. There is one important point to make about that, which is that it would be a reduction in the information available both to the UK and to our European partners, which goes to the point that, even in a no-deal scenario, we would have a strong mutual interest in trying to minimise that reduction and trying to fill it as quickly as possible.

Q123 **Chair:** I am sure that is the case. We are very clear and agreed on that. Is it also the case that if you switch to Interpol information, you lose the discrete markers, which means that somebody needs to be monitored, for example?

Sir Philip Rutnam: There is a system for discrete markers in SIS2. I think there is also a system for discrete markers in the Interpol systems.

Q124 **Chair:** That is different from what the police told us last week.

Sir Philip Rutnam: It is not widely used. There is a system—

Q125 **Chair:** That means that presumably the markers are not on it.

Sir Philip Rutnam: I believe there is a system. Interpol has some 18 databases, which are supported over the I-24/7 system, and I believe that they do allow for discrete markers but they are not widely used.

Q126 **Chair:** The police gave us loads of information in our previous evidence session. They gave us a lot of information about the difficulties with switching to the Interpol database: the fact that not everyone is on it, the fact that for an arrest you still need to get a warrant, and the fact that you lose the discrete markers. It would just be really helpful to have similar clear information from you and from the Home Office about what this means at the borders, as well as what it means for the police.

Sir Philip Rutnam: We are not disagreeing with any of the assessment that you have had from the police. What I am declining to do, because I am not in a position to do that, is to give you information on how many of those 1.4 million hits come up in relation to Border Force and border security.

Q127 **Chair:** Does this mean what you are actually doing is hiding the reduction in security that there will be as a result of no deal?



HOUSE OF COMMONS

Sir Philip Rutnam: No, I do not accept that. The advice I have had is that it is not in the interests of the country's security to—

Q128 **Chair:** You are not giving us the information, so you are withholding information to the public. You are withholding information on what the security downgrade will be as a result of no deal, and you are withholding information to Parliament that may have to make decisions around no deal on what the scale of the security downgrade at the borders will be.

Sir Philip Rutnam: I am not in a position to tell you how many of the hits that occur on SIS2 occur at the UK border. That is not information I can share with you.

Q129 **Chair:** Can you confirm that if there is no deal there will be a reduction in security at the border and a reduction in Immigration Enforcement?

Sir Philip Rutnam: There will be a reduction in the information available at the border. There would also be a reduction in the information that is available to law enforcement partners inside the UK. Lynne Owens talked about this at the hearing you referred to. I think she talked about the reduction. She was speaking about this in the round as significant, and I would accept her assessment. Yes, there will be a reduction, in no deal, in the information that is available to law enforcement and to border security.

Q130 **Chair:** A reduction in public safety as a result of that. That is what the police have said.

Sir Philip Rutnam: Information is the lifeblood of border security and law enforcement. It is a vital resource. Any reduction is to be deeply regretted. There would be an effect. However, to reassure you and to reassure the public, we, in the context of our no-deal planning, are doing everything we can to try to mitigate this effect, both through the exploitation and development of alternatives and by looking at how operationally—for example, at the border—we could mitigate the effect of losing information by deploying more staff, adopting different approaches to checks, and so on.

Q131 **Chair:** You will do that by reducing Immigration Enforcement as well, because you will be redeploying staff away from Immigration Enforcement?

Sir Philip Rutnam: If we find that we have to focus in no deal on supporting activities at the border, then the best option in terms of deploying more uniformed staff at the border is for a short period to deploy staff from Immigration Enforcement, which I have to say—

Q132 **Chair:** We should expect less Immigration Enforcement during that period?

Sir Philip Rutnam: I have to say this is what happens during other periods of high demand at the border. It is what happens, for example, during this summer in relation to summer pressures. This would be on a



larger scale, but it is an approach that the Department regularly uses flexibly to deploy staff according to the highest pressure.

Q133 Chair: I understand that. I am not expecting you magically to solve all of the problems of no-deal Brexit. I am just asking you to be straight with us about what the consequences are. Clearly, there are going to be huge challenges and it would be difficult for the Home Office to address all of them. We are simply asking you to be straight with us about what the scale of the challenges are and what you are going to have to do, rather than pretend that everything is going to be okay because you are going to work really hard.

Sir Philip Rutnam: I understand that. In that scenario there would need to be a reduction in the work in Immigration Enforcement. Which work exactly would need to stop I cannot tell you at the moment. It might not be the work that is commonly regarded as Immigration Enforcement, which is what are known as our ICE teams, which are mobile resources that are deployed typically to do inspections and local enforcement. There might be some reduction in that. There may be some reduction in some other areas in Immigration Enforcement. As I described earlier, it does a wide range of things. I do not have that level of detail.

Q134 Stephen Doughty: On the no-deal contingency planning, a moment ago you were talking about some contingencies, preparations and operations in command and control and so on. Have you been in direct contact with the army about support that it can provide?

Sir Philip Rutnam: No, I have not been in direct contact with the army. We do have discussions with the Ministry of Defence. I have—

Q135 Stephen Doughty: Have your officials been discussing this?

Sir Philip Rutnam: Yes, of course we talk to the Ministry of Defence. However, to be clear, it is not part of our contingency planning to deploy the armed forces.

Q136 Stephen Doughty: Is there training ongoing?

Sir Philip Rutnam: It is not part of our contingency planning to deploy the armed forces.

Q137 Stephen Doughty: Is there training ongoing?

Sir Philip Rutnam: I cannot speak to what training is or is not ongoing in the armed forces, but I can say—

Q138 Stephen Doughty: No. Training between your Department and the armed forces. Is there training ongoing? It is a pretty simple question. Yes or no?

Sir Philip Rutnam: We regularly do activities to train together, but it is not necessarily—and it is not, in fact—about Brexit. As you can imagine, we face a number of other threats.



HOUSE OF COMMONS

Q139 **Stephen Doughty:** No. I have witnessed the training myself between your Border Force specialists and the army, and it includes obviously preparation for counter-terrorism incidents but also training for disruption at ports and borders. It would strike me as very strange if you were not conducting training with them now to prepare for a no-deal Brexit. Is that training going on or not?

Sir Philip Rutnam: It is not part of our no-deal planning that we would deploy the armed forces, for example, at the border. Our no-deal planning at the border includes the resources we have already been talking about, the growth in Border Force. It includes deployment potentially of staff out of Immigration Enforcement. It includes the surge capacity that exists and is held by HMRC on behalf of the whole of Government, which again has been deployed at the border, and a number of other contingencies, but we are not planning on the basis of deploying the armed forces at the border.

Q140 **Stephen Doughty:** That strikes me as very strange, though, Sir Philip, because you prepare and train for the deployment of the armed forces at the border for other circumstances, and that goes on on a regular basis because I have seen it myself. You are telling me that you have not prepared to employ them in what could be an extremely testing and difficult situation, and when the CDS and one of the Ministers at the MoD themselves has said that the army is preparing to be available to use in those situations.

Sir Philip Rutnam: I can only tell you what is in our plans. Our no-deal plans for the border do not focus or feature deployment of the armed forces. We have a number of other civil resources that we would seek to deploy.

Q141 **Stephen Doughty:** Redeployment of police, HMRC staff: have you considered any of those? Are those in your plans?

Sir Philip Rutnam: I did mention HMRC. HMRC has what is known as the surge capacity, and that is something that has been used at the border before, and we would certainly seek to use HMRC resource at the border.

Q142 **Stephen Doughty:** Police?

