

HOUSE OF COMMONS  
ORAL EVIDENCE  
TAKEN BEFORE THE  
HOME AFFAIRS COMMITTEE

**THE WORK OF THE UK BORDER AGENCY (OCTOBER-DECEMBER 2012)**

TUESDAY 26 MARCH 2013

MARK SEDWILL, ROB WHITEMAN and SIMON HAYES

Evidence heard in Public

Questions 1- 123

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## Oral Evidence

Taken before the Home Affairs Committee

on Tuesday 26 March 2013

Members present:

Keith Vaz (Chair)  
Michael Ellis  
Dr Julian Huppert  
Steve McCabe  
Bridget Phillipson  
Mark Reckless  
Mr David Winnick

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### Examination of Witnesses

*Witnesses:* **Mark Sedwill**, Permanent Secretary, Home Office, **Rob Whiteman**, Chief Executive, UK Border Agency, and **Simon Hayes**, Acting Director, International Directorate, UK Border Agency, gave evidence.

**Q1 Chair:** Could I call the Committee to order. Could I ask all Members to declare any interests in advance of what is in the Register of Members' Interests? My wife is an immigration solicitor; I want to add that to the declaration.

May I welcome the new Permanent Secretary at the Home Office, Mark Sedwill, and the Chief Executive of the UK Border Agency, Rob Whiteman. This is part of the Committee's quarterly look at the UKBA letter. Clearly, gentlemen, things have changed since 2pm. We have all heard the Home Secretary's statement, and can I thank you, Mr Sedwill, for coming at short notice. The Home Secretary spoke to me, and I thought it was appropriate, as does the Committee, that you should come here. The way we are going to deal with this session is that we will ask you, Mr Sedwill, and you, Mr Whiteman, about these changes and then you are excused. Mr Sedwill, we will then continue with our normal examination of the work of the Agency.

Mr Sedwill, you were not known when you were at the Foreign Office as being an assassin as far as administration is concerned, but it is 54 days since you took over as Permanent Secretary, a non-Home Office official, and we have, in effect, the axing of the UK Border Agency. Is this your doing, or was this in the pipeline before you arrived?

**Mark Sedwill:** Mr Chairman, first, thank you for allowing me to join your session today. I know I am back before the Committee in the standard Permanent Secretary session at the end of April, and I understand you are not letting me off the hook on that one, so I look forward to being back before you then.

The simple answer to your question is that it is very much the Home Secretary's change. She led the review process, as she mentioned in the House. It was a very thorough process. Indeed, the first meeting I attended with her on it was the week before I became Permanent Secretary, when she started to look at the structure of the Border Agency and then led towards this conclusion, and it is probably one of the most thorough processes I have been involved in that has led up to a machinery of Government change of this significance.

**Q2 Chair:** What is wrong with the UK Border Agency that meant that it had to be abolished, then split in two and then taken under the control of the Home Office?

**Mark Sedwill:** I think the Home Secretary set it out in the House, Mr Chairman, and I can really only rest on her explanation. She felt—and I think we all felt—the Border Agency did not have the right size and shape to deliver in particular against the immigration policy that the Government has been working on since the election. Of course, some of the changes were positive. The integration of Customs into the Border Agency and that remaining part of the Border Force has been a genuinely positive experience, which has led to more effective working at the border itself and the Border Force is now a successful organisation, but we felt it was right to continue the process of modernisation by creating these two new organisations with coherent but distinct cultures, one devoted to customer service and volume processing, the other devoted to law enforcement.

**Q3 Chair:** Mr Whiteman, this must have been a huge blow to you, because only on 18 December, the Immigration Minister said, “One of the encouraging things that Rob Whiteman has been doing since he has been Chief Executive is pulling together work across the Agency so that he and his senior management team and the board focus on all the Agency’s operations”. Also, he said, “One of the things that we are doing now is we brought in a new Chief Executive. Rob outlined for you clearly some of the changes he is making in the senior management structure”. This must have been a terrible shock to you to find out suddenly the Agency that you were appointed to head had now disappeared.

**Rob Whiteman:** It is not a terrible shock, and actually it is not a blow, Chairman.

**Mr Winnick:** I did not quite get that. It is or wasn’t a great shock?

**Rob Whiteman:** Not a shock and nor a blow, Mr Winnick, in that the process of review was in order to deal with the problems of the Agency’s size and transparency, or lack of transparency, and some of the inherent problems around ICT. The work that I have done I hope contributes to a successful future for taking the Agency into the Home Office, ensuring that we have new commands with distinct grips in the way that the Permanent Secretary has set out. It is the right thing to do. Perhaps nobody knows better than I the size of UKBA, and we think that we can build positively on what has happened over the last 18 months.

**Q4 Chair:** But you have seen our last report, which we published on Monday. I think you have appeared in front of us four times since you have become Chief Executive. You have never said before to the Committee that you felt there was something so wrong with this organisation that it had to be abolished. Did you hear what the Home Secretary said about this Agency, that it was “closed, secretive and defensive”? To be described as “closed, secretive and defensive” is a pretty severe attack on the Agency that you are leading.

**Rob Whiteman:** I think I have said on a number of occasions here, Chair—

**Chair:** That it is “closed, secretive and defensive”?

**Rob Whiteman:** I have said on a number of occasions here, Chairman, that one of the problems of the Agency is that it has given incorrect information in the past. I have created the Performance and Compliance Unit, recognising the problems of the Agency’s culture and also the poor transparency of the past, so I hope I have advised you about the scale of what is needed at UKBA. I have always said it will take many years to put it right, and I think that the changes that the Home Secretary has announced today are the right direction in terms of a greater direction on operational focus, while at the same time some of the things that have undermined the Agency—poor systems, poor ICT—Mr Sedwill has put in the context of Home Office reform and efforts to improve them.

**Q5 Chair:** Mr Whiteman, it is not just about new computers, is it? We cannot have the same people who were running the Agency just now going to this new organisation. You yourself were appointed to an organisation that had the Border Force and the UKBA in it. The Border Force went off, so you were the head of the other bit, and now that bit is being split in half and being taken under the control of the Home Office. This is a very odd way to organise a management structure. Have you ever been in a job like that before, where you are given a job, it is then halved, the other bit is then abolished and presumably you now have to apply for a job? Are you out of a job from Monday?

**Rob Whiteman:** I perhaps will let the Permanent Secretary tell you of my future.

**Chair:** What, you mean you don't know?

**Rob Whiteman:** No.

**Q6 Chair:** Mr Sedwill, we are worried about Mr Whiteman, because his jobs and his organisations seem to be abolished beneath him. He hangs on to the salary that he was originally given, which I think was £180,000-odd.

**Rob Whiteman:** £175,000.

**Chair:** £175,000. Sorry, I have given you £5,000 more. The Committee likes Mr Whiteman, because he is the only senior member of the UKBA who did not take a bonus last year, so that impressed us. But what is his status, because from Monday we understand—not from the Home Secretary, but from the BBC—that the new Agency will start?

**Mark Sedwill:** I think the Home Secretary did say in the House that she was going to dissolve the Agency—and that would take effect at the end of this financial year and into the next—and therefore will be integrated into the Home Office in the new financial year. So the BBC may have picked it up, but she certainly said it.

