



House of Commons  
Home Affairs Committee

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# Appointment of the Independent Chief Inspector of Borders and Immigration

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**Sixth Report of Session 2019–21**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 14 January 2021*

## Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

### Current membership

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[Ruth Edwards MP](#) (*Conservative, Rushcliffe*)

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The following Members were also Members of the Committee during this Parliament:

[Janet Daby MP](#) (*Labour, Lewisham East*); [Stephen Doughty MP](#) (*Labour (Co-op) Cardiff South and Penarth*); [Holly Lynch MP](#) (*Labour, Halifax*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

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### Committee staff

The current staff of the Committee are Simon Armitage (Committee Specialist), Melissa Bailey (Committee Operations Officer), Chris Battersby (Committee Specialist), Chloe Cockett (Senior Specialist), Elizabeth Hunt (Clerk), Penny McLean (Committee Specialist), George Perry (Senior Media and Communications Officer), Paul Simpkin (Committee Operations Manager), Dominic Stockbridge (Second Clerk) and Rowan Sweeney (Post-graduate placement student).

## Contacts

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You can follow the Committee on Twitter using [@CommonsHomeAffs](https://twitter.com/CommonsHomeAffs).



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# Report

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## Independent Chief Inspector of Borders and Immigration

1. The role of the Independent Chief Inspector of Borders and Immigration (ICIBI) was established by the UK Borders Act 2007. The role is appointed by the Home Secretary and is independent of government. The Independent Chief Inspector has responsibility for monitoring and reporting on the efficiency and effectiveness of the UK's immigration, asylum, nationality and customs functions.

2. The Independent Chief Inspector is authorised “to monitor, report on and make recommendations on all functions, with the exception of those exercised at removal centres, short-term holding facilities and under escort arrangements, unless the Home Secretary makes a direction to do so. The inspection of these parts of the immigration and borders system are inspected by Her Majesty’s Chief Inspector of Prisons or Her Majesty’s Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).”<sup>1</sup> The ICIBI follows a published inspection plan, which the Home Secretary is consulted on. The Independent Chief Inspector is required in legislation to write a plan for an inspection, but the legislation also allows for the Independent Chief Inspector to diverge from the plan.<sup>2</sup> The Home Secretary is also able to commission specific inspections. The Independent Chief Inspector is required to report in writing to the Home Secretary following an inspection, and accordingly produces reports after each inspection as well as an annual report. The Secretary of State is responsible for the publication of the reports and deciding when to lay them before Parliament. The reports are published in full, however the Secretary of State is permitted to make decisions to withhold material for reasons of national security, or where an individual’s safety may be jeopardised by publication. In these cases, the Secretary of State may leave out the relevant parts in the published report.<sup>3</sup>

3. The ICIBI’s purpose is “to help improve the efficiency, effectiveness and consistency of the Home Office’s border and immigration functions through unfettered, impartial and evidence-based inspection.”<sup>4</sup> The ICIBI shares the Civil Service’s values of integrity; honesty; objectivity and impartiality and it has its own ‘Vision Statement’ which sets out that the ICIBI will:

- “be highly-skilled, professional and effective, with a reputation for the highest standards of work and conduct
- operate thorough, rigorous and transparent processes to reach sound, evidence-based conclusions
- deal with others consistently and reliably
- be efficient, forward-thinking, committed to continuous improvement and focused on delivery
- enable and develop its people”<sup>5</sup>

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1 ICIBI, [Annual Report for the period 1 April 2019 to 31 March 2020](#), (September 2020), p.8

2 ICIBI, [Annual Report for the period 1 April 2019 to 31 March 2020](#), (September 2020), p.9

3 ICIBI, [Annual Report for the period 1 April 2019 to 31 March 2020](#), (September 2020), p.9

4 Gov.uk, [‘Independent Chief Inspector of Border and Immigration, About us’](#), accessed 11 December 2020

5 Gov.uk, [‘Independent Chief Inspector of Border and Immigration, About us’](#), accessed 11 December 2020

4. The budget for the ICIBI was £2.085 million in 2019–20. The budget is determined by the Home Secretary. It is then delegated to the Independent Chief Inspector through a formal letter of delegation, from the Home Office Second Permanent Under Secretary.<sup>6</sup> There are currently 30 members of staff in the Chief Inspector’s team.<sup>7</sup>

## The recruitment process

5. The campaign to recruit the next Independent Chief Inspector of Borders and Immigration was launched in May 2020. The initial closing date was 4 June 2020; however, Ministers extended the deadline by two weeks to enable more applicants to apply. The new deadline was 24 June 2020. The role was advertised across national media and in diversity related publications, such as diversity websites Vercida, Pink Shoe and In Touch Networks.

6. It was announced in November 2020 that the incumbent Independent Chief Inspector had agreed to continue in the role until his successor was appointed.<sup>8</sup> Further information about the recruitment process provided to us by the Home Office is appended to this Report.

## Role and person specification

7. The role and person specification established by the Home Office for the role of Independent Chief Inspector of Borders and Immigration is as follows. Candidates were asked to demonstrate their skills and experience relating to criteria set out in Part One in their application form, with criteria from Parts One and Two being explored at interview:

### Part One – Essential skills and experience

- Proven track record of leading an organisation, operating at Board level or equivalent, with associated financial and people management skills.
- Demonstrable experience of the consistent delivery of excellent performance outcomes within a changing operational environment.
- Evidence of contributing to the development of a sound strategic direction for an organisation.
- Evidence of building strong and effective working relationships with internal and external stakeholders, displaying sensitivity to their views and an ability to handle conflict diplomatically.
- Evidence of the ability to analyse and make judgements from complex data and contribute to workable recommendations on complex and sensitive issues.
- Evidence of the ability to gain respect and keep the confidence of key stakeholders including Ministers and senior government officials through effective communication and influencing skills (both oral and written).

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6 ICIBI, [Annual Report for the period 1 April 2019 to 31 March 2020](#), (September 2020), p.36

7 Gov.uk, [‘Independent Chief Inspector of Border and Immigration, About us’](#), accessed 11 December 2020

8 Gov.uk, [‘Chief Inspector of Borders and Immigration term extended’](#), accessed 11 December 2020



## Part Two – Personal abilities and behaviours

You should also be able to demonstrate:

- That you are at ease working within a given statutory framework.
- Decisiveness and independence.
- High standards of corporate and personal conduct, including a sound understanding of and strong commitment to equal opportunities, public service values and principles of public life, enabling you to act impartially and uphold the role of ICIBI.

### David Neal, the preferred candidate

8. The Secretary of State’s preferred candidate, Mr David Neal, has a military background. Between 2011 and 2012 he was an instructor and mentor at the Joint Services Command & Staff College. In 2012 he was appointed Deputy Provost Marshall, before being promoted in 2015 to Provost Marshall. He became the principal Military Police and Gendarmerie officer in a multi-national NATO HQ with responsibility for Military Police and Gendarmerie support to a NATO Reaction Force. Between 2016 and 2019, Mr Neal was Provost Marshal (Army) and Commander 1st Military Police Brigade. Since 2019 Mr Neal has worked for Blackstone Security Consultancy as a Strategic Security Advisor. Mr Neal’s CV is set out in Appendix C.

9. We held a pre-appointment hearing with Mr Neal on 15 December, during which we asked a range of questions bearing on his suitability for the role of Independent Chief Inspector of Borders and Immigration.<sup>9</sup> These included questions on his experience and skills and how they were relevant to the role, his views on possible changes to the role in the future and about the importance of independence and how he would demonstrate that in the role.

10. Mr Neal’s CV demonstrates that he has extensive experience of investigation and working within a statutory framework. During the hearing he provided us with further evidence of his experience of undertaking inspections. His answers were significantly more comprehensive in areas where he had experience than in areas where his knowledge was more limited.<sup>10</sup> We noted that Mr Neal did not appear to have been probed at an earlier stage in the recruitment process on his approach to or his reflections on the borders and immigration system. We were concerned, particularly following the conclusions of the Wendy Williams review to which Mr Neal referred, by the degree to which Mr Neal’s answers initially focused more on the Home Office as a stakeholder than people who are affected by the border and immigration systems.

11. Mr Neal’s CV and his answers to questions demonstrated his success in private challenge;<sup>11</sup> however he was unable to describe to us instances when he had used public challenge. Private challenge may sometimes be the most appropriate course but it is fundamental to the independence of the inspector that he or she is confident to challenge

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9 The transcript of the evidence session is appended to this report.

10 See for example Qqs33–34.

11 Q36

performance publicly, providing accountability and maintaining public confidence in the effectiveness and impartiality of the inspectorate. We would have expected the selection process to have provided assurance on this point at an earlier stage.

12. Our primary concern relates to the recruitment process that the Home Office undertook. Those areas of questioning where we were only partially persuaded by Mr Neal's responses should have been more effectively tested earlier in the process to assess his suitability for the role. This does not appear to have happened. In addition, we note that although the recruitment deadline was extended only four candidates were judged worthy of interview and two found to be appointable, which suggests possible weaknesses in the Home Office's advertisement and recruitment strategy.

13. Following the hearing we wrote to the Home Secretary on 18 December setting out our concerns and requesting further details of the recruitment process used on this occasion. The Home Secretary responded on 12 January. The exchange of correspondence is appended to this report.<sup>12</sup> We are disappointed that the Home Secretary's response does not take full account of the concerns and issues we raised.

## Conclusion

**14. We acknowledge that Mr Neal has an impressive CV and career history and have no doubt that he could make a significant contribution to public life in a suitable role. However, based on the pre-appointment hearing our conclusion, while not unanimous, was that we were unable to support the recommendation of Mr Neal as the preferred candidate for the particular role of Independent Chief Inspector of Borders and Immigration. Should the Home Secretary proceed with the appointment despite our concerns, we hope that steps will be taken to address the issues we have raised in this report, and we will look forward to working constructively with Mr Neal. We regret that Mr Neal was placed in an unfair and difficult position by a recruitment process which we believe was insufficiently robust. We hope that changes will be made to the recruitment process on the next occasion, in consequence of the concerns we have now raised.**

## Annex: Posts which are subject to pre-appointment hearings before the Home Affairs Committee

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Independent Chief Inspector of Borders and Immigration

HM Chief Inspector of Constabulary and HM Chief Inspector of Fire and Rescue Services

Chair of the Gangmasters and Labour Abuse Authority

# Appendix A: Correspondence between the Secretary of State and the Chair

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## Letter to the Chair of the Committee from the Home Secretary, 2 April 2020

I am writing to inform the Committee of my intention to launch a recruitment competition to appoint a new Independent Chief Inspector of Borders and Immigration (ICIBI), which will be subject to pre-appointment scrutiny.