Sir Philip Rutnam: We would not seek to use police resource for border functions. There is of course a counter-terrorist police presence at the border, which would continue, but we would not seek to use police resources for border functions—functions of Border Force—not least because the police would face a number of pressures of their own, including at or near to the border if there were major queues, for example.

Q143 **Stephen Doughty:** In the public order situations developing at major ports or the Eurostar terminal, whatever else, you would surely have to look at the deployment of police.



HOUSE OF COMMONS

Sir Philip Rutnam: That is a different question. Public order is the responsibility of the police, and I think you are seeing the Policing Minister tomorrow in fact, and, as I understand it, you are expecting to talk to him about the potential role that the police might play in a no-deal Brexit. It is not the function of Border Force per se to do public order work.

Q144 **Stephen Doughty:** You must be having liaisons with the police to discuss the possibilities of working together in those scenarios.

Sir Philip Rutnam: We are discussing very closely with the police indeed. That is something that Mr Hurd can no doubt discuss with you tomorrow.

Q145 **Stephen Doughty:** Just coming back to the questions about UKVI and the EU settlements scheme, I just want to get this absolutely clear, Mr Thomson, because you said 1,500 and then you said 1,800, and 700 existing. I just want to be very clear. How many caseworkers do you have today working on the EU settlement scheme?

Mark Thomson: Let me do it in parts. Let me explain what we want to have in place when—

Q146 **Stephen Doughty:** No, I am asking today.

Mark Thomson: Today, 1,215.

Q147 **Stephen Doughty:** That is a different number. We have had 1,500, 1,800 and 700. Today you have 1,215?

Mark Thomson: Mr Doughty, I thought I mentioned that number. Today, I have 1,215 caseworkers ready to go and operate the EU settlement scheme.

Q148 **Stephen Doughty:** You expect that to go up to 1,500?

Mark Thomson: Yes, I do. The other component of the number is those who will be operating in the resolution centre. The ultimate ambition is 300. We have 150 in place as we speak today.

Q149 **Stephen Doughty:** Looking at the number of EU citizens, which obviously no one knows exactly, we are talking about around 3.5 million. Divide that by 1,500 caseworkers, if you get them, and that works out to 2,333 cases per person. What turnaround time for an EU settlement case are you aiming at?

Mark Thomson: First of all, Mr Doughty, we have done lots of the modelling work that you have just done, how many minutes and how many customers. We think we are in a robust position on that. What was the second part of your question?

Q150 **Stephen Doughty:** I just wanted to know the turnaround time that you will expect for a standard case.



HOUSE OF COMMONS

Mark Thomson: Some of that is going to be a function of what demand is like at the time, but we are setting ourselves an ambition of turning around inside a fortnight.

Q151 **Stephen Doughty:** Inside a fortnight?

Mark Thomson: Yes.

Q152 **Stephen Doughty:** So, 2,333 cases per person but you will turn them around within a fortnight?

Mark Thomson: Yes. I do not wish to sound glib about this. The settlement scheme is going to be a very modern, digital approach.

Q153 **Stephen Doughty:** Which only works on one app.

Mark Thomson: I can come back to that. The pilot work we have been doing thus far is working very well. We are in the middle of what is the second—

Q154 **Stephen Doughty:** How many cases have you dealt with in the pilot so far?

Mark Thomson: We have had two private beta tests, which is where we have a controlled invitation. That is what “beta” means.

Q155 **Stephen Doughty:** How many?

Mark Thomson: Just over 1,000. I think it is 1,012.

Q156 **Stephen Doughty:** You have tested it with 1,000 and you are going to have to deal with 3.5 million. You have 1,500 caseworkers, who you do not even have in place yet, and you are telling me they are going to turn around just short of 2,500 cases per person within a fortnight. It does not sound very reassuring to me.

Mark Thomson: I am quite reassured. One thousand is a good test number at this point in the process. I was about to explain that we are doing two phases of testing. In Private Beta 1, which is what you have just referred to, 1,000 customers helped us test the different component parts of the settlement scheme. We are now into Private Beta 2, where the numbers will be more significant.

There are three elements to Private Beta 2. The first will have about 1,000 customers. The next element will go to 40,000 to 50,000. Then the last phase could embrace as many as 250,000 customers. Over the period of November to December, that is going to be quite heavy-duty testing of the system. It will also enable us to—for want of a better way of describing it—bank some applicants so we get up a head of steam before we open the scheme properly.

Q157 **Stephen Doughty:** Are you any further in your discussions with Apple about making it available on iPhone?



HOUSE OF COMMONS

Mark Thomson: There have been some recent discussions with Apple. The Home Secretary was out in America last week. We have not concluded matters with Apple but we are continuing discussions to make sure customers can access the scheme on every device. As you understand, Mr Doughty, people can do it on an Android device at the moment. We are making sure that those devices are going to be available in other places if people do not have them but we are engaging with Apple to try to make that happen on their devices too.

Q158 **Stephen Doughty:** We are talking about 3.5 million people here, five months away.

Mark Thomson: Yes.

Q159 **Stephen Doughty:** You have clearly reviewed the evidence from last session. Were you concerned that the Immigration Minister could not answer some very basic questions about the settlement scheme, then had to come before the House and semi-correct herself, was contradicted by the Home Secretary, and we had the Head of Border Force and HMRC arguing with each other in the session in front of others? Were you concerned about that, given what you have said about how things have improved since the infamous session with the Home Secretary?

Sir Philip Rutnam: The questions you refer to, which were then the subject of an Urgent Question to the Immigration Minister, were not about the EU settlement scheme. They were about migration policy in the event of a no-deal.

Q160 **Stephen Doughty:** They were about the EU settlement scheme because they were about the employment checks that will be required.

Sir Philip Rutnam: The EU settlement scheme has a role but they were about what the Government's policy would be in relation to EU nationals who are resident here in the event of a no-deal.

Q161 **Stephen Doughty:** Why did the Immigration Minister come here and give us evidence that is then contradicted by the Home Secretary, and then she has to come and appear before Parliament again? What is going wrong here? Is it Ministers who are not up to the job or is it officials?

Sir Philip Rutnam: Let me just say I have had no complaint whatever about the briefing for the Immigration Minister before that hearing.

Q162 **Stephen Doughty:** It is her fault?

Sir Philip Rutnam: It is Ministers who are accountable to the Select Committee and accountable to the House. I have had no complaint about that briefing. We are dealing with some very complex issues and we are dealing with, in truth, a difficult and challenging environment in which the Government is planning at the same time for a momentous decision—

Q163 **Stephen Doughty:** Sir Philip, we understand that.



HOUSE OF COMMONS

Sir Philip Rutnam: —in relation to arrangements with the European Union, and a momentous non-decision.

Q164 **Stephen Doughty:** We understand that. Do you not understand, when EU citizens who have been here for decades are watching evidence sessions and receiving completely contradictory information from Ministers, with officials, the Home Secretary and the Immigration Minister contradicting each other, the uncertainty and worry that that causes? Do you not understand that that is a problem?

Sir Philip Rutnam: There is some overstatement in what you say but I do understand—

Q165 **Stephen Doughty:** Sir Philip, it is not an overstatement. We have had these citizens coming here and speaking to us on a regular basis and they are deeply worried about what is going on.

Sir Philip Rutnam: It was not that element of what you said. It was the number of contradictions you referred to.