Mr Whiteman will be part of the future of the Home Office reform. You will understand why I do not want to get into individual personnel matters in front of the Committee. I still have to talk this through with the committee and so on.

**Chair:** No, we understand, but we do not want you to negotiate—

**Mark Sedwill:** He is a big part of the future of the Home Office.

**Chair:** I am sure he is. We do not want you to talk personnel issues. Of course we do not want you to negotiate Mr Whiteman's contract in front of us, but the fact is he started with a job that had the whole of the Agency. It was split in half. He is now still on £175,000 and the Agency has now been abolished. When we write to the Chief Executive, there is no Chief Executive from Monday, so who is running the shop from Monday?

**Mark Sedwill:** Ministers are running the shop from Monday, and that is the point that the Home Secretary made. She wanted to bring to Ministers much clearer accountability for what has been the UK Border Agency—

**Q7 Chair:** Let us be clear: from Monday we write to the Home Secretary on any issues?

**Mark Sedwill:** The Home Secretary announced the changes today, but we still have to appoint directors general for the two new commands, and, as she pointed out, probably the most important change here is that we are going to take the systems that work across the Agency into other parts of the Home Office, IPS, policing and all the rest of it, and that is a very, very big job, because that has been part of the problem that the Agency has faced.

**Chair:** I understand.

**Mark Sedwill:** So you will be writing either to the two directors general for the two new commands that the Home Secretary described today or of course to Ministers.

**Q8 Chair:** They are vacant—we can't write to those who are heading the commands, because they do not exist. Presumably you are going to advertise their jobs?

**Mark Sedwill:** We will make interim appointments very quickly, and then there will be a full recruitment process to recruit permanent appointments to those jobs over the next few months.

**Q9 Chair:** You know, what worries me, Mr Sedwill—and I am going to ask colleagues to come in now—is the fact that it all sounds a bit chaotic. We had the Prime Minister's speech on Monday—and of course I would understand you saying it is not chaotic; you are the Permanent Secretary—and on Tuesday we had this statement. We have no idea as to who is going to run the Agency from Monday. You are going to make interim appointments. You have a live Chief Executive sitting on your left-hand side who at the moment does not have a job because he is not one of the interim directors general, so from now on, presumably until we get these interim people, we will write to the Home Secretary about these matters?

**Mark Sedwill:** What I would suggest, Mr Chairman, is you continue to write to Ministers about the matters you currently write to Ministers on. Rob Whiteman will still be here on Monday and will still be overseeing the transformation programme of the Agency. We cannot just flick a switch and put it out of existence overnight.

**Chair:** Exactly.

**Mark Sedwill:** Apart from anything else, it was brought into existence by an Act of Parliament, and we still need the Agency to, for example, collect—

**Q10 Chair:** So, Rob Whiteman will be the head of transition?

**Mark Sedwill:** Exactly, so he will still be in place as part of the transition.

**Q11 Chair:** That is going to be his title, or have I just given him the title?

**Mark Sedwill:** Sorry?

**Chair:** Is his new title the Head of Transition?

**Mark Sedwill:** No.

**Q12 Chair:** What is his title for Monday?

**Mark Sedwill:** We are still working on exactly what that is. It is not chaotic, Mr Chairman, but you will understand—

**Chair:** It sounds pretty chaotic.

**Mark Sedwill:** You will understand that the Home Secretary set out a policy announcement today. She felt she should do that before the Easter recess.

**Chair:** Of course, yes.

**Mark Sedwill:** Had we started making appointments of this kind, the news would have leaked out and then you would have called us in front of you asking us why it was we had not made a policy announcement in Parliament before we started to make the managerial changes. So, we are seeking to do this in the most orderly way we can, commensurate with the transparency we owe to Parliament.

**Q13 Chair:** Of course. But of course we have always known we are going into recess or we have known for some time, so you could have organised it slightly better. But the current position is Mr Whiteman is no longer the chief executive from Monday; he does not have a title; he is still very much with us and he is going to oversee the transition.

**Mark Sedwill:** He does have a title. He is a director general in the Home Office, and he will oversee the transition of the Border Agency to the new structures and will be making

interim appointments swiftly, shortly after Easter, and then permanent appointments in due course, and then Rob will continue in a major role in the Home Office overseeing this transformation.

**Q14 Chair:** I am sure he is very pleased about that. Just one final question from me; in our report, there seems to be five people on your board, Mr Whiteman, who are not currently in post, but presumably you have appointed them. Mr Hayes, whom we will hear from later, of course is an acting executive director. What happens to those five who you have appointed to the board and who have not started their jobs?

**Rob Whiteman:** Those recent appointments stay in post, Mr Vaz, and of course they go into new commands that will be led by directors general.

**Chair:** Excellent.

**Rob Whiteman:** We have made good appointments to director positions, and they will report to the new DG.

**Chair:** We will come on to that in a minute; David Winnick, and then other colleagues.

**Q15 Mr Winnick:** Mr Whiteman, it is no reflection on you, for the reasons the Chair remarked, but you will accept, will you not, that UKBA was an unloved organisation and it certainly will not be missed?

**Rob Whiteman:** I would say that, yes. It has had a very bad reputation, and I think that is a shame for the many, many dedicated staff. UKBA has many excellent staff who every day do a good job, and I absolutely believe that the changes that the Home Secretary has announced will ensure that they are in organisations of which they can be more proud as the transformation of the Home Office occurs.

**Q16 Mr Winnick:** Let me put it to you this way, Mr Whiteman. I certainly think, and I am sure that my colleagues agree, that it would have been inappropriate for you to have come to the Home Affairs Committee and said, “The organisation really is in such a state that it needs reorganising.” We wouldn’t have expected you to say that and certainly not the Home Secretary, to say the least, but at what stage did you come to the view—if you did; perhaps you didn’t—that, having been appointed and seen the situation as it is, the Agency really just would not serve its purpose, it wasn’t fit for purpose, even if you did not communicate that to some of your immediate colleagues? Or did you not come to that view at all?

**Rob Whiteman:** I don’t think I came to that view at an exact moment in time, Mr Winnick. What matters here is that we have given the Home Secretary options in the way that she has wanted, and of course my job as a civil servant is to give an honest and true account of what is working well or better at UKBA but also what is not working well and how the changes that could be brought about will improve it. I think my job is to give honest and true advice on both those scenarios.

**Q17 Mr Winnick:** I want to come to Mr Sedwill in just a moment, but one further question to you: you are quite happy, are you, if that is the right word, to be involved in a senior position in immigration matters; your work at UKBA has not put you off doing this sort of work?

**Rob Whiteman:** No, absolutely not, Mr Winnick. I remain very committed to the Immigration Service of the Home Office and the work of the Home Office in general. I remain absolutely committed to that, and I hope that in the future role that I am being given, in order to make sure that the systems that support Home Office operations are working

effectively, I can add value to the Immigration Service as well as to other parts of the Home Office.

**Q18 Mr Winnick:** Mr Sedwill, the Home Secretary explained the splitting into two different organisations and the reasons, but you will be chairing all the constituent organisations in the Immigration Service, immigration, passport, Border Force and so on and so forth. That will be your job, chairing it, yes?