The term of the current ICIBI, David Bolt, was due to end on 30 April 2020, however I have agreed to extend his term for a further six months to 31 October 2020, to enable time for the competition to place, in line with the Governance Code on Public Appointments. This will provide important business continuity for the Inspectorate and independent scrutiny of the Border, Immigration and Citizenship System, including monitoring of the EU Settlement Scheme.

It is my intention to appoint an individual who will continue to constructively challenge the Home Office and make recommendations that drive improvements across the system. The successful candidate will have outstanding communication skills, excellent political awareness and a track record of delivering success. The role and draft person specification are set out in **Annex A** below for your consideration. The advertising strategy will cover national press, specialist publications, general executive appointment media and diversity-related publications to attract a broad and diverse range of candidates.

It is my intention to advertise this role as soon as possible. However, given the current situation, we will need to be flexible with the competition timetable, and so my officials will work with your clerks, as required, to arrange a provisional date for a pre-appointment hearing in good time. I look forward to working with you on this really important appointment process and would be grateful if you would let me have your views by 16 April.

**Rt Hon Priti Patel MP**

### Annex A

#### Role Description

<b>Title:</b>	Independent Chief Inspector of Borders and Immigration
<b>Commitment:</b>	Full time
<b>Remuneration:</b>	£130,000
<b>Appointment:</b>	Three years, with the possibility of re-appointment
<b>Location:</b>	Central London
<b>Accountability:</b>	Home Secretary

**Purpose:**

The Independent Chief Inspector of Border and Immigration (ICIBI) is appointed by the Home Secretary and has responsibility for monitoring and reporting on the efficiency and effectiveness of the UK's Border and Immigration functions.

The ICIBI works to a published inspection plan and will consult the Home Secretary annually. The Home Secretary may also commission specific inspections.

The ICIBI is responsible for leading an independent inspectorate that is funded through a delegated budget.

**Key Responsibilities**

The ICIBI is personally responsible to the Home Secretary for fulfilling statutory responsibilities as an independent inspector and pursuing agreed objectives.

The ICIBI main responsibilities are to:

- Monitor and report on UK immigration, asylum, nationality and general customs functions carried out by the Home Office Border, Immigration and Citizenship System in accordance with legislation (UK Borders Act 2007, sections 48–56) and its delegated contractors to deliver any of those functions.
- Agree an annual inspection plan with the Home Secretary including key performance indicators.
- Conduct an open and constructive relationship with the Home Office officials and ministers, to maximise the efficiency and effectiveness of the Border, Immigration and Citizenship System.
- Act as Accounting Officer, ensuring compliance with Government Accounting Rules. The office holder will be responsible for an annual budget of approximately £2million.
- Provide timely financial and management information to the Home Secretary and ensure that the accounts are properly prepared and presented in accordance with any directions set by the Home Secretary or by any other government department.
- Represent the Office of the ICIBI to the public.
- Provide strong leadership for the Office of the ICIBI and ensure all staff observe the highest standards of regularity and propriety and act in accordance with civil service values.
- Recruit appropriate staff to deliver the inspection plan and promote efficient use of resource to ensure value for money, whilst maximising the effectiveness of the ICIBI's function.
- Set and monitor performance goals for all staff of the office of the ICIBI.
- Promote equality and diversity.

## Statutory Responsibilities

The ICIBI's statutory duties are set out in sections 48 to 56 of the UK Borders Act 2007. They are to:

- Monitor and report on the efficiency and effectiveness of the UK's border and immigration functions, and of the staff across the Border, Immigration and Citizenship System.
- Consider and make recommendations about:
  - Consistency of approach within the border and immigration system;
  - Practice and performance of the Home Office in performing border and immigration functions;
  - Practice and procedure in making decisions;
  - The treatment of claimants and applicants;
  - Certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c.41) (unfounded claim);
  - Compliance with the law about discrimination in the exercise of functions, including reliance on paragraph 17 of Schedule 3 to the Equality Act 2010 (exception for immigration functions);
  - Practice and procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure);
  - Practice and procedure in relation the prevention, detection and investigation of offences;
  - Practice and procedure in relation to the conduct of criminal proceedings;
  - Whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue;
  - The provision of information;
  - The handling of complaints;
  - The content of information about conditions in countries outside the United Kingdom, which the Home Secretary compiles and makes available for purposes connected to immigration and asylum, to immigration officials and other officials.

The ICIBI shall not set out to investigate individual cases but can consider or draw conclusions about an individual case for the purpose of, or in the context of considering a general issue.

- Produce an annual inspection plan describing the objectives and terms of reference of proposed inspections.

- Submit an annual report to the Home Secretary as well as ad hoc reports, which the Home Secretary is responsible for placing before Parliament.
- Keep proper accounts and proper records in relation to the accounts, to prepare statements of accounts in respect of each financial year and to send a copy of the annual accounts to the Home Secretary.

The responsibilities of the Chief Inspector may be revised from time to time during the appointment term, subject to the agreement of the Home Secretary.

### **Person Specification**

It is essential in your supporting statement that you provide evidence and proven examples against each of the selection criteria in **Part One only** of the person specification, in so far as you are able. These responses will be further developed and explored with you if invited for interview, together with the other criteria listed in **Part Two**.

#### **Part One – Essential skills and Experience**

- Proven track record of leading an organisation, operating at Board level or equivalent, with associated financial and people management skills.
- Demonstrable experience of the consistent delivery of excellent performance outcomes within a changing operational environment.
- Evidence of contributing to the development of a sound strategic direction for an organisation.
- Evidence of building strong and effective working relationships with internal and external stakeholders, displaying sensitivity to their views and an ability to handle conflict diplomatically.
- Evidence of the ability to analyse and make judgements from complex data and contribute to workable recommendations on complex and sensitive issues.
- Evidence of the ability to gain respect and keep the confidence of key stakeholders including Ministers and senior government officials through effective communication and influencing skills (both oral and written).

#### **Part Two – Personal abilities and behaviours**

You should also be able to demonstrate:

- That you are at ease working within a given statutory framework.
- Decisiveness and independence.
- High standards of corporate and personal conduct, including a sound understanding of and strong commitment to equal opportunities, public service values and [principles of public life](#), enabling you to act impartially and uphold the role of ICIBI.

## **Letter from the Chair of the Committee to the Home Secretary, 14 April 2020**

Thank you for your letter dated 2 April 2020 regarding the appointment of a new Independent Chief Inspector of Borders and Immigration (ICIBI).

This is the first time that the appointment of the ICIBI has been subject to a pre-appointment hearing, and the Committee and I look forward to being involved in the process. Thank you for giving us early sight of the job description. I hope that this collaborative way of working continues throughout the process, particularly between officials.

I note the delay to the appointment of a new ICIBI and would be grateful if you could set out the reasons for this. I understand the Covid-19 pandemic has placed significant pressure on your department. However, given the Government's preferred candidate was to have begun their term at the beginning of next month, I would have expected the process to have been in train before the crisis intensified.

When the current Independent Chief Inspector's appointment was announced, it was for a two-year period, and to date, he has served five years in this post. I note that this new appointment is for three years, with the possibility of re-appointment. Why has the appointment length changed, and is the reference to re-appointment in the job description a full re-appointment, or an extension to the role? I would be grateful if you could clarify the terms that the current Chief Inspector was appointed under, and the rationale behind any changes that have been made to the appointment terms of his successor.

Finally, I would be grateful to know if your Department has any plans to review the remit and role of the ICIBI as outlined in Wendy Williams' Windrush Lessons Learned Review. It would be helpful to understand how any review of the role may play into the appointment of the new Chief Inspector. I would be particularly interested to know if you are anticipating any legislative changes, and if so, whether you anticipate them to be before or after the appointment of the new ICIBI.

The Committee's staff will work with your officials on arrangements for a hearing later this year. I entirely agree that the current situation requires there to be a high degree of flexibility, and as such, I would welcome a high level of engagement from the officials within your department who are leading on this appointment.

We look forward to receiving answers to our questions and to hearing more detail about the timescale for the appointment and meeting your preferred candidate.

**Yvette Cooper MP**

## **Letter from the Home Secretary to the Chair of the Committee, 28 April 2020**

Thank you for your letter dated 14 April regarding the competition to appoint a new Independent Chief Inspector of Borders and Immigration. I welcome the opportunity to work collaboratively with the Committee on this and my officials will be engaging with Committee staff throughout the process. You raised several questions in your response, which I reply to below.



### ***Appointment terms and Delay***

David Bolt was appointed in May 2015 for an initial term of two years, which was subsequently extended to 30 April 2020 by previous Ministers.

Whilst I appreciate it has taken some time to announce the competition, given the importance of the role, it was important to fully consider and plan how it was to be filled ahead of announcing this competition. In order to ensure continuity and independent scrutiny throughout the recruitment process, I have further extended David Bolt's tenure until 30 October 2020 under the same terms and conditions, in line with the Governance Code on Public Appointments (Code).

The appointment terms for the successor for the Chief Inspector role are set out in the job description. In line with the Code, it is for Ministers to determine the length of tenure, and I consider a three-year term is of sufficient length for the appointee to discharge their functions effectively and independently. There is an option to re-appoint once the three-year term ends, subject to a satisfactory appraisal and mutual agreement, but there are no guarantees of a re-appointment happening.

### ***Windrush Lessons Learned Review***

As I said in parliament on 19 March when the Windrush Lessons Learned Review was published, we must give all the recommendations the careful consideration they deserve. This includes recommendation ten on reviewing the role, remit and powers of the ICIBI, including publication of reports.

The job description outlines that the responsibilities of the Chief Inspector may be revised from time to time during the appointment term, subject to my agreement as Home Secretary. As Wendy Williams noted, it is important that we take time to reflect on the detail and important messages in her review and engage widely to identify what should change. At this time, I am not able to provide an indication of whether legislative changes will form part of the proposed response to this recommendation. I have committed to publishing the department's response to the report within six months of publication (by the end of September), representing a new chapter for the Home Office.

I hope this addresses your questions and I look forward to working with you on the appointment process.

**Rt Hon Priti Patel MP**

## **Letter from the Home Secretary to the Chair of the Committee, 7 May 2020**

### ***Independent Chief Inspector of Borders and Immigration***

On 28 April, I wrote to you about the recruitment of a new Independent Chief Inspector of Borders and Immigration.

I am writing to let you know that the competition to recruit a new Chief Inspector is being launched today and will be run in accordance with the Governance Code on Public Appointments.

The advert will run for 4 weeks and close on 4 June. We have adapted the recruitment process around the UK's coronavirus restrictions while ensuring a fair and open competition. This includes planning for remote interviews.

In due course my officials will work with your clerks, as required, to arrange a provisional date for a pre-appointment hearing.