I understand the level of concern that exists among EU nationals who are resident here, and the Government wants to reassure them. Indeed, the Prime Minister has been very clear that even in the event of no deal with the European Union we want them to stay and they will be able to say. The EU settlement scheme that we have just been talking about will operate. We are confident about its ability to operate. We are confident about its ability to operate if there is a deal and we are confident about its ability to operate if there is not a deal.

Q166 **Stephen Doughty:** You do understand that people will not have much confidence, having looked at Windrush, having looked at highly skilled migrants and having looked at a whole series of other errors that the Department is making.

Can I ask you some questions about funding? How much additional funding have you received from the Treasury in the last two years for Brexit and what have you additionally requested in the current additional funding round?

Sir Philip Rutnam: In this financial year, 2018-19, we received £395 million from the Treasury, of which from memory £165 million, broadly, was devoted to establishing and developing the EU settlement scheme and the staffing we have talked about, and £150 million to strengthening the border, the staffing we have been talking about, systems development and various other uses. There has been £395 million this financial year and £60 million the previous financial year. We are, as you would expect, in discussions with the Treasury about allocations for next financial year. We welcome the Chancellor's decision to increase the allocation from £1.5 billion to £2 billion. I am afraid I am not in a position to go into the detail, I am sorry. That will disappoint you but I am not in a position to go into the detail of what we have asked the Treasury for.



HOUSE OF COMMONS

Q167 **Stephen Doughty:** More or less than £395 million extra?

Sir Philip Rutnam: You are taking me down a tempting path, Mr Doughty.

Q168 **Stephen Doughty:** This is very relevant information because the public have a right to know how much money is being diverted from other potential uses into these preparations.

Sir Philip Rutnam: Let me just say that we were the largest recipient of funding from the Treasury in financial year 2018-19.

Q169 **Stephen Doughty:** Do you expect to be the largest again?

Sir Philip Rutnam: I do not know what other Departments are asking for. However—

Q170 **Stephen Doughty:** Top three?

Sir Philip Rutnam: —Brexit is a very significant, enormous undertaking for the Department—

Q171 **Stephen Doughty:** An expensive undertaking.

Sir Philip Rutnam: —and in order to deliver on the things we are talking about, we will need appropriate funding.

Q172 **Stephen Doughty:** Which other things have gone by the side that you would have asked for otherwise?

Sir Philip Rutnam: I am not in a position to comment on that because I have no visibility of the Chancellor's allocation of £2 billion and the effect of that, the opportunity cost of that on other Government programmes.

Q173 **Stephen Doughty:** When will you be able to tell us how much you have requested?

Sir Philip Rutnam: I cannot tell you how much we have requested. I will be able to tell you how much we have when the Chancellor and the Chief Secretary have made their decisions and those allocations have been made public.

Q174 **Stephen Doughty:** In the same ballpark as £395 million?

Sir Philip Rutnam: I do not want to give you guidance as to how much. Let me just say we are continuing to recruit. This is all additional and over and above our spending review baseline, which foresaw reductions in our funding.

Q175 **Stephen Doughty:** We know you could be spending it on the police instead.

One last thing. You have written me a letter about Community Union—I declared my relevant interest in the declaration of interests—where you say it is not for you to get involved in relationships with the trade union about immigration and immigration enforcement because you are not the



HOUSE OF COMMONS

direct employer. Why is that?

Sir Philip Rutnam: This is about the staff who work—

Q176 **Stephen Doughty:** In detention and removal centres.

Sir Philip Rutnam: —in immigration removal centres who are employed by our contractors, not employed by the Department. Our view is that the right relationship is between the trade union and the employer whose staff they represent, and the staff in those immigration removal centres are the staff of the contractor.

Q177 **Stephen Doughty:** Serco or whoever it might be.

Sir Philip Rutnam: They are not the staff of the Home Office. We think that it would complicate things, complicate accountability and complicate the very clear relationships that needs to exist between a trade union and the employer whose staff it represents if the Home Office were to get involved in those conversations.

Q178 **Stephen Doughty:** One last question, just clarity on something. We have had a letter from the Immigration Minister on 6 November detailing a whole series of things relating to detentions, removals and so on. I have repeatedly asked for a figure of the number who have been wrongfully detained and you can give us quite detailed data on the compensation pay-outs—the average compensation pay-out, the average cost per day, the cost in millions in total of wrongful detention—but you still cannot tell us how many people have been wrongfully detained. Why is that? You know the total cost. Why can you not tell us the number?

Sir Philip Rutnam: I am sorry, a letter of 6 November?

Q179 **Stephen Doughty:** A letter of 6 November from the Immigration Minister to the Chair of the Committee. There are a whole series of questions that we asked about average compensation, average payments for wrongful detention and so on, and yet in the answer to how many were wrongfully detained, “Providing the information requested would require a manual check of individual records and I cannot provide you this information” and so on. If you know how much money you are paying out, which is substantial, in the millions, why can you not tell us how many individual cases? Surely a basic mathematical—

Sir Philip Rutnam: Can I come back to you on that with a fuller explanation?

Stephen Doughty: A fuller explanation, okay.

Q180 **Kate Green:** May I start by reinforcing what Mr Doughty has just said about the uncertainty that is now pertaining in the minds not just of EU citizens but also of their employers? I was contacted this week by a constituent, an EU national who has been here for many years, who has been asked by her employer to provide a visa and a work permit. What are you doing now to ensure that employers have accurate information so that they are enabled to require only what they should from EU



HOUSE OF COMMONS

nationals?

Sir Philip Rutnam: Their status as EU nationals is sufficient in itself to demonstrate their ability and their right to work in the United Kingdom.

Q181 **Kate Green:** I know that but employers clearly do not.

Sir Philip Rutnam: That is something that we seek to communicate again and again. It is something that is readily available on gov.uk as advice to employers. In the context of the settlement scheme—and I might ask Mr Thomson to speak to this here—we have been engaged in intensive discussion with employers regionally and nationally, and with other organisations, community organisations and organisations that represent individual communities that are here, to try to make sure they understand the law as it is now and as it will be under the Government's plans for the settlement scheme. Do you want to say something about that, Mark?

Mark Thomson: You have stolen most of my thunder, Sir Philip, but I would say we have run significant engagement programmes with employer groups. I have run many of these myself. The mood at the end of pretty much all of the sessions is one of quite some confidence and clarity about what we are expecting. We have given all employers what we have called an employer's toolkit, which is publicity material, promotion material and advice that they can use with their employees. We are also looking to open the scheme earlier to the top 50 to start to help some EU citizens to apply early for the scheme. We are doing an awful lot in this space to reassure—

Q182 **Kate Green:** Do you mean the top 50 employers?

Mark Thomson: Yes.

Q183 **Kate Green:** Does it not trouble you that it is more likely that it will be the smallest employers, those with the least sophisticated HR functions? Perhaps that is where you should start your—

Mark Thomson: Indeed. Our engagement with employer groups is not just on the big organisations. It is also trying to help SMEs and the smaller organisations to which you refer.

Q184 **Kate Green:** How are you doing that in a way that makes you confident that employers will be adequately informed and that processes will be carried out fairly?

Mark Thomson: I am in danger of repeating myself. It is the programme we have had of engaging with all sorts of organisations.

Q185 **Kate Green:** How are you measuring success?

Mark Thomson: A lot of it is from how the individual sessions go and the feedback that we are getting from various organisations on the information that they want from us.



HOUSE OF COMMONS

Q186 Kate Green: Are you getting information from employees or from community groups that employees might be sharing their experiences with?

Mark Thomson: Both. We are trying to reach out to an enormous number of organisations and people to make sure that we get the scheme right, that the communication is very clear and that we are reaching as many people as possible.

