

Written evidence submitted by David Neal

TEN CHANGES TO MAKE THE ICIBI MORE EFFECTIVE

Reflecting on 3 years in post and the opportunity that was missed when the Home Office declined to pursue the review of ICIBI's role and remit that was recommended by Wendy Williams in the Windrush Lessons Learned Review (WLLR), I lay out below 10 straightforward changes which could make the ICIBI more effective. These changes have been discussed with Home Office officials, with ministers, and at evidence sessions of the Home Affairs Select Committee, so they will come as no surprise. In a 2015 internal Home Office review, the ICIBI was described as “underpowered, under-resourced and ignored”. I think evidence of the last 3 years would refute that last observation, but the issues of powers and resourcing are overdue for review. Outlined below are 10 areas that require attention:

1. **Independence** – Recommendation 10 of the WLLR explicitly called for the government to consider giving the ICIBI more powers to publish reports. Similar inspectorates such as HMICFRS and HMIP self-publish their reports. The Home Office has consistently failed to meet its commitment – made after the department asserted control over the publication of ICIBI reports in 2014 – to lay reports in Parliament within 8 weeks of submission. During my tenure only one report out of the 45 that I have submitted has been published in line with that commitment.
2. **Recommendations** – The WLLR explicitly called for ministers to have a duty to publish clearly articulated and justified reasons why they do not agree to implement ICIBI recommendations.
3. **Resilience** – The constitution of the ICIBI means that all responsibility in relation to the Borders Act falls to the Chief Inspector. The addition of a deputy in legislation would allow greater resilience in the event a vacancy in the Chief Inspector position should arise for whatever reason.
4. **Cross-Whitehall Inspection Powers** – Increasingly inspections touch not only upon Home Office functions but also upon the work of other Whitehall Departments. For example, the recent Afghan resettlement inspection straddled the Home Office, MOD, FCDO, and DLUHC. The legislative basis to ‘follow the evidence’ has the potential to make broader comments about the system as a whole rather than just the role of the Home Office.
5. **NAO Report** – The [2015 report by the National Audit Office](#) which examined the work of independent inspectorates (HMICFRS, HMIP, HMCPSI, and HMI Probation, as well as ICIBI) made a number of suggestions which would improve the effectiveness and efficiency of the ICIBI. Despite being almost a decade old, many of the observations contained in the report remain absolutely relevant. The report touched upon structural factors that threaten the independence of inspectorates like ICIBI, including the inspected department's control over inspectorates' budgets and, in ICIBI's case, over publication of reports. These issues and others flagged by the NAO and the Public Accounts Committee in 2015 still urgently require attention.
6. **His Majesty's Inspectorate** – The centrality of the work of the ICIBI and its impact on public life merit its elevation to the title of ‘His Majesty's Inspectorate’ (HMI). A natural corollary of this would be inclusion within the family of HMIs examined in the NAO report and inclusion with the Criminal Justice Joint Inspectorates (CJJI) Framework. ICIBI inspection activity merits mandated joint activity principally in the police (NCA and border security) and prisons (immigration detention) domains, but there are clear linkages with the work of the probation and prosecution service inspectorates, as well.
7. **Redactions** – I have mentioned before the misuse of powers in relation to redaction (i.e. redaction on the basis of factors other than national security or individual safety grounds). This should be reviewed and if greater powers are required to redact based on information being of use to criminals, then the legislation should be amended. However, no such limit is placed on HMICFRS.

8. **Resource Review** – ICIBI is a small team of just 30 staff, including myself as the Chief Inspector. But this year the budget is being cut by 5%, despite a huge increase in the size of the areas of the Home Office the ICIBI inspects. Today, the headcount in the parts of the Home Office performing borders and immigration functions has increased to 45,684 (as of December 2023). This is almost double (an 88% increase) what it was when the inspectorate was established. This growing disparity means that the ICIBI is only able to scratch the surface of migration and borders functions, and there remain areas that, in my view, require closer monitoring and oversight. Border Force, in particular, merits much greater scrutiny considering its front-line role in protecting the border and keeping the country safe.
9. **Access to commercial contracts** – The Home Office routinely declines to provide ICIBI with documentation on its contractual arrangements with suppliers on the ground of 'commercial sensitivity'. Given the extent to which the department relies upon externally contacted services – in particular areas such as immigration detention, asylum accommodation, and visa application support – this amounts to a significant impediment to the ICIBI's ability to fulfil my mandate to monitor the efficiency and effectiveness of borders and immigration functions. The ICIBI works closely with the NAO to deconflict programmes to mitigate this challenge, but the ICIBI's power to review contracts and related documents need to be confirmed.
10. **Migrants Commissioner** – The WLLR envisaged the Migrants Commissioner working closely with the ICIBI to make sure that systemic issues highlighted by the Commissioner informed the inspectorate's programme of work. The annual ICIBI inspection programme seeks to mitigate the absence of a Migrants Commissioner with very strong links with stakeholder groups, and I have recently established a research and strategy function within the inspectorate to enhance its horizon-scanning capacity, but these are sticking plasters rather than fundamental change.

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