**Rt Hon Priti Patel MP**

## **Letter from the Chair of the Committee to the Home Secretary, 18 December 2020**

### ***Appointment of the Independent Chief Inspector of Borders and Immigration***

On 15 December, the Committee held a pre-appointment hearing with David Neal, the Government's preferred candidate for the Independent Chief Inspector of Borders and Immigration.

This is the first time that this Committee has undertaken a pre-appointment hearing for this role. There are very few such Home Office posts that require pre-appointment hearings and this is an indication of the importance of this position and of getting the appointment right. The Committee recognises the importance of this role, and this is not a decision that we have taken lightly. While it was not unanimous the Committee has taken the view that, for the following reasons, the Committee is unable to support the Government's decision to nominate Mr Neal:

#### 1) Experience

According to the Governance Code on Public Appointments, individuals selected by Ministers for public appointments must possess the "skills, experiences and qualities [...] to meet the needs of the public body or statutory office in question." The appointee will be leader of the inspectorate and the director of its work. Given the importance of the immigration and borders work of the Home Office at this time, and the complexity of the issues the Home Office has to deal with, we would have been keen to see a candidate with experience in or knowledge of some aspect of immigration or borders issues. We recognise that past experience in the area is not essential and we were not seeking precise or detailed knowledge, but at minimum we would have expected any candidate by this point in the recruitment process to have been probed on their understanding of the kinds of challenges facing the immigration and border systems, and to have been required to reflect on the nature of the issues facing the inspectorate in order to demonstrate whether they had the skills and capacity to do the job. We would expect to find passion for, or a degree of curiosity about, these challenges from the preferred candidate. When we explored these issues Mr Neal was unable to demonstrate the strength and depth of understanding about

the borders and immigration system or about the kinds of issues that can arise that we would expect. He himself reflected that he would have benefited from undertaking more in-depth research into the system before this hearing.<sup>1</sup>

## 2) Public scrutiny, challenge and independence

Cabinet Office Guidance on Pre-Appointment Scrutiny stipulates that “The candidate will need to be able to withstand parliamentary and public scrutiny should they take up post and the select committee may wish to test this.” We consider that independence is critical to the role of the Independent Chief Inspector, as well as the ability to scrutinise and challenge where necessary. We would have expected the recruitment process to provide assurance that the candidate demonstrated their capacity to provide public challenge. While Mr Neal provided a robust response to some of our questions he was unable to draw on his past experience to inform us how he would manage the tension between developing effective relationships with senior officials, and “speaking truth” in public.<sup>2</sup> Mr Neal also told us that he had never needed to use public challenge because he had “always been able to achieve what [he] needed to privately, through shaping”.<sup>3</sup> Although this is in its way impressive, we are concerned that Mr Neal’s previous experience may not provide him with the resources he will need in order to fulfil the independent public scrutiny role which is a key aspect of the Inspector’s responsibilities.

## 3) Strategic direction

Equally we would have expected that, by this stage in the recruitment process, the preferred candidate would have been tested on their capacity to provide strategic direction to the Inspectorate, and to build strong and effective relationships between the Inspectorate and its stakeholders. These are two of the essential criteria for the role. When we asked Mr Neal about these issues, it appeared he had not been questioned on them before. He described a lack of strategic direction in the inspectorate currently, but was not able to provide us with any more diagnosis of the strategic issues or outline what the future direction should be.<sup>4</sup>

## 4) User experience

The Government has accepted and welcomed Wendy Williams’ report which said that the Home Office “must change its culture to recognise that migration and wider Home Office policy is about people.” At a time when the Home Office has recognised it needs to address the issues raised in the Wendy Williams review, we would expect the preferred candidate to have been asked during the recruitment process to reflect on the responsibilities both of the Home Office and of the inspectorate towards the people who are affected by the immigration and border systems, and for this as a result to have been evident in his evidence to the committee. Mr Neal accepted in the course of his evidence that the answers he gave initially to the Committee on his planned approach to the role and on who the Inspectorate served did not sufficiently recognise the importance of people’s experience of Home Office operations at the border and in the immigration system.<sup>5</sup>

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1 Oral evidence, 15 December, Q47

2 Oral evidence, 15 December, Q42

3 Oral evidence, 15 December, Q36

4 Oral evidence, 15 December, Q5

5 Oral evidence, 15 December, Q7, Q11

5) The recruitment process

As set out above, our overall concerns relate to the process which led to Mr Neal's presentation as the preferred candidate.

- a) We acknowledge that previous Independent Chief Inspectors have taken on this role with a similar background to Mr Neal and have done so successfully although they did not have a foundation in immigration and border management operations or policy. We do not consider that, had this been our sole concern, we would necessarily have disagreed with the Government's nomination. The series of appointments however does lead us to question why the post has proved more accessible to candidates from policing and security backgrounds than from an immigration and/or border management background; subsequently we question also whether selection of candidates for this role without that depth of immigration and border knowledge may be perceived as a better fit by the Home Office.
- b) We are very concerned that many of the questions we put to Mr Neal did not appear to have arisen previously during his appointment process—including encouraging a reflection on any of the issues facing the immigration and borders systems, on the strategic direction of the inspectorate, or on the relationship with those who are directly affected by the immigration and borders systems, in order to assess his skills and capability for the role. We are concerned that the lack of focus on these issues during the recruitment process prevents the Home Office properly assessing suitability for the job and puts the candidate in an unfair and difficult position. We would like to see further information on the recruitment process the Home Office uses for this extremely important post.
- c) We note that there were 24 candidates who applied, after an extension to the deadline. Only four candidates were interviewed and two were found to be appointable. We would like to know how many applications the Home Office had received before the decision was made to extend the deadline, and how many applications were received after the deadline was extended. We would also like to know the basis for the decision to interview four candidates; what further promotion of the role took place following the extension of the deadline; and what specific efforts were made (i) to promote the role where those with a background in immigration and borders would see the role advertised and (ii) to encourage applications from candidates with such experience.

Our formal report will follow.

**Yvette Cooper MP**

## Letter from the Home Secretary to the Chair of the Committee, 12 January 2021

### *Appointment of the Independent Chief Inspector of Borders and Immigration (ICIBI)*

Thank you for your letter of 18 December.

I thought it would be helpful to set out the thorough process the Department has gone through to attract the best candidate for the position. The advertising competition initially ran for four weeks, generating 17 applications. The closing date was subsequently extended for an additional two weeks to allow candidates further time to apply, and in total, 24 applications were received.

For this important competition, we used a number of different avenues to promote the role and encourage a broad and diverse field of candidates. As well as traditional media, the Department promoted the role widely through relevant channels, including using social media to publicise the opportunity and generate interest in the role. Furthermore, both senior and external stakeholders shared the advert with potential applicants.

The guidance sets out that pre-appointment scrutiny by the select committee is designed to provide an added level of scrutiny to verify that the recruitment meets the principles set out in the Governance Code on Public Appointments. Under the Code it is for the Advisory Assessment Panel (Panel) to judge if a candidate meets the criteria agreed by Ministers and is therefore appointable to the role. The recruitment has been conducted in line with the Code and it is not for the Select Committee to substitute their own judgement.

The Panel asked each candidate a set of questions based on the requirements for the role to test their suitability. These included their ability to lead an organisation; to deliver excellent performance outcomes in a changing operational environment; to set the strategic direction for the organisation; to build effective working relationships; and to perform effectively in an independent role.

The Panel considered Mr Neal as a strong and appointable candidate, evidencing all the essential requirements of the role, including demonstrating strong leadership and strategic thinking skills, with experience of driving change.

Mr Neal met the Minister for Immigration Compliance and the Courts and the Minister for Future Borders and Immigration, and I have also now spoken to him. We were all impressed by his commitment to public service, leadership and willingness to provide constructive challenge. As such, we are all confident that Mr Neal is the right candidate for the role.

I am satisfied that, following a full and robust recruitment process, he is the outstanding candidate for this role and intend now to proceed—subject to the usual pre-appointment processes being completed—with his appointment. It is clear to me that Mr Neal has all the necessary qualities to not only fulfil this role, but to make a huge success of it. I very much look forward to a constructive working relationship with him, as we both share a strong desire to improve the Borders, Immigration and Citizenship system.

I would also like to draw to your attention that guidance is clear that questioning during hearings should be relevant to a candidate's professional competence and personal independence, and candidates are not expected to understand the intricate workings of the borders and immigration system. Indeed, if we required such an in-depth knowledge by individuals prior to their appointment we would be unduly restricting the field of potential candidates and not allowing for people to bring a fresh perspective to this important role.

**Rt Hon Priti Patel MP**

## Appendix B: Information provided by the Home Office about the preferred candidate and recruitment campaign

### Information on the preferred candidate:

Name of the preferred candidate	David Neal
CV (redacted for publication)	Appendix C
Declaration of relevant interests made by the candidate	Director of Brea Hill Advisory—October 2019—date. No links to the role or government.
Declaration of relevant political activity in the last five years, made by the candidate required under paragraph 9.2 of the Governance Code on Public Appointments	None
Proposed terms of appointment and remuneration (if any)	Time Commitment: Full time Remuneration: £130,000 Tenure: Three years, with the possibility of re-appointment

### Campaign information

Campaign Launch Date	7 May 2020
Campaign Closing Date	24 June 2020
Reason for any changes in timetable to that originally published	The initial closing date was 4 June 2020, however this was extended by Ministers for 2 further weeks to 24 June, to enable additional time for more applicants to apply.

<p>Advertising strategy</p>	<p>The role was advertised in national media and diversity related publications to attract a broad and diverse range of candidates:</p> <ul style="list-style-type: none"> <li>• Public Appointments Website</li> <li>• Sunday Times online</li> <li>• Telegraph online</li> <li>• Financial Times online</li> <li>• Women on Boards</li> <li>• Vercida (diversity website)</li> <li>• Pink Shoe (diversity website)</li> <li>• In Touch Networks (diversity website)</li> <li>• Home Office LinkedIn webpage</li> <li>• Cabinet Office Public Appointments Twitter Feed</li> <li>• Home Office Permanent Secretary Twitter Feed</li> </ul> <p>The Home Office leadership group was encouraged to consider potential candidates, who might wish to apply.</p> <p>The advert was also cascaded through departmental diversity networks and the Home Office HR Direct Sourcing Team reached out to potential candidates via LinkedIn to generate interest in the role.</p>
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Advisory Assessment Panel	<p>Panel Chair: Rosie Varley OBE</p> <p>IPM/SIPM: As above</p> <p>Other Members:</p> <p>Shona Dunn – Second Permanent Secretary, Home Office</p> <p>Peter Fish – Director General, Government Legal Department</p> <p>Cindy Butts – Commissioner at the Criminal Cases Review Commission as an Independent Panel Member</p> <p>Ministers agreed the Panel, and the Commissioner for Public Appointments was consulted on the SIPM.</p>
Number of applicants	24
Number of candidates invited to interview	4
Number of candidates found appointable	2

**Diversity data<sup>1</sup> Table A: Gender**

	Percent Male	Percent Female	Percent Identify another way	Percent Not declared
Applicants <sup>2</sup>	71%	25%		4%
Shortlist <sup>2</sup> (applicants invited to interview)	n/a	n/a		

**Table B: Ethnicity**

	Percent White	Percent Ethnic minority	Percent Not declared
Applicants <sup>2</sup>	80%	20%	

Shortlist <sup>2</sup> (applicants invited to interview)	n/a	n/a	
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**Table C: Disability**

	Disabled	Non-disabled	Not declared
Applicants <sup>2</sup>		100%	
Shortlist <sup>2</sup> (applicants invited to interview)	n/a	n/a	

**Notes on diversity data**

15. Departments must consider their obligations under data protection legislation when sharing this data with select committees. Candidates must be made aware at the outset of the campaign that their data will be shared with the select committee in this way. The data should not be shared in a way which means that individuals are identifiable.