Q187 Kate Green: I would like to ask about immigration casework in a little more detail. In the last few months we have had both the Windrush and the DNA scandals and there is no doubt that that creates a very strong sense of serious problems within the immigration directorates. Were you surprised at these problems?

Sir Philip Rutnam: Yes, I was surprised at these problems. I was shocked and surprised at Windrush and at DNA, which revealed that the Department had been acting unlawfully over a number of years.

Q188 Kate Green: Why do you think those scandals happened?

Sir Philip Rutnam: We need to start with the complexity of the system. The system is of a complexity that is quite extraordinary and frankly, to my mind, unsustainable. In preparation for this hearing I looked at what the Law Commission, which is doing a project on the immigration rules, said. It talked about the rules—they are well over 1,000 pages—being incomprehensible in places and incomplete. We need to start with the complexity of the system.

Then, how does the Department deal with the complexity? Sometimes, I have to say I think we deal with the complexity very well. I know this sort of point does not necessarily get much of a hearing in this Committee but there are many things the Department does very well. Where we are able to make a process simple and straightforward, we deliver generally really good results. Well over half a million non-settlement visas are issued each quarter, 99.4% in service standard. I could go on with other examples.

The problem is where we do not have something that we have been able to simplify. The problem—something that is common, I would say, to both Windrush and DNA in different ways—is that we were dealing with complex cases. You could say the same is true of the asylum system, which deals with complex cases. There has been something about the way in which the Department has set up its processes for either managing change where it is very complex or managing to learn from things that are going wrong, which are complex. For me, it is not a problem about the whole of the Department; it is a problem about dealing with certain areas, relatively small numbers of cases but often the most sensitive cases.

Q189 Kate Green: This complexity that you are talking about, and now the work that the Law Commission are doing to look at simplifying some of



HOUSE OF COMMONS

that, how long has that been an issue for the Home Office?

Sir Philip Rutnam: I have only been in the Home Office for 18 months but looking at experience over a number of years, the complexity of the system has clearly been an issue for many years. I think you go back to debates and decisions that were made under the last Labour Government. Complexity featured in the review that Liam Byrne led. This Government or its predecessor, the coalition Government, decided not to take forward a simplification programme in relation to primary legislation in 2010. The Law Commission work may get into some of that. It has been a long-standing issue.

We need to find ways of trying to make the system systematically simpler and more coherent. At the same time, and this is absolutely something for the Department, we need to make the way in which we deal with the complexity, which is inherent—there is always going to be a lot of complexity—better and more robust.

Q190 **Kate Green:** Are you saying nothing really happened to deal with this issue of complexity between 2010, when the Government decided not to proceed with a legislative solution, and bringing the Law Commission in to look more recently?

Sir Philip Rutnam: No, we have done things. We have set up a simplification programme—

Q191 **Kate Green:** When did that happen?

Sir Philip Rutnam: —which has made progress. In fact, it is referred to in Richard Alcock's review, the internal review we commissioned after we learnt about the DNA problem. We have set up a simplification programme, which has made some progress in reducing the very large volume of disparate bits of guidance into a smaller volume. Still, it is too large. We have done further things since the Windrush episode, since the Windrush scandal broke. I set up a programme of work across the borders, immigration and citizenship system, not just to pursue simplification but also to strengthen the links between the policy functions in the Department and operations, which is often a key source of failure. If you do not get that link right, that is when things go wrong.

There are a range of things we have done there and a range of things to improve the assurance and governance of change. Yes, we have done things. The simplification programme begun in 2014 is very important but it needs to be intensified and it needs to be taken further. We have done more since Windrush but it needs to be taken further and it needs to be intensified. At the same time, we need to be dealing with all the specifics and dealing with Brexit.

Q192 **Kate Green:** You are not helped by the IT, are you? The legacy casework information database is said constantly to crash or to freeze and many processes are reliant still on paper-based working. By what date will that system be replaced in full?



Sir Philip Rutnam: That system, which is commonly known as CID inside the Department, was introduced in 1998. You are right, it is out of date and it needs to be replaced. We do have a programme called Atlas to replace it. That is starting to be introduced. Mark could say something about how that is going. It will take time, though. We need to be realistic. It has been introduced in a couple of areas already. There are some teething problems. We will overcome those. We will learn from that just like we are learning from the private beta of the EUSS. I would say, realistically, a couple of years. Mark could say more about that.

Q193 **Kate Green:** To complete the programme?

Sir Philip Rutnam: To complete the programme, yes.

Mark Thomson: Yes, but we have made a good start. We have already introduced Atlas to tier 2 and tier 3, so that is skilled workers and students, to help our caseworkers. As you rightly say, CID is out of date. It is a manual process relying on manual triggering for caseworkers. It is just not a particularly efficient thing. Atlas is much more about introducing a person-centric view, automated checks and standardising processes. That has many benefits. It has helped make the job easier for our caseworkers, which helps productivity and also helps to reduce errors. Thus far we have rolled out successfully in the areas I have mentioned and later on this year we will also be introducing that into some other service streams. The rollout is underway.

Q194 **Kate Green:** How many teams at the moment in the immigration directorates are forced to work on predominantly paper-based systems?

Mark Thomson: We have changed quite a lot of our processes already. Pretty much 95% of our international caseworking is now done online, 90% of our in-country applications are also available online. We are starting that transformation to move away from paper flows in the organisation to customers engaging with us through online systems, which helps make things much simpler.

I could continue to give an example if that is helpful, the euro scheme that I mentioned earlier on. You may remember that the Committee were interested in the 60-page document that was mentioned at the time. A lot of the requirement for documentation being so long is because it tries to answer every eventuality for every customer. If you are going through an online process, a lot of the requests and information that are irrelevant to you fall away because you are not even presented with them. It makes the process of engaging with us and applying much easier.

Q195 **Kate Green:** What is your project management and project review approach to ensuring that the replacement for CID remains on track and delivers the outcomes that you are expecting of it?

Mark Thomson: I have a whole transformation team in place and they regularly update me on where they are. We would expect to have some detailed project plans and implementation milestones. Just as important



HOUSE OF COMMONS

as what my team are telling me, we make sure that we thoroughly check customers' reactions to the system. For example, 75% of customers who have been utilising Access UK over recent months, which is the way that customers apply to us from overseas, have told us that they are extremely happy with the facility and how it works. It is as important to hear from customers about what they feel as what my team are telling me in terms of the project milestones.

Q196 **Kate Green:** That 75% is a satisfactory ratio at this point in the process?

Mark Thomson: More than satisfying. They were giving us an 8 out of 10 or more rating on how they judged the efficiency and ease of use of the system.

Q197 **Kate Green:** You think that is a good outcome, a good result?

Mark Thomson: I would like it to be 10 out of 10, but we are on a trajectory. If you ask customers their satisfaction rating of how things were performing before, I think it would be a lot lower. We are getting better but we are on a continual journey, a transformation of the organisation in many places including the IT functionality.

Q198 **Kate Green:** A recent review of Home Office asylum decisions found that 74% of 411 decisions reviewed internally met quality thresholds for acceptable decisions. Do you think that is an acceptable ratio for asylum decisions?

Sir Philip Rutnam: I am going to ask Mr Thomson to speak to this.

Mark Thomson: Okay. Thank you, Sir Philip. No, I do not. Sir Philip mentioned earlier on that there are an awful lot of things that we do extremely well, so I will not try to divert the question to talking about passports and visas, which we do do very well.