**Mark Sedwill:** Not of the Agency. We have a series of governance structures within the Home Office, and, as the Home Secretary said, there will be a board that is designed to bring all of the pieces of the immigration system together, so the Border Force, the two new commands—

**Mr Winnick:** I understand that, but you will be chairing it?

**Mark Sedwill:** Yes.

**Mr Winnick:** How much of that will—

**Mark Sedwill:** As will Ministers, of course; the Ministers and I will chair this, depending on the focus of—

**Q19 Mr Winnick:** Yes, but you are the most senior official obviously in the Home Office, and you have enough responsibilities, I am sure, to occupy yourself at the moment. How much time will you therefore have to chair this board?

**Mark Sedwill:** I can't say exactly how much time it will require. It varies from time to time, to be honest, and so we spend a great deal of time on the Border Agency at the moment because of the changes the Home Secretary was contemplating, and I expect it will be a major burden or a major priority for me over the next months until we have the new structure stabilised. I would then expect it to move into a more normal management system.

**Q20 Mr Winnick:** You see, Mr Sedwill, UKBA, as I have said, has never been particularly liked. I have described it as an organisation that was unloved, chaotic and with tens of thousands of outstanding cases; a lot of the time there was sheer inefficiency. You have read our reports, and I am sure you have read our last report. It was a pretty damning indictment of the organisation, and much of it not the fault of Mr Whiteman, but why should we have any confidence that this new organisation—or two new organisations and the board and the rest of it—will in practice be any more efficient, any more able to overcome the chaotic system that existed, yes, under the previous Government and the three years since this Government has been in office and be any better?

**Mark Sedwill:** I am sure you will want to continue to scrutinise it, Mr Winnick.

**Mr Winnick:** To say the least, to say the least.

**Mark Sedwill:** Indeed, and certainly neither I nor the Home Secretary would claim that this change, although it is a significant modernisation, is in itself going to transform the Agency. It is what we do now. So we believe that by making the changes that the Home Secretary set out today, we have essentially established the right platform for tackling all of those underlying issues that you refer to, including, as the Home Secretary said, the underlying case management systems, the ICT and so on, and to do that in a more coherent way than we have been able to in the past. But this is just the first step. It is a necessary step, but it is not a sufficient one, and we have to get the hard part, in a sense, started.

**Chair:** Thank you. We have to move on, Mr Winnick. Dr Huppert.

**Q21 Dr Huppert:** I absolutely understand that you both have to be very on-message and support the Home Secretary's suggestion that this is carefully managed and planned. Presently you are doing a fairly valiant job on that. The thing that is slightly problematic in

that is the statement that came out on Thursday from the Immigration Minister, because just last Thursday there was this written ministerial statement that says, “The UK Border Agency is playing an important role. It has already shown signs of significant improvement. It is building on success”, and then ends by saying, “I am confident that these measures represent the start of a period of further improvement that will leave the UK Border Agency on the sure footing necessary to continue to deliver a safe and efficient immigration system.” So on Thursday it was doing well, getting better and about to be on a sure footing; on Tuesday it is killed. Now, other than our report, what changed between Thursday and Tuesday that made it from getting better to being disposed of?

**Mark Sedwill:** I hesitate to suggest that it wasn't the report that triggered that, but I am afraid it was not. The Home Secretary was reviewing this for several months, and of course you would not expect Ministers to foreshadow a decision that had not yet been made. The dissolution of an agency and the reintegration into the Home Office has to be approved by not only the Home Secretary but by other members of the Government, the Prime Minister, the Deputy Prime Minister, there are measures with the Treasury and so on. All of that had to go through, so we have been working up to this for some time, but the actual formal decisions were taken only in the last few days. The Home Secretary took the decision, rightly, that as soon as that decision had been taken—the Prime Minister, as she said, mentioned it in his speech yesterday—she should bring it to the House, not least because otherwise there is a risk of a leak and it comes out in an unco-ordinated, chaotic way.

**Q22 Dr Huppert:** But on Thursday, was the Immigration Minister aware that this was likely to happen?

**Mark Sedwill:** The Immigration Minister has been intimately involved in this throughout.

**Q23 Dr Huppert:** In that case, why would he tell the House that he was confident that there will be a period of further improvement that will leave the UK Border Agency on a sure footing? If he knew that there was a high chance in the next few days there would not be, he could have just left that paragraph out, rather than saying something that was likely not to be true in the next few days.

**Mark Sedwill:** You will forgive me, Dr Huppert, for not seeking to try either to correct or to speak for the Immigration Minister, but the substance of the Immigration Minister's remarks was that there have been improvements, as there have under the leadership of Rob Whiteman. You have acknowledged that yourselves, and we expect those improvements to continue, as the Immigration Minister set out. We believe the changes we are making are the right ones to enable that. It is not that there has been a sudden change of policy, but of course he could not have hinted to the House at this change before the decision was taken.

**Q24 Dr Huppert:** But he did not have to table the statement on the Thursday when there was not a decision, and hence he had to say something that turns out not to be right. He could have waited until Tuesday, presumably.

**Chair:** Mr Sedwill, the reason why Dr Huppert is pursuing this, with the support of the Committee, is that if you look at the last paragraph of the statement—we are not saying this but some may say that this is tantamount to misleading the House if the Immigration Minister knew that these changes were going to be made. This was the point that Dr Huppert is making. He is not accusing the Minister, but if you look at that last paragraph, indeed he says it is going to deliver a safe and efficient immigration system, but by Tuesday afternoon the Home Secretary described it as “closed, secretive and defensive”. This is not an episode of *The Thick of It*. This is the Home Office, running the Immigration Department. This is a

serious matter, isn't it? Unless you are telling us that the decision was made after Thursday, after the statement was made, then we could understand the last paragraph.

**Mark Sedwill:** That is my point. The final decision was taken after Thursday and the Home Secretary brought it to the House on the first opportunity after the final decision was taken.

**Q25 Chair:** So, after this statement was made?

**Mark Sedwill:** But the process leading up to that decision was very hard one.

**Chair:** Of course, we understand.

**Mark Sedwill:** Indeed, I think, if my recollection is correct, the final meeting I had with the Home Secretary on this before she took the proposal to the Prime Minister and other Members of the Cabinet was on Thursday afternoon.

**Q26 Dr Huppert:** But when you say it was the first opportunity, presumably if the decision was made on Thursday afternoon, which you are now suggesting—

**Mark Sedwill:** No, the Home Secretary herself, but the dissolution of an agency is a matter not just for the Home Office; it is for the rest of Government.

**Dr Huppert:** So, exactly when was the final decision made?

**Mark Sedwill:** I think the Home Secretary talked it over with the Prime Minister and the Deputy Prime Minister for the last time this morning before the decision—

**Chair:** This morning?

**Mark Sedwill:** —was made to bring it before the—

**Q27 Dr Huppert:** So, it was a carefully managed plan that happened within a couple of hours this morning?

**Mark Sedwill:** No, no. Mr Chairman, you are seeking to try to put words into my mouth. I am trying to explain.

**Q28 Chair:** No, Mr Sedwill, shall we pause a minute so that you can have a think about this before you say anything further? What you have told the Committee so far is that the Immigration Minister in good faith laid a statement before the House on Thursday 21 March; that there had been ongoing discussions for many, many months; and Mr Whiteman was part of this discussion. Nobody at that stage presumably thought it was a closed, secretive and defensive organisation, but after Thursday afternoon, after this matter had been put before the House, it went to the Prime Minister and Deputy Prime Minister this morning for final sign-off?