16. Departments should follow ONS guidance on statistical disclosure control to meet this requirement. Where there are fewer than 5 candidates in any given category, diversity data must not be shared as this is potentially identifiable. For example if you have six women and four men on a shortlist - you should not give any gender information.

**Appendix C – Job advertisement**

The Independent Chief Inspector of Border and Immigration (ICIBI) is appointed by the Home Secretary and has responsibility for monitoring and reporting on the efficiency and effectiveness of the UK's Border and Immigration functions.

The ICIBI works to a published inspection plan and will consult the Home Secretary about this. The Home Secretary may also commission specific inspections.

The ICIBI is responsible for leading an independent inspectorate that is funded through a delegated budget.

**Key Responsibilities**

The ICIBI is personally responsible to the Home Secretary for fulfilling statutory responsibilities as an independent inspector and pursuing agreed objectives.

The ICIBI main responsibilities are to:

- Monitor and report on UK immigration, asylum, nationality and general customs functions carried out by the Home Office Border, Immigration and Citizenship System in accordance with legislation (UK Borders Act 2007, sections 48–56) and its delegated contractors to deliver any of those functions.
- Agree an annual inspection plan with the Home Secretary including key performance indicators.
- Conduct an open and constructive relationship with the Home Office officials and ministers, to maximise the efficiency and effectiveness of the Border, Immigration and Citizenship System.
- Act as Accounting Officer, ensuring compliance with Government Accounting Rules. The office holder will be responsible for an annual budget of approximately £2million.
- Provide timely financial and management information to the Home Secretary and ensure that the accounts are properly prepared and presented in accordance with any directions set by the Home Secretary or by any other government department.
- Represent the Office of the ICIBI to the public.
- Provide strong leadership for the Office of the ICIBI and ensure all staff observe the highest standards of regularity and propriety and act in accordance with civil service values.
- Recruit appropriate staff to deliver the inspection plan and promote efficient use of resource to ensure value for money, whilst maximising the effectiveness of the ICIBI's function.
- Set and monitor performance goals for all staff of the office of the ICIBI.
- Promote equality and diversity.

### **Statutory Responsibilities**

The ICIBI's statutory duties are set out in sections 48 to 56 of the UK Borders Act 2007.

They are to:

- Monitor and report on the efficiency and effectiveness of the UK's border and immigration functions, and of the staff across the Border, Immigration and Citizenship System.
- Consider and make recommendations about:
  - Consistency of approach within the border and immigration system;
  - Practice and performance of the Home Office in performing border and immigration functions;
  - Practice and procedure in making decisions;

- The treatment of claimants and applicants;
- Certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c.41) (unfounded claim);
- Compliance with the law about discrimination in the exercise of functions, including reliance on paragraph 17 of Schedule 3 to the Equality Act 2010 (exception for immigration functions);
- Practice and procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure);
- Practice and procedure in relation to the prevention, detection and investigation of offences;
- Practice and procedure in relation to the conduct of criminal proceedings;
- Whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue;
- The provision of information;
- The handling of complaints;
- The content of information about conditions in countries outside the United Kingdom, which the Home Secretary compiles and makes available for purposes connected to immigration and asylum, to immigration officials and other officials.

The ICIBI shall not set out to investigate individual cases but can consider or draw conclusions about an individual case for the purpose of, or in the context of considering a general issue.

- Produce an annual inspection plan describing the objectives and terms of reference of proposed inspections.
- Submit an annual report to the Home Secretary as well as ad hoc reports, which the Home Secretary is responsible for placing before Parliament.
- Keep proper accounts and proper records in relation to the accounts, to prepare statements of accounts in respect of each financial year and to send a copy of the annual accounts to the Home Secretary.

The responsibilities of the Chief Inspector may be revised from time to time during the appointment term, subject to the agreement of the Home Secretary.

The ICIBI's website can be found here: <https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration>

## Person Specification

It is essential in your supporting statement that you provide evidence and proven examples against each of the selection criteria in **Part One only** of the person specification, in so far as you are able. These responses will be further developed and explored with you if invited for interview, together with the other criteria listed in **Part Two**.

### Part One – Essential skills and Experience

- Proven track record of leading an organisation, operating at Board level or equivalent, with associated financial and people management skills.
- Demonstrable experience of the consistent delivery of excellent performance outcomes within a changing operational environment.
- Evidence of contributing to the development of a sound strategic direction for an organisation.
- Evidence of building strong and effective working relationships with internal and external stakeholders, displaying sensitivity to their views and an ability to handle conflict diplomatically.
- Evidence of the ability to analyse and make judgements from complex data and contribute to workable recommendations on complex and sensitive issues.
- Evidence of the ability to gain respect and keep the confidence of key stakeholders including Ministers and senior government officials through effective communication and influencing skills (both oral and written).

### Part Two – Personal abilities and behaviours

You should also be able to demonstrate:

- That you are at ease working within a given statutory framework.
- Decisiveness and independence.
- High standards of corporate and personal conduct, including a sound understanding of and strong commitment to equal opportunities, public service values and principles of public life, enabling you to act impartially and uphold the role of ICIBI.

**Due diligence:** Please note that as part of the recruitment process, due diligence, including social media checks will be undertaken on the appointable candidates.

## Appendix C: Curriculum vitae – David Neal

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As a former head of the Royal Military Police I have significant experience of independent activity in the spheres of operational investigation and detention, both in the UK and overseas. Responding directly to ministers on challenging and ambiguous matters, acutely sensitive and responsive to presentational and policy challenges. A natural leader, the first of my family to attend university, from a working-class community in Halifax, full of common sense coupled with excellent people skills.

2019 – Current – Strategic Security Advisor, Blackstone Security Consultancy. **‘Principal Consultant focussing on strategic security issues for Corporate and Private Clients’.**

- Particular focus on heritage properties and estates; delivering physical security solutions for Ultra High Net Worth (UHNW) Clients.

2016–2019 – Provost Marshal (Army) and Commander 1st Military Police Brigade. **‘Head of the United Kingdom’s Military Police’.**

- The Chief Officer of the Army’s Military Police and Commander of the UK’s 1st Military Police Brigade – responsible for 2145 Staff, including 125 Civilians in 30+ locations in the UK and overseas. Responsible for resource prioritisation, setting and adjusting strategic priorities.
- Commander of the Military Corrective Training Centre and the Inspector of Service Custody Facilities – responsible for the safety and assurance regime for Military Detainees.
- Independently accountable for investigative outputs with a regular cadence of personal meetings with ministers – requiring unimpeachable antecedents, a willingness to speak truth to power and the ability to establish and sustain trust and credibility with senior officials.
- Setting the strategic direction for Operation Northmoor, an investigation into allegations of murder and abuse by British troops in Afghanistan – the largest investigation of its kind, conducted at exceptionally high security classification, involving over 120 investigators with a worldwide remit and compliant with the European Convention on Human Rights (ECHR) in respect of Article 2 (Death) and Article 3 (Cruel, Inhumane or Degrading Treatment) matters.
- Appointed by the Secretary of State for Defence to independently assure all UK Operational Detention Facilities overseas – independently inspecting ships and land-based facilities; independently submitting reports directly to ministers.
- The Competent Army Authority and Inspector providing expert advice to the Army for Serious Investigations, Close Protection, Detention and Armed Guarding. Responsible for setting and assuring standards for education and training.
- Broad stakeholder engagement – ensuring strong relations with NGOs such as Reprieve and the International Committee of the Red Cross (ICRC) and bodies

such as the International Criminal Court (ICC) in order to demonstrate the UK's prompt, independent and effective investigation into allegations of breaches of International Humanitarian Law (IHL).

- Review of Geneva Convention 3 (GC3) – personally named and selected by the ICRC to review the commentary of GC3 acting as peer reviewer and critical friend.
- Sexual and Gender Based Violence (SGBV) – mainstreaming awareness of SGBV in the UK Military, driving the agenda and expanding it to include Sexual Exploitation and Abuse (SEA). Educating and training SGBV across the Royal Military Police and persuading NATO MP and Gendarmerie colleagues to adopt the Programme in Rome in 2017.

2015–2016 – Provost Marshal. **'Head of the Multi-National Military Police and Gendarmerie supporting a NATO Corps'**

- The principal Military Police and Gendarmerie officer in a multi-national NATO HQ with responsibility for Military Police and Gendarmerie support to a NATO Reaction Force.
- Active membership of the NATO Military Police Chiefs' Forum leading the strategic development of Military Police and Gendarmerie doctrine across NATO.
- Energiser of Military effort to counter SGBV – engaging with academics (in particular the Women Peace and Security Faculty at the London School of Economics) leading to a NATO-wide SGBV Seminar for Military Police & Gendarmerie, attended by academics and civilian police officers from several UK forces and the National Crime Agency.

2012–2015 – Deputy Provost Marshal. **'Chief Operating Officer of the Royal Military Police'**

- Creation of the 1st Military Police Brigade – bringing all Royal Military Police assets under direct command for the first time, a model that integrated Regular and Reserve components.
- The principal deputy to the Provost Marshal coordinating global operational effort and running the Royal Military Police HQ of c.70 (military and civil servants).
- Regularly (every 6 weeks) visiting UK detention facilities in Afghanistan – delivering independent oversight of detention facilities and ensuring detainees were held in humane conditions; developing strategies for the long-term (1000 day+) incarceration of small numbers of detainees in order to ensure ECHR compliant, humane detention without degradation.
- Inspection and Validation of Afghan Prisons – reporting independently on the conditions in Afghan detention facilities to support the UK government policy on transfer of detainees.