Q199 **Kate Green:** I would like to know about asylum decisions.

Mark Thomson: Indeed. I recognise that. I was not going to try to ignore the question.

Asylum is an area of intensive focus for us at the moment. We recognise it is an area where we need to improve. We were just talking about the technology solutions and we are introducing something called assisted decision-making into our asylum caseworking, which is again trying to bring systematic processes and standardised ways of doing things that will improve the decision quality and the statistics that you mentioned.

Q200 **Kate Green:** The internal review found 74% of cases meeting acceptable standards but independent reviewers found only 55% of those decisions were of sufficient quality. Why the discrepancy?

Mark Thomson: I am not sure because I am not familiar with the external reports, I am afraid.

Q201 **Kate Green:** Okay. How confident are you, in the light of the figures I



HOUSE OF COMMONS

have just quoted, about having a rigorous quality assurance process and a rigorous process of reviewing and sampling for quality?

Mark Thomson: I repeat, asylum is an area of intensive activity and focus for me at the moment. I recognise it is not quite where we want it to be. We will be doing a lot in terms of equipping our caseworkers to be able to perform better, looking at our processes and improvements that we can make there. In terms of my own assurance function, we have various layers of checking our own quality that I could go into if that is helpful.

Q202 **Kate Green:** The issue is perhaps not so much in your area but in asylum. Are those same levels of checking in place in the asylum system?

Mark Thomson: Which particular aspects of the asylum system?

Q203 **Kate Green:** You have suggested that there are some areas that are performing well and that there are satisfactory levels of checking and layers of checking, but not in all areas. Which areas are not doing that reviewing and checking well?

Mark Thomson: I may have confused you. The asylum system in its entirety is under my command.

Q204 **Kate Green:** Okay. Which areas within it are you not satisfied with?

Mark Thomson: There is a general layer where the approach to caseworking, the complexity of individual customers—this speaks, I think, to what Sir Philip was mentioning in terms of just the complexity of the cases. We need to be cognisant that many of the individuals going through an asylum process are vulnerable. They have gone through some extremely traumatic circumstances. We need to handle this really carefully.

Q205 **Kate Green:** Do you think the very protracted times to make decisions on non-straightforward cases is handling them sensitively and being aware of the trauma that they have gone through?

Mark Thomson: I would like to do those as quickly as we can. Sometimes the complexity of the circumstances that someone is in means that that is not possible. In the meantime, the individuals are still in our care. They will be in asylum accommodation that is a warm, comfortable place to be. They will be on subsistence. I am not saying that we want to keep them in that situation. We want to get them through the caseworking process as quickly as we can. I would reassure you that this is one of my top priorities to sort out in the UK visa and immigration space.

Q206 **Kate Green:** I think the Committee would take issue, based on evidence we have heard in another inquiry, with the statement that they are in warm, comfortable accommodation in the majority of cases.

You do not have targets in terms of times for resolving non-straightforward cases. Would it help if you did?



HOUSE OF COMMONS

Mark Thomson: That is one of the areas I am looking into.

Q207 **Kate Green:** That is something under active consideration?

Mark Thomson: It is something under active consideration. I have many targets across UKVI and HMPO. I am uncomfortable that we do not have targets everywhere.

Q208 **Kate Green:** Okay. Can I ask about two other areas very quickly? One is about DNA. Now that it has been revealed that there have been situations where DNA has been required where it should not have been, how are you ensuring that the Department is now fully compliant with data protection regulation?

Sir Philip Rutnam: Just to clarify one point in case it is a source of confusion, what we were doing wrongly and unlawfully was seeking evidence about DNA, not actual samples of DNA.

Q209 **Kate Green:** Yes. No, I understand that.

Sir Philip Rutnam: We did not collect any samples of DNA.

When this came to light we undertook the internal review by Richard Alcock that I mentioned, which was a very useful piece of work. Since then, we have done further internal work to further understand the scope of the problem. That then led to the Home Secretary's recent statement to the House. The Home Secretary has also said that we will undertake independent assurance to make sure that we have properly identified the scope of the problem, ie identified all the case types that could be affected, and also that we have taken the right action to put this right. That is something that is getting underway now, very shortly. There will be a source of independent assurance. We will be able to say more about that shortly.

Q210 **Kate Green:** If you have evidence that has been wrongly acquired, will it be destroyed?

Sir Philip Rutnam: I would expect so, yes. If we are holding information that we should not be holding, I would expect it to be destroyed and confirmation of that. Can I just confirm that, perhaps when we write to the Committee?

Kate Green: Thank you.

Q211 **Rehman Chishti:** Sir Philip, with regards to the points raised by my colleague, Kate Green, on asylum and the procedure, you were talking about simplification, complexity and sensitivity on that, and I know you have clarified that point on the issue that was raised earlier about reading reports in the papers, which was in error. That quite clearly shows to me that you look at what is being said in the media to see if an issue is coming your way, so that the Home Office is prepared to make a decision as quickly and swiftly as it needs to be made. The point on asylum cases is that in many cases people's lives are in danger.



HOUSE OF COMMONS

On that basis, are you prepared and do you have research on issues and cases that have been flagged up of high importance in relation to the danger posed to people's lives? Have you worked with the Foreign Office on those?

Sir Philip Rutnam: If we are speaking personally, of course I do look at the media but I cannot possibly hope to capture all the cases in the media. If we are thinking about the organisation, one thing we have sought to do—this is, again, since Windrush—is to strengthen our ability to use the media, or indeed other sources of intelligence and information, to make sure we are capturing emerging trends, spotting problems sooner and dealing with them sooner than we have in the past.

Q212 **Rehman Chishti:** Can I just ask you a question on that? You probably have looked at this but people need clarification on that. In the last couple of days a case has been picked up by *The Guardian*, by *The Telegraph*, by *The Mail*, by *The Times*, by *The Independent*, by the BBC and by Sky News, and that is with regards to if the Home Office would be offering asylum in the case of Asia Bibi, who has been persecuted for her faith and whose life is in danger. Members of Parliament across the House have urged the Government to do the right thing. I would like a simple clarification on that from you, because nobody knows if the Government has refused or if an application has been received. That case has been covered in every paper at every level.

I declare an interest: in 2014 I wrote to the Prime Minister in a letter signed by 55 Members of Parliament saying we need justice in that case, and now there is another letter going to the Prime Minister and the Home Secretary saying there is a lot of support to say that asylum should be given.

Two questions for you on that. When her family asked to say asylum could be looked at in the United Kingdom, Canada and the USA, did the Home Office, in conjunction with the Foreign Office, prepare for that application to come their way?

Sir Philip Rutnam: First of all, of course I am aware of the case and Ministers are aware of the case. However, it would not be appropriate for me to comment on the case. We do not routinely comment on individual potential cases of asylum. We do not comment on individual cases. The second point is that you will be well aware of the sensitivity around this case and I do not think it would be appropriate for me to comment any further on that specific case.

Q213 **Rehman Chishti:** Can I just ask you for clarification? Without you commenting on the reasoning, the logic or any advice that you have been given, just for clarification purposes because there is a lot of interest out there among the public and Members of Parliament, two questions. First, has an application been received through the appropriate channels by the United Kingdom Government, whether through the Foreign Office, the High Commission or to the Home Office? Secondly—because nobody knows the answer to this question yet apart from some reports in the



HOUSE OF COMMONS

media, and I do not always believe what I read in the media—has a decision in that case been made? If not, looking at the sensitivity, not this case but if an application is made in a similar case like that where there is a real threat to one's life, how long does it take to get that case looked at by your Department?