**Mark Sedwill:** Mr Chairman, it would not be right for me to get into all of the conversations, some of which I am not privy to, within Government.

**Chair:** Sorry, with greatest respect, Mr Sedwill, you are sitting in front of us today because I had a conversation with the Home Secretary and she offered you.

**Mark Sedwill:** I know.

**Chair:** I do not whether as a sacrificial lamb, but she offered you to come here to answer all our questions.

**Mark Sedwill:** I am doing my—

**Chair:** Otherwise, believe me, she would be sitting in your place.

**Mark Sedwill:** I am doing my best, Mr Chairman.

**Q29 Chair:** So we would expect you, as the Permanent Secretary, to be able to know answers to this question. When was it finally signed off?

**Mark Sedwill:** The final decision was taken overnight.

**Q30 Chair:** Not this morning?

**Mark Sedwill:** The Home Secretary confirmed—well, overnight.

**Chair:** Mr Sedwill, you are not doing yourself any favours.

**Mark Sedwill:** I know. I realise, Mr Chairman, and I apologise.

**Q31 Chair:** You have so far told us it was taken after the statement; you have told us it was taken overnight; you told us it was taken this morning and next you are going to be talking about close of play and other cricketing terms. Just very, very simply, when was the decision taken? When did the Prime Minister and the Deputy Prime Minister sign this off, because somebody must have prepared the statement for the Home Secretary to put before the House. When?

**Mark Sedwill:** Let me just take you through the sequence then, Mr Chairman.

**Chair:** Please.

**Mark Sedwill:** The Home Secretary has had a series of meetings on this over the last few months, including before I became Permanent Secretary, and I was involved in one of those just the week before I took over. We had the final one of those very substantive meetings with her on Thursday, and as a result of that meeting—

**Chair:** On Thursday last week?

**Mark Sedwill:** On Thursday.

**Q32 Dr Huppert:** On the day you tabled the written ministerial statement saying nothing about it?

**Mark Sedwill:** Well—

**Chair:** On Thursday 21 March?

**Mark Sedwill:** Indeed, on Thursday.

**Q33 Chair:** Who was present at the meeting?

**Mark Sedwill:** It was an internal Home Office meeting with myself, the Home Secretary, Mr Whiteman and other officials.

**Chair:** Excellent.

**Mark Sedwill:** As a result of that meeting, she concluded this was the right answer.

**Chair:** Excellent.

**Mark Sedwill:** She then had to secure the formal agreement of other members of Government.

**Chair:** Sure.

**Mark Sedwill:** In order to dissolve an Agency, the Minister at the Cabinet Office has to be involved, the Treasury has to be involved, and of course, because it is a Coalition Government, both the Prime Minister and Deputy Prime Minister have to be comfortable. We had a further meeting in the Cabinet Office yesterday, having had some discussions over the weekend on the modalities for this, including on whether announcements should be made before or after the recess. A final note went to the Prime Minister overnight, and, as a result of that note, it was decided that the Home Secretary should make a statement to the House today before the recess, and the statement was completed this morning so that the Home Secretary could make the announcement.

**Chair:** So, does that give you an answer, Dr Huppert?

**Dr Huppert:** It does.

**Chair:** Because it clarifies the different—

**Q34 Dr Huppert:** It does. What is not clear is why this other statement, and indeed a 23-page Government response on the work of the Border Agency, was published on the Thursday when you were having the last-minute conversations. Did it not occur to anybody that it would have been sensible not to do that when you are about to change everything and to do everything together, because that would at least look more controlled, rather than the idea that policy has suddenly swung from a Thursday to a Tuesday.

**Mark Sedwill:** It really has not. It genuinely has not suddenly swung from a Thursday to a Tuesday.

**Dr Huppert:** But it does look like it. Do you understand what it looks like?

**Mark Sedwill:** I understand the perception, but of course one of the options would have been to have waited until after the recess for the Home Secretary to make the statement and we could have spent the Easter recess working on some more of the details, but the conclusion Ministers reached, I think rightly, was that having made the decision, the Prime Minister, the Deputy Prime Minister and other members of the Cabinet having approved it, the right course of action was to tell the House at the earliest opportunity.

**Q35 Chair:** Sorry, you have now brought in the Cabinet. Was it taken to the Cabinet?

**Mark Sedwill:** I said other members of the Cabinet.

**Chair:** Oh, right. So there was no Cabinet meeting?

**Mark Sedwill:** I referred to two of the other Ministers a moment ago, Mr Chair.

**Chair:** I think this is very clear, and you have given us—sort of—a clear account of what happened. I will call Steve McCabe, then Mark Reckless, Bridget Phillipson and Michael Ellis, and then we are done on this.

**Q36 Steve McCabe:** I hope the poor Immigration Minister is more in the loop when he adopts his new responsibilities.

Mr Whiteman, I think I have to ask you this. I understand why Mr Sedwill says we should not discuss personnel matters, but do you think in this age of austerity the public will understand how someone who ends up with a quarter of the responsibilities he originally had should keep the same salary level?

**Rob Whiteman:** I don't mind your asking about it at all, Mr McCabe. My responsibilities will be different.

**Steve McCabe:** They have been reduced by three quarters from the job you were appointed to.

**Rob Whiteman:** In respect of running operations, that is quite correct, but in terms of making sure that the systems of the Home Office work effectively, in terms of support to those operations and indeed to other operations with which I am presently not involved, I think the job that Mr Sedwill has asked me to do is an important one for the future of the Home Office. It is different. It is a more strategic job across a wider remit of the Home Office, and, yes, it involves less direct management of operations. It is a different job, Mr McCabe.

**Q37 Steve McCabe:** Do you think the public will understand my point?

**Rob Whiteman:** Yes, I understand the point you are making, Mr McCabe, and I hope I have given you an honest answer, but one of the things about the Civil Service is we have very different roles and there are support roles and there are roles running operations and there are roles in policy, and I hope that the job that Mr Sedwill has asked me to do will add value to our operations and indeed to the wider Home Office.

**Q38 Chair:** Excellent. You were offered that job when? Today?

**Rob Whiteman:** While the changes have been under discussion, Chairman, Mr Sedwill and I have had a number of conversations.

**Chair:** It was offered before Thursday?

**Rob Whiteman:** We have been discussing what would happen over a period of time, but the important thing—

**Chair:** The important thing is clarity, because you are the Head of the Agency, and you answered letters from us. You have been discussing with Mr Sedwill your appointment as the Head of Transition before Thursday?

**Rob Whiteman:** No, the decision was made on Thursday, and I have been working on effecting that transition.

**Chair:** Since Thursday afternoon you know you have a job doing the transition?

**Mark Sedwill:** To be clear, Mr Chairman, we have been having discussions separately about the kind of role that Mr Whiteman would play in the future, but of course there was no decision.