- Senior Responsible Officer for the Military Corrective Training Centre and the conduct and validation of detention operations in the Land and Maritime environments.
- Senior Responsible Officer for the UK Military Close Protection capability, personally directing multiple global operations - including the UK deployment of diplomats to Mali 2013.
- Principal Royal Military Police strategic interface with ministers and officials across Whitehall.
- Conceiving, developing and delivering annual UK Strategic Detention Courses, delivering training and education for international and UK students from Defence, academia, NGOs, NATO and UK civilian police.
- Providing expert evidence in the High Court Ali Zaki Mousa 2 (AZM2) Judicial Review relating to Article 3 prohibition of torture in Iraq.
- Member of the Experts' Panel at the 50th Anniversary and Restatement of the Fundamental Principles of the Red Cross, Vienna (2015).
- Wide ranging Military Police activity such as the planning and executing the operation to forcibly remove Libyan soldiers from the UK (2014); and, in response to the Westgate Mall attacks in Kenya, reviewing the security and wider protection of UK forces in Nanyuki and Nairobi (2013).

2011–2012 – **Instructor and Mentor.** Advanced Command and Staff Course, Joint Services Command and Staff College.

- Responsible for the education, mentoring and development of UK and international students from the military and Civil Service, in preparation for their assumption of high rank.
- Delivering post-graduate education with Kings College London (KCL) academics.
- Lead tutorials, seminars and plenary sessions across the course syllabus; developing and delivering lectures and presentations across the student body.

### **Professional Qualifications**

- Chartered Security Professional (CSyp) – Security Institute (2019).
- Certified Protection Professional (CPP) – American Society of Industrial Security (2019).
- Chartered Manager (CMgr) – Chartered Management Institute (2016).
- CMI Level 8 Certificate in Strategic Direction and Leadership (2016).
- CMI Postgraduate Diploma in Strategic Management and Leadership (2012).
- CMI Level 7 Certificate in Strategic Leadership and Management (2012).
- MA: Military Studies – Cranfield University (2003).
- BA (Hons): English Literature – Bangor University (1993).



# Formal minutes

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**Thursday, 14 January 2021**

Rt Hon Yvette Cooper, in the Chair

Rt Hon Diane Abbott	Adam Holloway
Simon Fell	Stuart C McDonald

Draft Report (*Appointment of the Independent Chief Inspector of Borders and Immigration*), proposed by the Chair, brought up and read.

Question put, That the Chair's draft Report be read a second time, paragraph by paragraph.

The Committee divided.

Ayes, 3	Noes, 1
Rt Hon Diane Abbott	Adam Holloway
Simon Fell	
Stuart C McDonald	

Question accordingly agreed to.

*Ordered*, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 14 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendices A to C.

*Resolved*, That the Report be the Sixth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 20 January at 3.30 pm.]

## Witness

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The following witness gave evidence. The transcript is appended to this report.

**Tuesday 15 December 2020**

**David Neal**, preferred candidate for the role of Independent Chief Inspector of Borders and Immigration

[Q1-47](#)

# Oral evidence: Pre-appointment hearing: Independent Chief Inspector of Borders and Immigration

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Tuesday 15 December 2020

Ordered by the House of Commons to be published on 15 December 2020.

[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Ms Diane Abbott; Simon Fell; Adam Holloway; Stuart C. McDonald.

Questions 1–47

## Witness

I: David Neal, preferred candidate for the role of Independent Chief Inspector of Borders and Immigration.

## Examination of witness

Witness: David Neal.

**Q1 Chair:** Welcome to the Home Affairs Committee’s pre-appointment hearing with the Home Secretary’s preferred candidate for the role of Independent Chief Inspector of Borders and Immigration. We welcome Mr David Neal before us this morning. Mr Neal, can you begin by telling us why you want to do this job?

**David Neal:** I left the Army in October last year. In my final interview with Mark Lancaster, who was Minister for the Armed Forces, he said I should look on the public appointments website for opportunities to retain my skills and transfer them into public life. I had been scanning the website and this job came along. I looked at the person specification and considered that I had a reasonable chance; I felt that I fitted all of the specification. We had bought a house just outside London and I was looking for a job in public service in London to reinvest what talents I have got back into public service.

**Q2 Chair:** You have presumably looked at some of the issues around the work of the immigration and borders inspectorate. What key issues strike you? What questions do you have in your mind approaching this job?

**David Neal:** Principally, that of the role of the inspector in terms of independence. As a military policeman, I have always worked in an independent manner, and I recognise that independent scrutiny is hugely important, particularly in controversial areas. Challenges in the military investigative system and the military detention system over the years have meant that I found myself right in the eye of the storm. I have been tested in terms of using my independence, and I think that is certainly something that I would bring to bear on some of the issues.

For example, the issues in the channel over the summer have been particularly challenging in terms of newspaper coverage, and I would liken the huge issue of Windrush to the Baha Mousa inquiry in the effect that I think it has had on the

Home Office, and certainly on the people involved—it was an enormous issue. The third matter is the whole Brexit issue and the chaos that potentially looms in terms of how we secure our borders. Underpinning all of that is the issue of security. Fundamentally, we need to make sure that we have control of the people who come into this country. Security underpins all of those issues.

**Q3 Chair:** Those are issues that you might look at, but do you have any sense of the underlying questions or purpose that this role should probe or fulfil?

**David Neal:** The effectiveness and efficiency of the process is important, as is the consistency of that process. It is akin to marking the homework—supposedly that is being done, but is it? The other issue is understanding through partners and this Committee the areas of concern that should be inspected and reported on. I read the newspapers and listen to the radio, so I am aware of the issues, but if I am selling myself, I am doing so more based on my experience and track record, and I think this is an area that could benefit from my oversight and involvement.

**Q4 Chair:** You have come this far down the track in the application and recruitment process, so we are interested in whether you have reflected more on the nature of the job and the challenges associated with immigration and borders operations. Have you considered some of the difficulties, the questions and the underpinning problems that you might need to probe?

**David Neal:** I think the balance between secure borders versus our international obligations, and acting in accordance with international law, creates a tension. I come from Halifax, and if I spoke to my mother about this job, she wouldn't say that there are too many immigrants, but she would be concerned about immigration. I would be keen to ensure that my involvement in that process was even-handed, fair, open and transparent. I am not sure that I am quite getting your line of questioning; am I being a bit wishy-washy?

**Q5 Chair:** The Home Office is a complex Department, shall we say. It has faced a whole series of different troubles along the way, and faces a very difficult job in the scale of its operations, and there are inherent conflicts in some of the things that it has to do. I am interested in whether you have reflected on that. Have you any starting thoughts and any big questions in your mind about what kinds of things the inspectorate should be doing, and what kinds of principles it should be pursuing?

**David Neal:** If there were a principle to pursue—this is not specific but more general—it would be a sort of desire to establish what the right question was and answer it, rather than merely answering the question right. Having read some of the reports that the inspectorate has produced, and therefore some of the direction that the endeavours have been pointed in, I am not clear in my own mind about the areas that I would seek to explore; some of it seems a little bitty. Lots of areas could be explored. There is a limited number of people in the team. I would like to understand what the right question is before embarking on too many bitty things rather than the big issues.

I have a concern that we could end up in a position with something like Windrush, where the inspectorate played a role but seems to have missed the big thing. There is a role to play. I hope that, if I am selected, I would not miss the big thing, and

would be able to see the big picture and get involved in an inspection of the big picture.

- Q6 Chair:** You are effectively saying that your pitch is about applying your skills and background to a new situation. If you were starting to approach an inspection into the border arrangements and their practicalities from 1 January, for example, what questions would you ask and what approach would you take?

**David Neal:** I would ask, on the one hand, “What are the rules?” On the other, I would ask, “Are the practices, processes and procedures abiding by the rules?” I would ask whether or not, and what, contingencies are in place if we find that the rules are not being kept to. I would establish whether the rules are clear or if anything needs to be clarified. I would be careful in how I reported those rules and careful that I brought that to the attention of the Department, so that we could have a discussion to understand what it was, what pressures we are under and what pressures they were facing.

- Q7 Chair:** You did not, in that set of questions, raise questions about different stakeholders and their experiences of what was happening. One of the big questions around Windrush was that the views of those who actually experienced the immigration system were never heard. You said that in your approach you want to be sensitive to experiences such as Windrush, but in that example about the border, you did not raise the experiences of people arriving in the country, or the experiences of importers and exporters, for example. Nor did you raise questions about staffing, people, internal management processes, operations or many of the other things that I would have thought you would ask questions about or approach.

The rules and whether there is compliance with them would clearly have been extremely important in the Military Police, but for the inspectorate, you are going to have deal with a whole series of wider questions. I am just interested in whether you are thinking more widely about the kinds of things that the inspectorate will have to ask about.

**David Neal:** I am probably giving you a pretty binary response; that is certainly not what I would have hoped. If I use the example of how we have dealt with detention in the detention setting, for example—as well as the rules, which I have just mentioned—we would always look at the lived experience of the people involved. We would conduct confidential interviews with the detainees to understand precisely how and what they were feeling. We would invite other partners in, such as the International Committee of the Red Cross, so that we could understand their perception of the situation. I imagine that I would continue very much in a similar vein. I would speak to the groups who represent some of the challenges that refugees and asylum seekers were facing. We would speak to those people and I would take their views in mind when producing my report.

If I have painted that picture, I am really sorry, because what I have always sought to do is to understand the situation. For me, it would be about understanding what was happening to people and the people aspect of it. It would be about understanding the pressures that were faced, for example, by Border Force officers and the day-to-day challenges they were facing, which might explain or add colour to what it was they were doing, why they weren't doing things, or why they were

doing things in a certain way.

I would always seek to get under the skin of a problem and always seek to add colour. You are absolutely right; I didn't respond with the concern of the people, and it is absolutely about people. It is something that I should have mentioned. I was talking about process, and I am certain that it is much more than process.

Certainly, when we have been dealing with issues of detainees, both military detainees and detainees overseas, we have always focused on what was happening to them and—I was going to say have a voice, but that is not quite what I meant—always made sure that what they had experienced and felt was absolutely represented in any of the inspection reports that we have conducted.

**Q8 Stuart C. McDonald:** Mr Neal, I just want to press you a little more on why this job in the field of immigration was of interest to you. You mentioned that you thought your skills perhaps matched what was being looked for, but was there anything in particular that made you want to work in this field of policy?

**David Neal:** I said before that I have been involved throughout my career with two things: security on one hand, and the protection of vulnerable people, of the weak and of victims on the other.

**Chair:** Can I just pause you for a second, Mr Neal. I think that Stuart is having some issues with the volume. Stuart, can you hear us clearly?

**Stuart C. McDonald:** Mr Neal sounds a little faint. If you could just speak up a little bit, that would be helpful.

**Yvette Cooper:** Sorry. Because of our issues with the microphone, can I ask you to speak a little bit louder so that Stuart can hear down the line.