Sir Philip Rutnam: On your two questions, "Has an application been received?" and secondly, "Has a decision been made?", I am afraid my answer is the same. I am not in a position to comment on that case. We do not routinely comment on individual asylum matters, as a matter of course, and there is the second additional factor that it is an exceptionally sensitive case and it would not be appropriate for me to comment further. I am sorry, that will be frustrating but I am afraid I am not in a position to comment.

Q214 **Rehman Chishti:** I understand. There is the third point. If you had a case with such complexity where there is a real threat to somebody's life, how long would it normally take for the Home Office to be able to deal with that quickly and swiftly?

Sir Philip Rutnam: The question of how long it takes. We might be able to say something about that not in relation to this specifically—

Q215 **Rehman Chishti:** No, no, generally.

Sir Philip Rutnam: —but in relation to the asylum system at large. I will ask Mr Thomson to comment on that but it is very important this is not about this specific case.

Q216 **Rehman Chishti:** No, and I will make it very clear to you on that. I get the points and I get the sensitivity. All I am asking is: not in this case but if you had cases—you must have had cases before—where there is a real threat to somebody's life. On that basis, how long does it take for you guys to make a decision? Mr Thomson?

Mark Thomson: Sure. There is a very important development and initiative that we have recently deployed, to answer your question, and that is the introduction of the chief caseworker role and the chief caseworker unit. The role of these individuals is to advise local caseworkers, to be in the local area and situation with them to identify where caseworkers may be finding they are unable to act with discretion in these sorts of cases, to be in situ to help extricate and accelerate the decision that we want to make. This was something that we had been considering for a while but it was accelerated through the tricky moment of Windrush. That would be the answer. There would be locally placed people who could spot these things and advise colleagues who might otherwise not be able to act as swiftly as they might want to. I think that is a—

Q217 **Rehman Chishti:** Not quite. Not quite, in terms of how long it takes. It can be done within a matter of days or weeks?

Mark Thomson: Quickly.



HOUSE OF COMMONS

Q218 **Rehman Chishti:** It is that quick, if the Government wanted to? Just on this point to you, Sir Philip, you said earlier that you are not responsible for policy decisions. That is a Government and Ministerial decision and you can advise. If the Government, in this case the Home Secretary, had all the facts before him, wanted to make a decision and took into account the strong will in Parliament to do the right thing, he could make that decision pretty quickly, could he not?

Sir Philip Rutnam: Asylum decisions are generally decisions that are delegated by Ministers to case officers, who are decision-makers under the immigration rules and make those decisions, but I believe they can also be made by Ministers. Is that right?

Q219 **Rehman Chishti:** Final point, if I may, to you. Can you take back to the Home Office and the Ministers that there is a real strong feeling in this case that justice must be done in light of the clear evidence available, and rather than simply delegate it the Secretary of State himself should make the decision in this case? Morally, a right decision will have to be made. A lot of Members of Parliament have said that the United Kingdom should offer that asylum.

Sir Philip Rutnam: We are aware of the intensity of interest and we will relay the views you have mentioned.

Q220 **Stuart C. McDonald:** My apologies for missing the start of the session. Could I just return first of all to the issue of no deal and EU citizens? Sir Philip, you spoke about reassurances provided to EU citizens about that eventuality but there would obviously be significant differences in that situation as compared to a possible deal and in particular the draft text that already exists. For example, there would be no independent international oversight of that arrangement. It would not be binding. Any Government or Prime Minister could change their mind on what the arrangement would be. Also, it would not cover pensions or social security arrangements. Obviously you cannot do that unilaterally. Has any thought been given within the Department to the benefits and the possibility of trying to come to some sort of ring-fenced agreement on citizens' rights even if no deal can be struck on anything else?

Sir Philip Rutnam: You are right that there would be differences. You have mentioned a number of areas covered in the proposed citizens' rights agreement, which, as you say, would be reciprocal. However, the Government—I am sorry, again this will be disappointing—has not yet put into the public domain any detailed policy proposition for what the migration policy or indeed other aspects of a policy would be in the event of no deal for the EU nationals who are here. It has said very clearly that those nationals would be welcome to stay and that we would enable them to stay, but we have not gone into the detail that you are mentioning.

Of course, there is work underway. Going back to my earlier exchange with Mr Loughton, we are in the position of giving advice to Ministers and Ministers are engaging with officials on that, but I am afraid I am not in a



HOUSE OF COMMONS

position to disclose that. However, the Government has said that it will bring forward the immigration White Paper, which I know this Committee has been keenly awaiting for some time, and will do that very soon.

Q221 Stuart C. McDonald: I do find that answer slightly concerning and I think EU citizens who are here will find it concerning as well, because we are talking five months now from a potential no-deal situation and you are saying that what might be on offer to them in those circumstances could be different from what is in the draft text just now.

Sir Philip Rutnam: To be clear, the details in relation to the position for EU nationals in the UK will depend on the policy the Government puts forward in the event of no deal. The Government has been very clear that those nationals are welcome to stay and that we will enable them to stay but we have not gone into a number of detailed issues, some of which you have mentioned. I do not think anything should be inferred from what I have said other than that we have not yet articulated a detailed policy on those points. I know that is awaited but I am afraid I am not in a position to share it.

Q222 Stuart C. McDonald: All the more reason why we are desperately wanting to see this White Paper. Can you give us any further update as to what the Home Office definition of “autumn” means?

Sir Philip Rutnam: I do not know if you pressed the Immigration Minister, when she was here recently, on the definition of “autumn”, but I think she said, “Or very soon”.

Q223 Stuart C. McDonald: Okay. The sooner, the better.

Can I turn again to asylum casework? You said, Mr Thomson, it is going to be a focus of intense activity but since I have been on this Committee in 2015 I have heard similar reassurances that this is going to be taken in hand. Since that time, the number of cases pending for more than six months has increased by over 200%. Over the longer period, the backlog continues to grow. I think there have only been six quarters since 2010 where the backlog has actually shrunk. As I understand it, there are 7,600 cases sitting waiting to even be inputted into IT systems. That is more than a quarter’s worth of applications. Is this not a simple matter of resources and staffing?

Mark Thomson: Resources and staffing is one aspect but as I said earlier, I think it is also a function of simplification. It is making sure that the IT systems for my caseworkers, who are committed and trying to do the best job that they possibly can for asylum applicants—

Q224 Stuart C. McDonald: I get all that, but you cannot really simplify the Refugee Convention. You have a test to apply and you are not going to be able to simplify the different facts and circumstances that people come to you with.

Mark Thomson: Indeed.



HOUSE OF COMMONS

Q225 **Stuart C. McDonald:** I do not see how IT systems are going to make processing asylum claims better. Again, I worry that with all this focus on Brexit and everything else, asylum casework is going to become almost like a Cinderella service. It is barely coping as it is.

Mark Thomson: Let me be very clear. The fact that I am also looking after new developments like the EU settlement scheme does not mean our attention on the asylum area is diluted at all. I repeat what I said earlier on: this is one of my top priorities to fix.

Q226 **Stuart C. McDonald:** Okay. In 2015, about three-quarters of asylum cases were classified as straightforward, which meant they were going to be subject to the six-month service standard, and 26% were classed as non-straightforward. By the end of 2017, it had pretty much become 50:50. Why was there that dramatic change over just two years?

Mark Thomson: Some of that was a function of the fact that we needed to make sure we had the right number of colleagues in place, the right number of caseworkers to process the asylum cases.