**Chair:** Of course, until this morning.

**Mark Sedwill:** Therefore there was no decision on the exact structure of the Agency until we had completed the process, and so we were not in a position to—

**Chair:** Sure. Which happened this morning?

**Mark Sedwill:** The final approval was given this morning. The decision, as I said, was made by the Home Secretary on Thursday afternoon.

**Q39 Mr Winnick:** Can I ask what time?

**Chair:** What time?

**Mr Winnick:** What time in the morning?

**Chair:** What time was the meeting that finally signed this off on Thursday?

**Mr Winnick:** It is a simple question.

**Mark Sedwill:** I don't know. We had a message back. The Home Secretary was at Cabinet this morning, and we had a message back during that period that the final conversations had taken place, the final approvals had been given and we could go ahead.

**Q40 Mr Winnick:** But that would have all been recorded, wouldn't it, in the office?

**Mark Sedwill:** Not necessarily. The—

**Q41 Chair:** Sorry, you wouldn't record in the office a message from No. 10?

**Mark Sedwill:** No, no. We do not record minute by minute when conversations happen. Yes, of course we will have recorded from the Cabinet meeting this morning that we had the approval to go ahead with the statement this afternoon.

**Q42 Mr Winnick:** So, you can send the information, even if you do not have it now?

**Mark Sedwill:** It was in a period this morning during the Cabinet meeting. I don't know exactly what time that was. I am not sure why that—

**Chair:** Okay, that is very helpful. We will pursue that.

**Mr Winnick:** I think it is very unhelpful, but there you are.

**Q43 Mark Reckless:** Mr Sedwill, you said there were a series of meetings over the past few months about abolition of UKBA and that the final meeting in the Home Office or decision was on the Thursday, and the Home Office decided on Thursday as far as it was concerned to recommend abolition of UKBA, is that correct? Why then did a Home Office Minister give a statement to Parliament on that Thursday saying he was confident UKBA was going to continue?

**Mark Sedwill:** As I have already explained, the Agency was still in being and the formal decision by Government as a whole, which of course is a more complex business with a Coalition Government, had not been taken. What he was talking about was the immigration system, and so he was seeking to answer a report against the background of a decision that had not been reached.

**Q44 Mark Reckless:** With respect, Mr Sedwill, he was not talking about the immigration system; he was talking about the UK Border Agency, and in this final paragraph in the statement he says he is confident it is going to continue on a sure footing. It had been decided by the Home Office to recommend its abolition, yet a Minister was telling Parliament he was confident it was going to continue. Was the Minister out of the loop, or was Parliament misled?

**Mark Sedwill:** I would not characterise it as either of those, Mr Reckless. It would have been wrong for the Minister to have foreshadowed either by commission or omission a change to the status of the Border Agency that had not yet been through the full process of approval within Government. The Agency, the legal personality, will continue for some time into the next financial year, because that is necessary for the functioning of the immigration system, including, for example, the collection of fees. The Agency was established by an Act of Parliament, and therefore there will have to be some formal changes to its status. So it is wrong to say that the Agency has been abolished overnight. The Home Secretary set out the policy decision to dissolve the Agency and bring it back into the Home Office. The implementation will take some time.

**Q45 Mark Reckless:** Mr Sedwill, I find your claim that it would have been an error of omission not to include that final paragraph in Thursday's written statement absolutely extraordinary, knowing that a decision has been made in the Home Office, that the Home Office is recommending abolition of UKBA, and for a Home Office Minister then to make a statement to Parliament saying that it is on a sure footing.

**Mark Sedwill:** The Minister was, I think, seeking to address the specific points about the immigration system as a whole, and it would have been wrong, I think, for him to foreshadow that statement.

**Q46 Mark Reckless:** I am sorry, Mr Sedwill, just read this.

**Mark Sedwill:** I don't have the paragraph in front of me.

**Mark Reckless:** It refers again and again and again to UKBA, not to the immigration system as a whole.

**Chair:** Mr Reckless, could we just give Mr Sedwill a copy of the statement? I am surprised that you have not seen it.

**Mark Sedwill:** No, I am not saying I have not seen it. I just do not have it in front of me, and I do not—

**Chair:** Mr Reckless, Mr Sedwill now has it.

**Q47 Mark Reckless:** With hindsight, Mr Sedwill, was it really sensible to include that final paragraph in a statement to Parliament on the same day that the Home Office decided it wanted to abolish the UKBA?

**Mark Sedwill:** I think on reflection, Mr Reckless, a slightly vaguer statement might have been wise, but I would not accept the criticism that we, let alone the Immigration Minister himself, misled the House. I think I have tried to explain the sequence of these decisions, and there was certainly no decision by then that there would be a parliamentary statement today. Indeed, at that time we had not reached a conclusion about exactly how or

when the Home Secretary would make this announcement to the House, and that was taken thereafter.

**Q48 Mark Reckless:** Two things happened that seem to be relevant between Thursday and today. One, the Home Affairs Select Committee published our report again castigating—and perhaps even more strongly than previously—the performance of the UKBA, and secondly, the Prime Minister made, as you say, a broad-ranging speech on the immigration system as a whole. Doesn't today's statement reflect one or either or both of those developments?

**Mark Sedwill:** I think they are both important inputs. We knew that your report was likely to be critical. We had seen of course the Chief Inspector's report and we were aware that you were likely to issue a sharply critical report at this time, and of course we see embargoed copies and so on shortly in advance. Indeed, we handle them very, very carefully. We also knew both the Deputy Prime Minister, who was speaking on Friday, and the Prime Minister were making big speeches on immigration around this time, and all of that informed the decision, not the decision of substance that the Home Secretary set out today, because that decision I think would have been taken anyway, but they were of course important contexts to the political choice for the Home Secretary to make a statement before Parliament this afternoon.

**Q49 Chair:** It was the timing that was influenced; is that what you are telling the Committee?

**Mark Sedwill:** Yes, fundamentally it was timing. Give that those speeches had been made and so on, it made sense for the Home Secretary to come before Parliament on the first opportunity, which was this afternoon, in order to make this statement.

**Q50 Mark Reckless:** Is it usual for a Prime Minister or even a Deputy Prime Minister to make a major speech on a big area of policy immediately before a decision is taken, rather than immediately after?

**Mark Sedwill:** Of course you will see if you read the Prime Minister's speech carefully, he says that the Home Secretary will be bringing forward changes to the Border Agency. He was quite clear about that, but he did not want his own speech to be sort of wrapped in the structuring news, because he was making a much broader speech about immigration policy and the Government's policy as a whole, as was the Deputy Prime Minister. It is wrong to suggest that somehow there is a series of conversations with the Home Office to which no one else was privy and then suddenly we launched this on to an unsuspecting system. The centre—Downing Street, the Cabinet Office and others—had been involved in this process all the way through—

**Mark Reckless:** Would it be fair to say—

**Mark Sedwill:** —and that the point I was trying to answer earlier was about the specific and formal moments when we were able to have the Home Secretary make her statement.

**Q51 Mark Reckless:** Would it be fair to say that the Prime Minister's interest in the speech accelerated this decision?