**David Neal:** I hope it wasn't my flat northern vowels, Mr McDonald.

I have always recognised that I think I have an unusual skill, in that I have been able to represent some of the most vulnerable people, using the detention example, and been able to represent them impartially and to act as a balance against things that could potentially happen to them. I have always found that to be a fundamental part of my character and something I have always been able to do.

I have always been able—again I am talking about the past, but hopefully it will apply in the future—to engage with different parties to understand what the situation was. For example, I was involved with Reprieve, the prison rights organisation, much to the amazement of the Ministry of Defence, because it is not necessarily an organisation that you would immediately think would be assisting us. But their aims and our aims were very similar: we didn't want our detainees to degrade, and nor did they. I have always sought to understand and get alongside people who will be able to help, and people who will be able to help the vulnerable.

**Q9 Stuart C. McDonald:** You spoke a couple of times about a tension between security and international obligations. What do you mean by that? What is that tension that you are referring to?

**David Neal:** I have been involved with European convention on human rights

issues over the years in terms of death, so article 2, and cruel, inhumane and degrading treatment—article 3. There is a natural conflict between being in the military and potentially killing people, and fundamental articles of international law, such as article 2 of the ECHR. We have had to walk that tightrope over the past few years. It is those two extremes. It is the security—we could just build a wall and close our borders, but we can't do that as an open country and because that would affect many people in this country of communities who are settled here.

- Q10 Stuart C. McDonald:** In relation to the work that you are doing, who do you think you are serving as the independent chief inspector? Who will benefit from the reports that you prepare?

**David Neal:** I think the Home Office and the Home Secretary will benefit. I think groups who are involved in immigration—third sector groups, for example—will benefit. I hope this Committee will benefit from the reports that are produced. The reports will be transparent and open, so I would hope they would be widely available and widely beneficial.

- Q11 Stuart C. McDonald:** Like a similar answer you gave earlier, you haven't mentioned the people who actually use the immigration system. Are they not to benefit from these reports?

**David Neal:** Yes—I should have responded with that as the first thing. People who have suffered in the system and people who have not, people who are making representations to correct where they may have been wronged—I suspect there are whole groups of people who would seek to use the report.

- Q12 Stuart C. McDonald:** Sum up the people who use the immigration system—who are we talking about here? What sort of folk might benefit from the reports that the independent chief inspector does?

**David Neal:** Anyone who is coming to this country on business, people who are coming for educational needs, people who are seeking to come to this country to join family members, people who are seeking to come to the country to avoid persecution—they are all examples of people who would use it.

- Q13 Stuart C. McDonald:** You have touched on issues of vulnerability and detention and so on, which of course are absolutely vital, but a lot of this is also about administration. You have not really spoken about that side of things—visa processes and delays and so on. Does that interest you?

**David Neal:** Well-run public administration is hugely important. It is not public administration; things running well in the military are things that I have been involved in the inspection of in the past. It is hugely important, if we are to make the best use of resources and do what it says on the tin. If we are going to allow people to come into the country, they need to understand how quickly they can do it and what the rules are, and that needs to be published and reviewed; it needs to be understood by all. Is my principal motivation for the job understanding administration? Understanding what the rules are and understanding how they are delivered by the Department is very important, and the holding to account of people to make sure they are doing the job right is equally important.



**Q14 Stuart C. McDonald:** We can see how the skills from the Royal Military Police in carrying out investigations and so on might transfer across well. What skills do you think you might need to develop quickly to try to fit into this role, and what would you say are the main differences between what you have done previously and what you are hoping to do now?

**David Neal:** I think the differences are enormous. Understanding the Border Force, the Home Office and the environment that they work in is very different, but in the Army and the Military Police every few years you are faced with a new set of challenges, whether that is deploying to somewhere like Afghanistan or dealing with issues in the UK. I think I am pretty adaptable and open-minded, and I have a sound track record of being able to adapt to a different environment. It is a very different environment. The whole issue of immigration is very different from investigation, but I am keen to adapt, and I am sure I will be able to adapt. I hope that answers your question.

**Q15 Stuart C. McDonald:** I have a few shorter, sharper questions to finish with. Do you have any business or financial connections or other commitments that might give rise to any conflicts of interest in carrying out your duties as independent chief inspector?

**David Neal:** No. I sit on the national board for protective services of the Institute for Apprentices and Technical Education, which covers the Border Force. That is something I would look to stand down from in order to make sure that there is clear water between my appointment and what I have done in the past. I have done that for three and a half years now. This body covers the police, prisons and some of the military, so I would look to stand down.

**Q16 Stuart C. McDonald:** This will be a full-time role. Will you keep any other roles at the same time as doing your work as the independent chief inspector, or will this be your one and only commitment?

**David Neal:** My one and only commitment. I think I would continue to seek to mentor young people. I have been involved over the last few years in mentoring fast stream civil servants. I would hope to continue to do that, but that will be private and complementary to my work.

**Q17 Stuart C. McDonald:** Finally, in your consultancy role and in your current role, did you have any relationships with the Home Office or anyone who works there?

**David Neal:** No.

**Stuart C. McDonald:** Thank you very much.

**Q18 Ms Abbott:** Can I just ask our interviewee what he would say to people who might say that the Home Office has gone out of its way to shortlist someone with absolutely no knowledge of or background in immigration or nationality matters, and that you were shortlisted precisely because they think you will not prove a very challenging inspector?

**David Neal:** I cannot comment on the shortlisting process, but I can comment on my previous performance and future intended performance, in terms of my being independent. I have absolutely no fear or reservation whatsoever that my



performance will be anything other than absolutely independent. Certainly, in my time in the military—probably the organisation that you would imagine will be one of the most hierarchical and most dependent upon people doing what they are told—I worked and acted in an independent manner over the last few years, and I have no reason to think that I would do anything other than that. I cannot comment on the process and how I was selected.

- Q19 Ms Abbott:** You have made a point of saying how independent you would be, and that is commendable, but you have to know what you are being independent about. As I say, if you do not understand the sector and prior issues and what the most contentious issues are, however independent you are, you will not be terribly challenging. I notice that, in response to my colleague, Ms Cooper, when you were asked about issues, the first two things that came to your mind were security and something about people who think there are too many immigrants. Someone with a broader knowledge of migration, nationality and borders might have been able to provide a broader response, don't you think?

*David Neal:* I agree, and were you to ask me that question in a few months' time, I think my response would be completely different. It is challenging competing for a job while working full time. The specification, which was part of my arrival in front of this Committee, did not include an in-depth knowledge of the system. I am absolutely confident that in a few months' time I will be achingly aware of the issues, and if you ask me that question, I am sure I will give you a different response.

- Q20 Ms Abbott:** You will be aware of the Windrush lessons learned review, and you will be aware that Wendy Williams suggested that the Government appoint a migrants' commissioner. Do you support that recommendation, and how would you see yourself working with the migrants' commissioner?

*David Neal:* Absolutely. I understand that all the recommendations have been accepted by the Home Secretary. I am not aware that a migrants' commissioner has been appointed yet, but I am aware that one of those recommendations is to work alongside the migrants' commissioner, as well as to review the role and remit of the inspector, which I understand has been accepted as well. I would seek to work alongside all parties, and if someone has been appointed to represent the concerns and to work alongside me, I think that is a good thing, and the more formalised it is, the better.

- Q21 Ms Abbott:** How do you see that working? Would you consult them beforehand? Would you ask them to review what your border staff are doing? Have you thought about how that would work in practice? It is not just a question of them being in one office and you in another, and you meet once a month. There has to be a practical *modus operandi*.

*David Neal:* I agree. The way that I have always operated in the past, and the way that I would seek to operate in future, is by understanding who the key stakeholders in the process are, and ensuring that we enter a dialogue and co-operate to understand the issues, which would then drive our inspection reports or inspection programme, for example.

On taking charge of the Military Police, I engaged with everyone I could—prosecutors, judges, or whoever it was—and they provided us with a clear way forward as to how we did our business. I have yet to understand exactly what the migrants’ commissioner does, but yes, I would absolutely expect to work alongside him or her, and I would establish a routine series of meetings between me and them, as well as staff talks, to inform our daily work.

**Q22 Ms Abbott:** The Windrush lessons learned review also recommended changes to the role and remit of the ICIBI. Would you like to see any changes to the role and remit?

**David Neal:** I think it is too early to give a really good response to that. However, I scratch my head a little about the delay in releasing reports and understanding why that delay happens. I would have thought that the quicker we report on matters and those reports are released, the better it is for everyone. There is a danger, if a report is held, that things change and the recommendations are not necessarily accepted. That would be an area.

One of the things that I would seek to do if I were appointed would be the same as we have always done in military jobs, which is to conduct an estimate of what is taking place, understanding an analysis of the environment, and then making, from that analysis, a series of deductions that would inform my programme, strategy and plan.

**Q23 Ms Abbott:** Do you have any concerns about the review of the ICIBI that the Home Office has said it will launch?

**David Neal:** I do not have any concerns. I do not know exactly how the review will operate—I asked the question and was not given a clear answer. If the review said, “You are not independent,” that would be a problem, but I do not imagine that it will say that. No, I do not have any concerns, but I do not have any particular knowledge of the direction of travel for that review.

**Q24 Ms Abbott:** I have a last couple of questions. In response to my colleagues, you said that the main issues that you wanted to raise in relation to your role were security and people’s concern that there are too many immigrants. I noticed that you did not raise human rights. Do you think that any consideration of human rights issues has any bearing on what the borders and immigration inspectorate does?

**David Neal:** Absolutely. I think I responded about the sort of ECHR environment that characterised the last six or seven years in the Military Police. So yes, human rights are fundamental to everything that we do. How that directs what is in a report and how that drives a report is hugely important.

**Q25 Ms Abbott:** Finally, the Committee is aware that there are two outstanding JRs into the Royal Military Police, covering events that happened when you were at its head. Obviously we do not want to talk about anything before the courts, but we note that the Ministry of Defence told us that you do not know any of the detail. Do you think the public want a borders and immigration inspector who perhaps has more of a mastery of the detail than you appear to have shown in your last role?

**David Neal:** I am not sure how the two issues connect. My reluctance, or rather

desire to expose the two ongoing JRs was in order to assist the Committee. I didn't want to put myself in a position where I was unable to articulate my achievements in the Military Police because that may potentially damage two ongoing JRs. In the past I have been held to account in judicial review on two occasions, where I have given evidence because of the work that we had done, and the evidence was publicly available. I was not found wanting, and nor was the organisation. I am sorry if I am being a little bit wishy-washy. My not understanding what the JRs are about is largely to do with the fact that I have been out of the Ministry of Defence for a considerable time. I am not sure that it would be appropriate for me to try to make a fist of something that I had not been called to give evidence on. I was trying to assist the Committee.