Q227 **Stuart C. McDonald:** Why should that affect the number of cases that are straightforward or not straightforward?

Mark Thomson: The figures that you were quoting from 2015 followed a surge and a peak in individuals claiming asylum. We were very busy.

Q228 **Stuart C. McDonald:** I still do not understand why that affects the percentage that are straightforward or not straightforward. It is a proportion. The absolute number should not matter.

What I am getting at, of course, is that the chief inspector said that when he inspected these cases, one-third of them were being inappropriately marked as not straightforward and that was because your staff were under immense pressure to meet targets. By marking them as not straightforward, they then avoid all this pressure to hit the six-month target. That is what the chief inspector seemed to be saying.

Mark Thomson: I have discussed that report in some detail with the chief inspector. It is not the case that my caseworkers are looking to re-designate cases to be non-straightforward to make what you are suggesting happen, where we just make them non-straightforward so that we do not need to handle them to the same time period. That is not the case.

Q229 **Stuart C. McDonald:** You still have not offered me an explanation as to why there was this significant change then. I do not understand why the proportion that was complicated suddenly changed.

Mark Thomson: Perhaps that could be something I could come back to you in more detail on, Mr McDonald.

Q230 **Stuart C. McDonald:** That would be helpful. My view is that that reinforces exactly what Kate Green said, that there has to be a service standard for complex cases as well. Again, I would ask you take that



away. Is there also a service standard that relates to the quality of decisions? Are there any service standards about the quality of the decisions in asylum cases?

Mark Thomson: The endeavour is to make sure that every decision is right. We look at those in each individual circumstance. It has to be right. What I am continually doing is looking at what I call feedback loops into the organisation, looking at, dare I say, the information that we are receiving from MPs and your caseworking teams. What are the things that are causing constituents and customers to contact you? I look at our complaint data. I look at where courts are making different decisions to our caseworkers, all to try to inform where is it that we need to improve our decision-making, our processes and what we do.

Q231 **Stuart C. McDonald:** What I am asking you for is probably something a little more robust. Again, as Kate Green pointed out, the independent review of asylum decisions that was carried out in 2017-18 suggested that something like 45% of decisions being made were not of sufficient quality. Surely you should have a target that when these reviewers look at a sample of cases, there is—

Mark Thomson: I do.

Q232 **Stuart C. McDonald:** —a very high percentage that meet the target rather than barely half.

Mark Thomson: Sorry, I did not mean to talk over you. There are three lines of assurance, which is a fairly standard process. There is the first line of assurance, where we are expecting first line managers to do a random sample of at least 2% of cases. They are mandated to do that sampling. We also have second pairs of eyes, senior individuals, in all of our teams. The second line of assurance is my own independent team, who will go in and where I have some reservations or some concerns—or, as I said, from the palette of complaint data or what is coming up from MPs' correspondence—I might ask them to investigate something. Then of course the third line of assurance is David Bolt, who is the Independent Chief Inspector. There is quite a lot of assurance that goes on.

Q233 **Stuart C. McDonald:** Why then were 45% of decisions found not to be of adequate quality and why are there so many successful asylum appeals? Your staff are surely just being asked to do too much. Is it not as simple as that?

Mark Thomson: An appeal does not necessarily mean an incorrect decision. There are various circumstances where there may be a different decision to what one of our caseworkers has decided. More often than not, the reason for that is that the applicant will bring new evidence that we have not seen at the time we were making our case.

Q234 **Stuart C. McDonald:** That might be entry clearance applications but is that the case for asylum applications?



HOUSE OF COMMONS

Mark Thomson: It can be. The second thing is sometimes where a case has taken a long time, someone's rights and circumstances may have changed from the point we made the initial caseworking decision. Then the third point is the court may take a different view. Some of the work that we are doing in assessing an applicant in the asylum space is a credibility assessment. Sometimes that can be a subjective view and the judge or the court may take a different view to what our caseworker did.

Q235 **Stuart C. McDonald:** In May there was a report published by the BBC and it was a whistle-blower in the Bootle office. He described an environment that, quote, "wouldn't look out of place at a call centre selling double glazing". "A leader board hangs on the wall displaying who is hitting their targets and who isn't, and performance managers pace the floor asking for updates on progress as often as once an hour. Staff who don't meet their targets risk losing their jobs." Is that not the explanation why 45% of decisions are found by independent reviewers not to be up to scratch and there are so many successful asylum appeals?

Mark Thomson: No. I am very familiar with that report. It disturbed me when it came out. I made sure that I went up to see the Bootle team personally to talk about it because that is not the situation—

Q236 **Stuart C. McDonald:** I speak to people who are aware of the situation in Bootle as well and they use language I could not repeat in here to describe how it is functioning just now. Are there staffing problems? The chief inspector also seemed to say that some of these poor stats were down to staffing problems, high staff turnover and so on.

Mark Thomson: Indeed. The Bootle operation is still maturing. I would not hide from the fact that in the asylum space, recruitment and retention is a challenge. It is something that we are actively looking at improving.

Q237 **Chair:** What is the reason for that?

Mark Thomson: It is quite a difficult job, and sometimes the locations and where some of our caseworkers are, they may choose to go and work somewhere else. The other thing I would call out that I think we need to do better is in our recruitment. As I say, processing a student applicant versus handling an asylum seeker are very different cases and making sure that in our recruitment process we are testing someone's aptitude and resilience to be able to handle those circumstances is something we are also looking to change.

Q238 **Stuart C. McDonald:** We look forward to seeing progress on that because it is hugely important and, as I say, we have had reassurances like this before.

I just wanted very briefly to ask you about asylum accommodation. You are considering this again next week.

Mark Thomson: Yes.



HOUSE OF COMMONS

Q239 **Stuart C. McDonald:** The chief inspector provided a report to the Home Office about asylum accommodation on 9 July. The usual eight weeks would have passed on 3 September. We are twice as far again on from that. Why has that report not been published and can we see it, please, before next week?

Mark Thomson: I am not sure why it has not been published. I will have to come back to you on that. I am sure it is something that my two colleagues, Mr Morrison and Mr Palmer, will be able to hopefully speak to at the session next week.

Q240 **Stuart C. McDonald:** Good. It is important because if I read the minutes from the Asylum Forum of 3 October, where the chief inspector was present, it says, "He gave a brief read-out from the report and he was concerned that the Home Office was putting too much faith in the new contract and argued that they needed to fix a number of underlying issues now". That is absolutely something we need to be able to see next week when we are looking at these witnesses.

That brings me on to another point. Sir Philip, I understand that the chief inspector has five reports with you just now. Four of them are over the eight-week convention limit for publishing them. Delays vary between 11 and 18 weeks. When you are talking about issues like asylum accommodation, vulnerable adults and so on, it is poor that they are not being published in time. In fact, over 2017 and 2018 I think only three of 15 reports met that timescale. He also said that 40% of his recommendations since May of 2015 had not been fully implemented. Is that not a mark of disrespect to the very role of the chief inspector?

Sir Philip Rutnam: We have great respect for the role of the chief inspector. It is an extremely important role.

Q241 **Stuart C. McDonald:** That is not reflected in these stats.

Sir Philip Rutnam: I take the point that publication within the eight-week period is absolutely desirable. I will make sure that that point is relayed to our Ministers. They take ultimate decision on publication and the Government's response.

Q242 **Chair:** What possible reason could there be for delaying so many of them? This Committee has raised it before.