**Mark Sedwill:** The decision, no, because we had decided some time ago that the Home Secretary wanted to reach a conclusion on this matter before the Easter recess. In terms of the choice about when to make the announcement, then of course a big speech by the Prime Minister in this policy area was a relevant factor.

**Q52 Mark Reckless:** The Home Secretary said in her statement that you would be chairing this oversight board, is that right—

**Mark Sedwill:** That is right.

**Mark Reckless:** —or did he say that she would be chairing it?

**Mark Sedwill:** Of course I do all of this on her behalf, but we already have a border strategy board, which is chaired by the Minister for Immigration. That brings in various agencies, but in terms of actual official leadership of this, doing the performance reviews, ensuring that we have the right systems in place, that is part of my job, yes.

**Q53 Mark Reckless:** Finally, if I may, Chair, the enforcement part of the Home Office for immigration: how do you see that operating with the National Crime Agency sort of border command?

**Mark Sedwill:** I think you highlight a very important point, and one of the reasons or one of the factors that has not really come out either in Parliament or in the House today or in the Committee is that the formation of the National Crime Agency is an important factor. It has a border policing command, and that is one of the reasons that it makes sense to have a separate enforcement and regulatory function for the immigration system within the Home Office, because that relationship with the National Crime Agency and its new responsibilities is a crucial part of essentially tackling the enforcement problems and the gaps we have in that in the future. So, that is another factor that was weighed in the decision of substance that the Home Secretary took.

**Chair:** Thank you. Mr Ellis has waited very patiently, and I am very grateful.

**Q54 Michael Ellis:** Gentlemen, can I posit a suggestion to you? When two companies merge or split, for that matter, they do not make announcements to their shareholders before they are ready to make such announcements, do they? Would you accept that as a posited suggestion? It would be irresponsible, in fact, to do so, to make incomplete announcements. You have been asked many questions on process. I just want to try to crystallise it, if I may. Is it your position therefore that effectively there is a three-stage process to this, that there is the decision-making process, which you, Mr Sedwill, have said was months in the making, that pre-dates you as Permanent Secretary at the office for the Home Department, that had been ongoing before your arrival there and that was going on for months? That is step one. Step two is making an approval of the decision when that decision has been made, and step three is announcing that decision. Would you accept that?

**Mark Sedwill:** Yes.

**Q55 Michael Ellis:** So what your case is, if I can put it that way, is that the decision-making process had been going on for months, it well pre-dates this honourable Committee's recent report—but of course this Committee has produced several highly sceptical reports, and rightly so, on the work of the UKBA—but as a consequence perhaps of that and many other factors, and the dysfunctionality for years, I might add, of the UKBA since its inception, this decision was being considered. Is that right so far? Now, you are saying—

**Chair:** Mr Sedwill, you will have to say yes or no. *Hansard* does not record nods, even though—

**Michael Ellis:** Could you just say yes or no for the record?

**Mark Sedwill:** Yes. I would not characterise it in exactly those words, but that is broadly correct.

**Michael Ellis:** But you agree that the decision-making process has been going on for months?

**Mark Sedwill:** Yes.

**Q56 Michael Ellis:** The final approval was made only shortly before the announcement was made; is that effectively what you are saying? The final approval, not the decision, because there seems to have been some confusion about the difference between deciding to do something and announcing an approval, so you are saying the final approval, the final signing-off was done and then the announcement was made very shortly thereafter?

**Mark Sedwill:** Yes.

**Q57 Michael Ellis:** Presumably it is considered good practice to make the announcement very soon after the final approval so as to avoid leaks?

**Mark Sedwill:** That is part of the reason, but, as I explained a few moments ago, with the proximity of the Easter recess, the big speeches that have been made, it made sense to announce this today.

**Q58 Michael Ellis:** So, it was the right sequence for this announcement because of other speeches and because otherwise the House is about to go into two and a half weeks of recess. So it was a calculated and appropriate decision in all the circumstances; a properly considered decision?

**Mark Sedwill:** Yes, I think so.

**Chair:** Sorry, only “think”?

**Mark Sedwill:** Yes.

**Chair:** You are worrying us here.

**Mark Sedwill:** Yes.

**Michael Ellis:** I think you do agree, don't you?

**Mark Sedwill:** I do, yes. Mr Ellis, I agree, this was—

**Chair:** Mr Ellis has worked hard on this question, and I think a yes or a no is better than anything else.

**Mark Sedwill:** For the record, this was a properly considered and appropriate decision.

**Q59 Michael Ellis:** Yes, but the thrust of my point is the differentiation between these processes, the decision-making processes in something like this cannot be made on the back of an envelope; this has to take months to go through the complexities and the legalities of it, and you are confirming that that is the case?

**Mark Sedwill:** Indeed.

**Q60 Michael Ellis:** You have had discussions going back months with the Home Secretary and others about it, is that right?

**Mark Sedwill:** Yes.

**Q61 Michael Ellis:** Good. So, then the final approval was made and the announcement was made very shortly thereafter?

**Mark Sedwill:** Yes.

**Q62 Michael Ellis:** Right. This is all about process, which is fascinating, but the reason why this decision has been made is that the UKBA has been a fundamentally dysfunctional organisation; it has been monolithic. Would you agree with that? The many hard-working staff within the organisation have been let down by its failed structure. Do you agree with that? The structure of it has been inherently unsound.

**Mark Sedwill:** That is why the Home Secretary has chosen to address just that question.

**Q63 Michael Ellis:** So, the essence of this decision is about improving security at our borders; and do you believe in your position as Permanent Secretary at the Home Office, and do you believe, Mr Whiteman, in your position, that this decision will strengthen security at the border?

**Mark Sedwill:** This decision, as part of a process of modernisation, will do just that, including the earlier decision to create the Border Force and of course the successful implementation of the decision the Home Secretary set out, yes.

**Q64 Michael Ellis:** Is it also a correct analysis to suggest that by splitting this organisation in the way that we have been talking about and the announcement that we have heard made, this is adopting something of, by its very nature, a more targeted approach than the UKBA—which as I say, I have described as a rather monolithic organisation—so you seem to have a situation going forward now where legitimate visitors should be able to pass through legally more easily than they have been able to hitherto and abusers of the system can be dealt with appropriately? That is the essence behind this decision?

**Mark Sedwill:** Indeed. Absolutely.

**Michael Ellis:** Thank you very much.

**Chair:** Thank you very much, Mr Ellis. That was very helpful.

**Q65 Bridget Phillipson:** I broadly welcome the changes being suggested today, although it does seem a bit on the rushed side, but, amid all the structural change and Ministers taking a more direct role in how things are done, can we keep the focus on the need for cultural change in terms of what we are doing, because simply changing the names of departments and creating new responsibilities for people does not in and of itself deliver the cultural change that we need to see. I appreciate there will be legislation, but legislation of course does not of course deliver cultural change in and of itself, so can you just say a bit more about how this is anticipated to lead to the cultural change that we all want to see given the shortcomings that have arisen?