**Ms Abbott:** As I say, we on the Committee do not want to talk about anything that is before the courts. I just wanted to mention the two JRs because they are not completely immaterial to our consideration of your appointment.

**Q26 Simon Fell:** Your predecessors in this post have spoken about the sense that the postholder sometimes has difficulty getting access to Ministers and being heard by them. Does that concern you, and what would you do to change that relationship?

**David Neal:** It would concern me if, in a few months' time, I came to that conclusion. At the moment, I am not concerned. I would expect to have a regular cadence of meetings with Ministers, including the Home Secretary; I would be surprised if I didn't. Certainly, in the Ministry of Defence, I never had any difficulty at all with accessing senior officials or getting into Ministers' offices and discussing and briefing them on matters. I would be very surprised if that was one of my concerns in a few months' time.

**Q27 Simon Fell:** What will you be looking to achieve to make sure that your work carries sufficient weight with Ministers in the Home Office?

**David Neal:** I would seek to establish a relationship with Ministers and a good reputation with the people I needed to work alongside at the Home Office. I would seek to make sure that people who are representing the views of the community were confident in my ability and how I presented my facts—that my reports were, hopefully, judged independent, clear and shaped by reality. That is what I would hope.

**Q28 Simon Fell:** Part of this role is about challenge, and holding the Home Office and other institutions to account. That sometimes creates an awkward tension between those you are reporting to and those who you need to speak about and the processes you need to speak about. What have you done in your previous role from which you could draw and use to bolster that role, and that you hope to bring to this position?

**David Neal:** A certain level of emotional intelligence. I have presented bad news to Ministers on quite a few occasions. I have certainly not looked for a fight, but to make sure that people are warned and warmed up to things that we may have found that may create tension. Warming people up to the issue has often been the best approach, but equally important is establishing your reputation as someone who, ultimately, will report the bad news and speak truth to power. I imagine that

that skill will be greatly in demand.

- Q29 Simon Fell:** I imagine it will. You have raised the issue experienced by previous postholders of reports that have either been bundled together or delayed significantly. Clearly, that is an issue. How would you seek to address it?

**David Neal:** Number one, there must be a review of the role and the remit of the role. I would expect previous practice to be considered during that review and I would hope that a clear outcome would arise from that review.

Our role as the inspectorate is to make sure that the recommendations are clear, succinct, achievable and deliverable; otherwise recommendations are only partially accepted or it leads to a lack of clarity. I hope we would ensure that reports were nice and clear and then, if they were not responded to on time or there was a delay or they were bundled together, we would be able to challenge the particular issue rather than having that obscured by them being handled as one. The cadence or routine of reports and how they are delivered and responded to is key to the work.

- Q30 Simon Fell:** I am quite interested in the nature of that challenge. Again, we have the tension where we have the political prerogative—I am putting words into mouths—to bury bad news or hide information that is not that favourable to the current system, whereas you are meant to be there to expose it. How would you seek to raise the profile of the findings of a report if Ministers appear determined to ensure they get the minimum publicity possible? What channels and avenues would you use to put some heat under them?

**David Neal:** It would be tempting to say that you go to the press, but that has not been in any of my background. I have always been able to arrive at a position where bad news was not buried. I think, if it was, it becomes a challenge to the independence of the position and means you would begin to lose credibility. If you are losing credibility—you cannot possibly operate like that. So I would seek to establish protocols and clear guidelines, and then I would hope that would get us to a position where reports were released and they were not buried. I have not had any experience where I have failed in that regard.

Ultimately, I would seek to write to Ministers and make representations. I am aware it is an issue, but I have not spoken to David Bolt, the incumbent, to understand the nuance of whether it is a problem and whether it will be a problem for me. I do not know at the moment, but it has never been a problem in the past and I do not see it being a problem in the future.

- Q31 Simon Fell:** The reason I ask is because your predecessors have mentioned this and Wendy Williams mentioned it in her report. It would appear to be a continual issue for this post holder, so there needs to be that challenge there to ensure that issues are being surfaced.

Outside of these issues, what would you consider to be the main issues facing the independent chief inspector and his team going forwards?

**David Neal:** I cannot identify what the main issues are until I have conducted my analysis and understood. I think the key issues for the inspector are independence, access, resources, focusing on the right questions and being able to balance the

views of all the parties in order to drive an inspection programme that produces a good product that holds Department and the border agency to account.

- Q32 Chair:** I have a few further questions. I asked you earlier about what approach you would take if you were starting an inquiry into borders on 1 January. One of the inquiries that the inspectorate has in the schedule for next year is an inspection of e-gates. Can you give us a sense of what sort of principles you would bring to that and what your approach would be? Suppose you are on day one, and on day two you are supposed to start this inspection of e-gates. Obviously, without knowing the details, what questions would you be asking?

*David Neal:* I think we would publicise as much as we could that we were conducting this activity. I would seek to take the views of various parties, including the people running the gates—Border Force, or contractors, if they are involved—and people coming through the e-gates, to understand the experience of those people and whether the electronic passports are working correctly and to understand the views of the agencies that receive the information on the integrity of the information. I think I would seek to understand who the parties are and then seek to understand what the situation is.

- Q33 Chair:** But if you had, say, five questions that you wanted to answer as part of the investigation or inquiry, what would those be? Or what would be the three questions that you would be trying to answer?

*David Neal:* Are they are they working? How should they work? What can we do together to make them work, perhaps?

- Q34 Chair:** I have never thought much about e-gates, so I do not know much about them; we have not done an investigation into them. However, from thinking about them just literally in the last five minutes, I thought I would want to know whether they are working, in security terms, and telling us the information they want; whether the technology is consistent and reliable; what the user experience is, including passengers and airport operators; the wider economic impact; the staff experience of using them; whether they are actually delivering value for money; the risk and resilience involved in them, including whether they might suddenly go wrong because a fuse blows or something like that, and if so, what the resilience plans are and so on.

Part of the reason I am pressing you on this is because it is perhaps surprising for somebody to be this far through an appointments process and still appear to know so little about the immigration and borders territory. I am therefore interested in whether that perhaps doesn't matter, because you come to the role with a fresh pair of eyes and will ask a set of probing questions, but at the moment you are not telling me what the probing questions would be. Let me give you another example that might be closer to some of the things that you have worked on before.

The Home Office is currently putting asylum seekers in Napier barracks as part of a sudden expansion in asylum accommodation it has undertaken, partly because, as the Minister told us yesterday in Parliament, as a result of covid, they are not moving people out of asylum accommodation. As people are arriving, they need additional accommodation, so they are using military barracks in Penally and Napier. A whole series of questions has been raised about whether that is appropriate



and whether those conditions are appropriate and so on. If you were going to do a short, sharp investigation into Napier barracks, what kind of questions would you ask about that?

**David Neal:** I would ask about the separation of males and females and juveniles and adults and whether there was sufficient medical care. I would ask whether there was sufficient ability for people to: charge mobile phones; communicate with family members overseas; take legal advice; eat food that was culturally sensitive; be protected from the elements; and exist in a covid-proof environment. I would make sure that what was going on was being done safely, ensuring that people were protected from public view, that they had appropriate leisure activities, in order to make sure that their mental health was appropriate, and that they were briefed as regularly as possible to understand where they may be going, and that that briefing was as consistent as it could be. Those are the sorts of areas, and that would be the way I would approach it, given my military experience, focusing on their welfare, on whether things were right and on the legality of their being held there.

**Q35 Chair:** Interestingly, on that example, you had a whole series of further points that I had not written down after thinking about it off the top of my head. Part of why we are probing is that in areas where you have experience, your answers are much more detailed and thoughtful than in areas where you do not have experience. That is why some of our questions are almost asking you to reassure us that, in the areas in which you do not have experience, you will ask the right questions.

**David Neal:** Can I give two examples of areas where I did not have experience but then did get experience? Certainly, the Military Police have never traditionally been involved in detention; we were never involved, because that was done by the Military Provost Staff and the chain of command. From 2006—the first time we went into Afghanistan—I had to learn the discipline of detention and how to humanely keep detainees. I effectively had to educate myself from scratch to understand how the prison service works, what best practice was and what the rules were. I think that I achieved that to deliver, in places such as Afghanistan and Colchester, a safe and secure environment for our people. I did not have any tradition or history in that, but I went about researching it, understanding it and delivering on it, and that is how I hope to behave in the immigration arena.

The second example is sexual and gender-based violence. I was working in a NATO job for a few months before I took over the role as Provost Marshal in the Army. I spotted that there was an opportunity for our people to do some good when they were deployed overseas. Our organisation was 26% female, so we would often have female investigators with the military in places overseas where sexual and gender-based violence was taking place. We set about putting a training structure in place, engaging with academics and partners to deliver that on deployment and operations, and spreading it as widely as we could. I was the first male gender adviser in NATO, because that was the supporting structure that I felt was important for us to achieve what we needed to achieve. That is another area.

I started from a pretty low level of experience, learned about it, understood what the conditions were, and was able to deliver betterment for everyone, not least our people, who understood that they needed the tools to be able to address matters when they were overseas.

**Q36 Chair:** You obviously have very considerable expertise in investigations with the Royal Military Police. I was just looking at your CV, which does not seem to have any experience of public challenge to institutions or organisations. Is that right, or are there any examples in which you have had to do public as opposed to private challenge?

*David Neal:* I have always had the ability to do public challenge. I have never needed to use it, as part of the independence of our investigations meant that, ultimately, we may need to go public on certain matters. I never needed to use that, either as a threat or a tool, to pursue investigations, because I had always been able to achieve what I needed to privately, through shaping. I have never had to do that.

In terms of publicity, although the military might seem to be a closed environment, we are very strong on our social media and on fusing the reservists to serving communities and the retired community. I was public on social media every day, which meant that I would be challenged if I was caught with my hands in my pockets or if my behaviour was open to scrutiny. I think that one of the characteristics of being in the Military Police is that in the military community, everyone looks at you all the time and everyone knows exactly who you are and what you are doing.

**Q37 Chair:** In previous jobs that you have done, that has not been part of the role in the same way. In this job, you have to do public reports. What if you were doing that inspection of e-gates and found that there was a massive technology problem, or that something was not being dealt with or addressed, or you found that they were not properly addressing vulnerability or torture victims in Napier barracks, or whatever it may be? If your past experience and traditions have all been about making private rather than public challenges, are you going to put all those details in your public report?

*David Neal:* I have always accepted that the reports that I produced in the Military Police were open to legal scrutiny and public scrutiny. Almost everything that we have ever written is with an eye on public scrutiny. For example, if we were inspecting facilities in Afghanistan, I would expect those reports to end up in the courts at some point. There was always an eye on how it was that we were going to report. While they were not being published, they were being sent to Ministers and I expected them to be disclosed in the fullness of time.