Sir Philip Rutnam: I am aware the Committee has raised it before. In fact, I think it has been raised fairly frequently. I cannot speak to the specifics of those reports. Typically, it will be the question of whether or not the response is appropriate, whether or not we are pursuing the right actions in response to these reports. That is typically the reason.

Q243 **Chair:** Is it true that you have also refused to publish a report from the former Anti-Slavery Commissioner?

Sir Philip Rutnam: I am not aware of that. It has not reached my awareness. I will take that away and see if that is correct.



HOUSE OF COMMONS

Q244 Chair: I think the problem—and this probably is also a question to you, Sir Philip, in terms of the strategic goals—is that time and time again we have serious concerns raised with us about the functioning of the Home Office and about casework decisions, about decisions that affect people's lives and decisions that affect people's safety, at a time when half of the decisions that go to appeal, the Home Office's decision is overturned. There is a 50/50 chance that the Home Office has got it wrong for those cases that go to appeal, and people's families, people's futures and people's lives can be at stake in those sorts of decisions. Are you not just deeply, deeply concerned at the scale of the errors and delays that the Home Office is doing in practice?

Sir Philip Rutnam: There are many areas where yes, I absolutely want to see a significant change in performance. We have been talking about asylum. I absolutely share the views of Mr Thomson that we need to see a significant change in the performance of the asylum system, whatever the root cause. Also, I have apologised here before and Ministers have apologised for the events of Windrush. DNA is another example of where we have got something quite profoundly wrong. Yes, there are many sources of concern.

I would plead, though, for two things. The first is recognition that this is not a picture that applies across the Home Office. I have talked about a number of areas where we achieve consistently high standards or even very high standards of performance. The issue is typically with complex cases, which are often also the most sensitive. They are the ones that affect people's lives most directly, often. That tends to be the source of the problem. I would plead for recognition of that.

I would also plead for essentially a cool and calm-headed approach, which needs to be seen in the Department but also I would welcome it across the board. When people are looking at the Home Office let us dissect the problems, not bundle them all together but dissect the problems, deal with the specific issues—the specific issues of Windrush, I feel we have responded to very energetically, and the specific issues of DNA—but also get to the root cause of why we find it difficult, why indeed under successive Governments it has been difficult to deal with these complex cases, and deal with that.

I would just plead for a recognition that it is a mixed picture and there are some areas of excellence, and that to address the problems we have to be cool, calm-headed and get to the root cause.

Q245 Chair: The problem lies, I think, in areas where we have raised concerns or our predecessor Committee has raised concerns time and time again, particularly around immigration casework but also more widely. There are concerns now about the way in which the Home Office is overseeing policing, criticisms from the National Audit Office of the way in which the Home Office does not have a full assessment of the way the policing budget is being spent, and a sense of things deteriorating. You have the Parliamentary and Health Service Ombudsman showing the Home Office



HOUSE OF COMMONS

as one of the Departments receiving the most complaints, but also with the highest upholding rate.

I think the concern we have is that there does not seem to be a strategic approach as to how these things are going to improve and how the overall performance is going to improve. Landing in the middle of all of that you have all of the Brexit challenges, which of course are not ones that the Home Office designed. Nevertheless, we need the Home Office to be capable of responding to them. I am not sure what assurance you are able to give us that these are actually being addressed and that we are not going to be asking you exactly the same questions in 12 months' time.

Sir Philip Rutnam: I would say, first of all, there have been real improvements. I have only been Permanent Secretary for 18 months but I was looking back five years or six years to the time when the decision was made to abolish the UK Borders Agency. There have been some very significant improvements. Just to give an example, the grant rate for entry clearance for work, study and family reunion has gone up from a percentage in the 70s to something over 90%. The reason for that is because we have managed to dramatically reduce abuse, which is to do with system-level changes we made with higher and further education.

Q246 **Chair:** Okay. We do not have time to explore that now, unfortunately, because I think that when we were doing the Windrush inquiry that reorganisation of the Border Force, Border Agency and so on was cited as being part of the problem and also leading to some of the concerns about a culture of disbelief in different sections of the Home Office. I am sure there have been some areas where things have improved. However, overall I am not convinced that that organisation is related the improvements that you are talking about.

Sir Philip Rutnam: Can I have a go at the core of your question though, which is the strategic approach to trying to raise standards of performance? To my mind it does come back to, first, simplifying where we can and being more energetic about that; and secondly, developing our own processes where you set things up in order to deal with complexity, building in the kind of assurance and governance that, at its best, works really well in dealing with complexity, and when we do not have it leads to something like DNA or Windrush.

Q247 **Chair:** Okay. Just in terms of some final further information that it would be useful to send us, there are a series of areas where you have said that you will come back to us on some of the issues.

Could you also just clarify one point? I think we may have muddled some of the issues earlier. When you were talking about the staffing for no deal, you said 4,100 staff are needed to deal with Brexit. How many additional staff to deal with a no-deal Brexit?

Sir Philip Rutnam: In our no-deal plans, essentially we have redeployment of resource to the border, low hundreds, as I have



HOUSE OF COMMONS

mentioned, potentially, and redeployment of resource in the policy areas of the organisation in order to support response to no-deal.

Q248 **Chair:** Okay. I just want to understand. You are still assuming—

Sir Philip Rutnam: Some hundreds. I am sorry, I interrupted.

Q249 **Chair:** I am sorry. There will be more than 4,100 staff working on Brexit but they will come from elsewhere within the Home Office?

Sir Philip Rutnam: Essentially. It would be reprioritisation and redeployment.

Q250 **Chair:** Rather than any additional staffing being recruited.

Sir Philip Rutnam: Principally, because in truth, in the time available we are not realistically going to be able to go and recruit lots of people. Not for 29 March 2019.

Q251 **Chair:** It would be very helpful if, over the next week, given that you are going to be making these preparations and moving around, you could just give us some clarity about what the scale is of the additional staff on top of the 4,100—most of whom are not in place yet—you will be deploying, and also how many of the 4,100 staff you expect to be in place by March.

Sir Philip Rutnam: We will provide additional information. Most of the 4,100, as we discussed earlier, are in place, but there is some significant recruitment still to be done.

Q252 **Chair:** You told us that there were only 2,662 in place, which is not “most of”—

Sir Philip Rutnam: I think it leaves about 1,400 or 1,500.

Q253 **Chair:** That is quite a big gap. Fine. Finally, can I ask you as well to reconsider the refusal to give us further information about the impact on border security in the event of no deal? Given how frequently issues around borders, immigration and so on were raised during the referendum debate and during all the debates that we have had in Parliament, I think it is important that Parliament should have this information about what the consequences will be in the event of no deal.

Currently, on the basis of the information that we were given previously by the Immigration Minister, it looks as though free movement continues, at least initially, in the event of no deal. It looks as though, on the basis of the information that you have given us—but you are not providing us with clarity—security checks at the borders will be reduced and also that immigration enforcement will be reduced because you will be redeploying people. If all of those are the case, we should have some clarity about it. I would urge you again to look at those questions and see whether there is further information that you can provide us with.



HOUSE OF COMMONS

Sir Philip Rutnam: We will take away that request, of course, and come back to you. Just to clarify though, there would be no change in security checks at the border. Security—

Q254 **Chair:** We are going to have less information with SIS2. We have been around the house on this.

Sir Philip Rutnam: Less information, yes. Sorry, I was picking up on the words “security checks”.

Q255 **Chair:** Fine. Less security information. Fair point.

Sir Philip Rutnam: Thank you.

Chair: Thank you very much. We very much appreciate your time this afternoon.