**Mark Sedwill:** I think this is, with respect, the most important point of substance perhaps we have touched on today so far, because this really does underlie the reason for doing this. As the Home Secretary set out, none of these elements have really functioned as effectively as we would like, and so in creating the new structures—and it is just the first step, for the reasons you set out, Ms Phillipson—we will have a culture that is a customer service culture, focused on growth, focused on trying to work alongside UKTI, Visit Britain and others to deal with the people we want to visit the UK, do business here and bring their skills to the country. The aim of this is to create that culture, that customer service culture in the new visa and immigration operation, rather like the culture I think we have seen created with real success in IPS, where we were able to reduce the price of the passport and we have had really strong customer service and has been driven in some parts of it.

Then secondly you have a law enforcement culture, and, as Mr Reckless pointed out earlier, that law enforcement culture in the second command is a very different kind of culture; it is a different sort of organisation. You recruit different kinds of people to it, different skill-sets, and that needs to work very closely alongside other law enforcement agencies, including the new National Crime Agency.

Then of course it is important just to remember that the Border Force, although that was brought out in the first phase of this change, has an important job to do as well, and one of the successes of the merger into what Mr Ellis described as a monolith was bringing together Customs and Immigration at the border, and that has been a very real success.

**Chair:** Very helpful.

**Mark Sedwill:** Sorry, just one final point, Mr Chairman. The fourth point about culture is the point that Mr Whiteman made earlier: that we need Home Office systems and law enforcement systems generally, both IT, but people and individuals and casework as well, to integrate much more effectively. One of the things that struck me ever since I took this job is I go around different parts of the Home Office, police forces and so on, and their systems do not, as you know, operate with each other very effectively. There are bottlenecks and glitches and mismatches and overlaps and all the rest of it, and so that systems management, that systems integration, is another part of the culture of this, and it is probably in some ways the least obvious but perhaps the most important part of the change.

**Q66 Bridget Phillipson:** We do need to see the change you are talking about in terms of visas and it being clear that Britain is open for business, that we want to attract people to come here and that they should receive a good level of customer service, but can I also ask that that same focus on cultural change is also applied to how we deal with asylum applications, because there still remain big problems in that system? So, I would just ask that when that cultural change is being considered, clearly the Home Secretary has set out her focus on visas and wanting to make Britain competitive, the somewhat hidden aspects of asylum applications, where we also need to see cultural change, are included—and I hope that a greater separation between enforcement and decision-making might support that cultural change.

**Mark Sedwill:** I think the Home Secretary picked up precisely that point in the House this afternoon, and you are absolutely right, as I think Mr Ellis was also indicating: institutional culture is the most important part of delivering the right kind of system. We have to get that right, and we believe this change will facilitate that across the whole range of the business, including asylum, absolutely.

**Q67 Bridget Phillipson:** One complaint that we as a Committee have raised consistently has been about the correspondence that Members of Parliament receive. Obviously we have seen improvement in the level of information received by the Committee, but, now Ministers are more hands-on and directly responsible, can we expect to see improvements in the correspondence and timeliness that Members of Parliament can expect to receive?

**Mark Sedwill:** That is very much our aim, and I think that as Ministers demand—as I say, I can't quite yet give you an answer on exactly which letters the Minister would now reply to as opposed to officials. I would expect to see some shift in the boundary there, but they will both still need to be involved, and yes, certainly our aim is to improve public service generally, our service standards generally, not just to the applicant, but to MPs and others with an interest.

**Q68 Chair:** When the Home Secretary referred to “closed, secretive and defensive” she was not talking about the buildings; she was talking about the culture that you just mentioned.

**Mark Sedwill:** Yes, Mr Vaz.

**Chair:** But it seems to us, Mr Sedwill, that the same people who currently are involved in the Agency are all going to get jobs in the new units that are being created. We have heard that Mr Whiteman is going to be Head of Transition. We have heard that the five people who he has given a job to, members of the executive board, are all going to keep their jobs in the new organisation; they are not being told that they have to go. Maybe you can confirm this: did you tell UKBA staff that they will still be doing the same job in the same place and with the same colleagues for the same boss? Were those your words?

**Mark Sedwill:** I see, Mr Chairman, that an internal communication to the Home Office has already made it into the media and—

**Chair:** This is a Select Committee. We are not the media. This is a Select Committee of the House.

**Mark Sedwill:** No, no, I know, but I am aware of where it has come from. Indeed, yes, yes.

**Chair:** Did you say that they would still be doing the same job in the same place with the same colleagues for the same boss?

**Mark Sedwill:** Yes.

**Q69 Chair:** So, what is going to change? It sounds very odd to me. The Home Secretary has called it “closed, secretive and defensive”. When you have talked in answer to Bridget Phillipson about a change of culture, you said it was the only point of substance you felt we have raised today, and yet you are telling the staff that it is the same people in the same jobs with the same boss. It does not sound to me like much is changing except branding.

**Mark Sedwill:** Mr Chairman, first, if I may say so, you are taking a single sentence out of a communication that I was seeking to explain—

**Chair:** Tell us more, then.

**Mark Sedwill:** —to our own staff the overall changes to the Home Office, but in a sense the answer is in one of the questions you have already put, and the Home Secretary put in the House. We don’t believe the problem with the Agency is the individuals who work for it. The structures and culture of the Agency has resulted in this closed, secretive and defensive culture, and it is in making the institutional changes that we will enable the individuals of the Agency to do a better job. But most people—

**Q70 Chair:** So, everyone is guaranteed their job?

**Mark Sedwill:** No, Mr Chairman, not everyone and not forever, of course not, but we are talking about an agency here of 17,000 people, we are talking about the Home Office, and this was a communication to the Home Office from me generally, because we are making some other changes to the Home Office, not just the Agency, at the same time. The vast majority of people will next month and beyond be doing exactly what I set out there.

**Q71 Chair:** Sorry, the same job?

**Mark Sedwill:** Yes.

**Q72 Chair:** The Committee supports what the Home Secretary has done. I congratulated her in the House today, but it only matters if things are going to change, so if you are not changing the buildings and you are not changing the people, how do you change a culture that is “closed, secretive and defensive”? Who makes the culture in an organisation other than the people who run it?

**Mark Sedwill:** The culture is both the people and the organisation, and by—

**Chair:** But you are not changing either.

**Mark Sedwill:** Yes, we are. Yes, we are. We are changing the overall structure—this is part of the modernisation process—and there will be some very significant changes to come, in particular, since you clearly have my note to the staff, as there are elsewhere in Government, to the corporate services functions across the Home Office that will be properly integrated, and I would expect to see those deliver significant efficiencies, some of which will meet the overall spending constraint and some of which will release people into front-line functions. So it is not that forever everybody will be doing exactly what they are doing now,

but, for the reasons you have set out, the announcement today by the Home Secretary will not have been expected yet by staff, because of course we have to tell Parliament first.

**Chair:** Of course.

**Mark Sedwill:** Therefore what we have to do is explain to staff what this means for them and what this means for them in the immediate future, just as the change to the Border Force did, is that most of them will be doing the same job, but we will expect many of them to do it in a different way, and that is the big change that we will—

**Q73 Chair:** Faster. You want them to do it faster and more—

**Mark Sedwill:** Faster, better, more responsive and more effective.

**Q74 Chair:** So, it is a motivational thing?

**Mark Sedwill:** No, it is not just that. It is a systems element as well.

**Chair:** Two quick questions; I know you have to go, and we have kept you long enough, I think.

**Q75 Dr Huppert:** Just following up, Rob, you were extremely coy about what your future might hold and what the role might be, but I have just had an email sent 35 minutes ago from you to all UKBA partners saying that you will be, “Leading a new Home Office-wide operational systems management command, bringing together strategy and assurance, operations and resources and organisational development”. I presume you knew about that and just were not telling the Committee. Is that accurate?