**Q38 Chair:** That makes it sound as if you are being cautious about what goes into the reports. In this role, part of the role is public scrutiny. It is producing reports for the public, for the community and for everybody else to be able to see. I am not clear from what you are saying what your answer is to the challenge. Are you going to be keeping criticisms out of the public reports because your tradition is one of making private challenge rather than public challenge?

*David Neal:* No. Let me just make myself clear. The way that we approached observations in reports and recommendations was as if the report was published the next day. I expected them to go public the next day every time we published a report. I have not pulled any punches or sought to shape or delay a report because it hadn't been cleared with Ministers or hadn't been cleared with officials. I did what was right and I would hope that I would continue to do what was right no matter how challenging that was, if there is something wrong. I think that adds to

the integrity of the appointment and the confidence in the appointment: if there is something wrong, I will report that something is wrong. I have a pretty good track record of always having done that and I would seek to do that in future.

I recognise that some of my answers have perhaps not been the most detailed and that I have struggled once or twice, but I absolutely feel confident that, when fully engaged in this area, I will be able to deliver exactly the same as I have done in the past, which is impartial and independent.

- Q39 Chair:** With this hypothetical technology nightmare that is going on with e-gates, for example, what if Home Office officials come back to you and say, “Look, we’re sorting it, and it is on track, but it would be helpful if you didn’t expose all the details, because this will cause us problems with our commercial contracts and so on, so can you tone things down?”?

**David Neal:** To respond to that properly, I genuinely would need to understand a little bit more about the scenario. I will give you a scenario in Afghanistan that is perhaps similar and that isn’t subject to any legal challenge.

We were sent out to Afghanistan at a particularly difficult time, with detainees in Afghan custody. Information came to us that noise disruptive techniques were being used with the detainees, and we were sent out to Afghanistan to get to the bottom of what this was. We arrived and it wasn’t noise techniques—it was air conditioners.

It would perhaps have been unhelpful, at the time, to report that—even to let out that the allegation had been made that there were noise techniques—but that did not stop us reporting on exactly what we had seen. What we had seen was air conditioning units, and there was no doubt whatsoever that they were being used for the welfare of prisoners, not for any other ulterior motive. We brought that clarity. I wasn’t going to not report on that, because it was important to do it independently.

- Q40 Chair:** Might that report have gone straight into the public domain or were there other safeguards that would have prevented that going into the public domain if it was going to cause problems?

**David Neal:** As far as I was concerned, that could end up in the public domain the next day—it could be leaked or it could be disclosed as a result of legal cases. We used to do training courses, and one of the organisations that engaged in training courses was Reprieve. They brought along classified documents that had been written just a few months before, that we were not even privy to, which had been declassified as the result of legal challenge. It wasn’t one done by us, but they were able to say, “If you write an intemperate inspection report, this will mean that you can then be stymied further down the line.”

I would expect and anticipate anything that was written down to be there the next day, and any chit-chat and loose sparks in advance of that could be held to account as well.

- Q41 Chair:** In that previous role, the kinds of inspections that you would have been doing were very much operating within a legal framework. If there were things



that you did not pursue as part of the Royal Military Police, there could be legal challenges to you. If there were things that you covered up, there would be legal challenges to you. There was clearly a strong legal framework around what you needed to do and the way in which the MoD and other stakeholders and so on would need to respond to you.

This role is very different. Have you reflected on the way in which this role is different—the way you almost don't have the legal framework that provides the requirements and also the safeguards, almost, in terms of you being taken seriously or not, and so on? In this role, if the inspectorate doesn't put something in a report, that is not automatically going to raise a whole series of legal questions or challenges. If the inspectorate says something or doesn't say something, there is not automatically a set of legal questions that flow from that.

If the Home Office decides to ignore the inspectorate, there also isn't a whole series of legal challenges that flow from it in the same way. Have you reflected on the way in which the role of the inspectorate is different from operating within such a legally prescribed environment?

**David Neal:** Yes. The legally prescribed environment in areas such as detention is not as clear cut—nowhere near as clear cut as you have perhaps painted it. It was very, very ambiguous, and actually, we were effectively setting our own standards and then enforcing our own standards. Particularly in terms of the tension between the minimal standard that the UK could provide, it was not a straight line. It was an objective standard.

So actually, the military, for example, would seek to drive down that standard where we would seek to drive it up. The rules weren't there—the rules were just a very small part of what it was that we were seeking to do. We were seeking to respond to almost a higher calling: is it fair? What would the International Committee of the Red Cross say, for example? Could we bring in other Departments to examine it? So I am not sure that I would necessarily agree that we worked within a legal framework all the time.

We had to decide—I decided through my personal involvement—how often we conducted inspections, for example. I could have not gone to conduct inspections and instead sidestepped the accountability, but I felt it was really important, having made an assessment and estimate of the environment. I concluded that it was important for my personal involvement to get involved in these areas. I could have not done that. That is what I would hope to do in this job as well: to understand and then to determine what my actions are going to be.

**Q42 Chair:** I see from your CV that one of the things you specifically highlighted is that you have a “willingness to speak truth to power and the ability to establish and sustain trust and credibility with senior officials.” You have put all of that in one sentence. What happens when the “willingness to speak truth to power” and “the ability to establish and sustain trust with senior officials” pull you in opposite directions?

**David Neal:** I am not sure that I have encountered that. I have always created an environment in which I will be honest and straightforward, and I will speak as I find. I have never encountered something where what I was saying was destroying

trust or destroying relationships.

**Chair:** Okay. Welcome to the Home Office.

**David Neal:** As I said at the start, I have not experienced much of the Home Office. In a few months' time, ask me again, and I will perhaps be able to come to a view, but at the moment I am not nervous about that. I am a fresh pair of eyes, and I would hope to perform in the same way I have performed in the past.

- Q43 Chair:** To go back to your answer to one of Simon Fell's questions, about having never previously had any difficulty in getting meetings with Ministers where there might be, getting reports published or those sorts of circumstances, it is clear that some of your predecessors have had those difficulties. They have had difficulties with successive Ministers in having reports taken seriously, having reports published, having a weighty response to those reports, and in getting sufficient attention to the very serious things that they were raising, so that has happened. What can you say to reassure us about your ability to deal with those situations? Simply responding that you have not been in those situations before doesn't necessarily reassure us that once you are in those situations, and once those kinds of problems arise, you will be able to negotiate them.

**David Neal:** If that was the case and if I was struggling, I would be seeking to shape with senior officials to understand why we were struggling. I would seek to engage with this Committee, to alert it to the fact that I was struggling. I would seek to unlock the tension. I wouldn't, at first push, seek to fight it. I would seek to understand it and use all the tools that I could muster to make sure we unlocked it, so that I could do my job in an independent way.

Just because I haven't experienced that in the past does not mean that I have not considered it in previous jobs. I have been sufficiently persuasive to arrive at a position that it didn't compromise my independence or my integrity. I would anticipate doing that. It might be the case that, "Welcome to the Home Office", and it is way beyond my experience or just a particular thing. I would be surprised and disappointed if it was, but let's wait and see.

- Q44 Chair:** I suppose I am just putting to you that many other people have had very challenging experiences with the Home Office, through successive Governments, teams and Ministers. There have been a series of different reports, for example raising concerns about the culture in the Home Office, not least with Windrush most recently, but others as well.

They have huge challenges in terms of the scale of the different difficult and complex issues that they are having to wrestle with, and they have to manage huge numbers of people in doing so. Even where individuals have the best of intentions, the combined impact of the Home Office can raise difficulties and problems.

I will give you one more opportunity to reflect on what some of those challenges might be, what some of your predecessors have obviously experienced in dealing with those challenges, and where some of those tensions might lie, just to get a sense of your awareness of what those tensions might be, even if it is not clear how anybody resolves them or responds to them.

**David Neal:** I am aware that people describe the Home Office as a behemoth, and that as a Department it has a culture all of its own. I am not put off by that. People would have said similar things about the Ministry of Defence, yet I was able to navigate around that.

The answer is that I don't know. I have set foot in the Home Office, but I have spent more time in the Foreign Office. I have met lots of officials and I have sought to understand the environment. I have sought to navigate through the environment. I can only say really that I have always been able to do it in the past. Maybe it is the case that the Home Office is completely different, that it is so complex and there are so many tensions pulling it and pushing it in different ways. That will just mean that I have to work harder, to be clearer and to craft my recommendations in the best way that we possibly can.

I am not put off by how you have described it. In many respects, that is the challenge. It is a completely new environment to me, and let's see if I can be a success there.

- Q45 Chair:** Do any members of the Committee have any further follow-up questions that they would like to ask? We have Adam Holloway on the line on audio only, so if you are there do you want to ask any further questions, Adam? Okay, we will have one final question from me then. What do you think is the biggest mistake you could make in this job?

**David Neal:** Not listening to people and coming in with preconceptions. I don't have any preconceptions about what it is that I am facing. I think not listening to people, and not listening to people throughout my tenure, would be the biggest mistake I could make.

- Q46 Chair:** In 12 months' time, what one thing would you like to be able to say you have achieved?

**David Neal:** That I had identified and started to answer the right question, whatever that question is. That would be the biggest thing. I cannot tell you what that question is at the moment, and I wouldn't want to miss something. That is something I have always tried to do in the past.

- Q47 Chair:** Thank you. Mr Neal, is there anything else that you would like to add or to put on the record for us?

**David Neal:** No, just that it has been an enjoyable experience. I have been working full time since I left the military. I have been working hard and I have engaged in this process in a manner that I thought was appropriate. If I was reflecting, I would have sought to have done even more research on the system that I am going to be inspecting. I don't have any fear about that. If I am appointed, hopefully you will soon recognise that I am the right person for this job.

**Chair:** Thank you very much for your time, Mr Neal. We very much appreciate your time this morning.

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website.

### Session 2019–21

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1st	Home Office preparedness for COVID-19 (Coronavirus): Policing	HC 232
2nd	Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home	HC 321
3rd	Home Office preparedness for Covid-19 (coronavirus): immigration and visas	HC 362
4th	Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation	HC 562
5th	Home Office preparedness for COVID-19 (coronavirus): management of the borders	HC 563
1st Special Report	Serious Youth Violence: Government Response to the Committee's Sixteenth Report of Session 2017–2019	HC 57
2nd Special Report	Home Office preparedness for Covid-19 (coronavirus): domestic abuse and risks of harm: Government Response to the Committee's Second Report	HC 661
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4th Special Report	Home Office preparedness for COVID-19 (coronavirus): immigration and visas: Government Response to the Committee's Third Report	HC 909
5th Special Report	Home Office preparedness for COVID-19 (coronavirus): institutional accommodation: Government Response to the Committee's Fourth Report	HC 562
6th Special Report	Home Office preparedness for COVID-19 (coronavirus): management of the borders: Government Response to the Committee's Fifth Report	HC 563