**Rob Whiteman:** I believe I did tell the Committee exactly that in my evidence earlier. I said I would be taking a role in order to ensure that the systems management across these operational areas is properly conducted, and Mr Sedwill has also said how I would be leading the transition from UKBA to the new organisations. If I may, Chairman, I would say that the important thing is I think the message that has been given to staff today is the right one. There is change, and the Home Secretary believes that changing the governance and the structure of UKBA will improve performance through a focus of different commands with different cultures, but the message to front-line staff is that tomorrow they carry on with the same job and not to unduly alarm them, because the work that they are carrying out so vitally carries on within new management structures I think is entirely the right message to give.

**Chair:** To be fair to Dr Huppert, though you did say some of those words, the memo that you sent to your staff was quite specific, more than you have told the Committee, but you have now clarified it, and we are very grateful for that clarification.

**Q76 Mr Winnick:** Given the leaked memos, the one quoted by the Chair—and, as you said, it had been leaked, and what we were discussing earlier on when the announcements were made and so on—I am just wondering, Mr Sedwill, bearing in mind the Home Secretary described UKBA, “closed, secretive and defensive culture”, whether you really think the two new organisations are being set up in the right and appropriate way?

**Mark Sedwill:** I think they are being set up in the best way we can, and, as Mr Ellis pointed out earlier, in the private sector, when you are dealing with shareholders, you have the luxury of more control over the media scrutiny and the communications environment. I think, as the emails you are reading have just demonstrated, one of the reasons we have to seek to inform Parliament at the earliest possible opportunity once a decision of this significance has been taken is that otherwise something will leak out and the Committee will very rightly ask us why this was not communicated to Parliament. Once the decision was taken to make this statement today, we worked very hard and pretty quickly to get out the communications to staff and our key stakeholders as well in order to be able to give them the best information

that we can, recognising that there is still quite a lot of the details to be filled in in order to ensure that we land the actual changes of substance that this Committee is seeking, and rightly so.

**Q77 Mr Winnick:** One further question: when the Select Committee decides to have a hearing, as we have done over the years, on UKBA, can we take it that you, from time to time, if not regularly, will also be appearing before us in view of the fact that you are chairing the appropriate board?

*Mark Sedwill:* Absolutely. I would expect, Mr Winnick, you to ask me and scrutinise me on all of the Home Office's operations and policy and services, and of course I appear before the Public Accounts Committee as well on value-for-money issues. I am delighted to appear before you at your convenience.

**Q78 Mr Winnick:** At the end of it all, you will be responsible more than anyone who will be appointed to the new organisation? You will be the ultimate head, subject of course to the Home Secretary. The buck will stop with you.

*Mark Sedwill:* Yes, subject of course to the Minister's overall responsibility, but that is the case now. I am the principal accounting officer for the whole of the Home Office. As Chief Executive, Mr Whiteman is accounting officer for the Agency, so he is already under my management, and I already bear that responsibility as a whole. As we have discussed, and as I think you pointed out in the House, Mr Chairman, the Agency was never a genuine arm's length body, partly because of the continuing policy and case-work responsibility Ministers retained.

From that point of view, my responsibilities are the same as before, but inevitably I will be more directly concerned in the implementation of this programme than I would have been had we not made the changes.

**Q79 Chair:** This Committee has seen three Permanent Secretaries at the Home Office; of course the last one went off to the National Trust very dramatically. We hope that you will be around long enough to see this transformation take place, not just on immigration but also on policing. Do you think that your role as ambassador for Afghanistan prepared you for your period as Permanent Secretary at the Home Office?

*Mark Sedwill:* There was a reference in one of the news articles at the time along the lines, if I can deal with the Taliban, I may be equipped. I believe I am. Although I have only done the job for a couple of months, and I hope I do it for four or five years, because I think that is the right kind of period for a Permanent Secretary—but of course that is out of my hands—I do intend to try to oversee the transformation of the Home Office. As you will see from the emails you have about the announcement today on the UKBA, which of course is by far the most newsworthy component of this, it is only one part of an overall programme to modernise the Home Office and make it more responsive to the needs of the time, and I want to see that through.

**Q80 Chair:** You have been very helpful, because you have come at very short notice to tell us about these changes, but you can probably accept from the questions the Committee has asked you that we are concerned about the need for a smooth transition. I personally, and I think Members of the Committee who spoke in the House today, support what the Home Secretary has done. We are troubled a little by the sequence of events over the last few days, and we may well write to the Home Secretary to follow up some of this sequence because we find that it may well have been a little chaotic in the way in which things were done. But we accept your explanation that you needed to get this out before Parliament rose and that gave

you a very small window. We accept that this was done because of two major speeches by the Deputy Prime Minister and the Prime Minister, and of course, though we cannot claim credit for this with our Select Committee report, we are delighted that you have read the report, because this Committee intends to continue to scrutinise the Home Office in exactly the same way; even though the name has changed of these agencies and it is part of your remit now, we will do it in exactly the same way. I think under Mr Whiteman, and I have to say this, the quality of information that we have received from the UKBA has improved immeasurably from the letters we used to receive from Lin Homer, so we are getting there in terms of information. Indeed on the last occasion, Mr Whiteman, you actually sent me your letter on time, but sadly the woman who co-ordinates this has now been promoted and is now no longer doing this job. But as far as we are concerned, proper scrutiny, timely information—we are all on the same side here, and we hope that you will find that we are allies in what you are trying to do. I know you have very important business that you interrupted to come here, Mr Sedwill; we are most grateful.

**Mark Sedwill:** Thank you.

**Chair:** We are going to carry on a little bit longer with Mr Whiteman, because we feel we have not done him justice for the other work that he is doing, but thank you very much, and we look forward to seeing you on 30 April.

**Mark Sedwill:** Mr Chairman, thank you. I look forward to that as well. Please accept my apologies if a somewhat chaotic explanation gave the impression of a chaotic process; it genuinely was not.

**Chair:** No, we got there in the end.

**Mark Sedwill:** It genuinely was not, and that is my fault for not explaining it well enough under the Committee's scrutiny.

**Chair:** Well, it is your first time. You will be better next time.

**Mark Sedwill:** I apologise for that. But thank you very much for your time.

**Q81 Chair:** Thank you, Mr Sedwill. Could we have Mr Hayes here please to the dais? We are going to get through the rest of these matters very quickly and, Mr Whiteman, we rely on you; since you are one of the great survivors of all these re-organisations, you must be doing something well, so well done. But we want quick answers, because we have factual questions.

The first thing we want to do is to show you our last report; I am sure you have seen it. As you know, we have at the end of the report a supergrid of backlogs, which of course is one of the important aspects of the work that we do. We want you to look at that grid and we want you to take it away with you; you might regard this as homework. Could you please write to us and tell us if there are any other backlogs that are not on that grid that we need to be aware of, simply because we do not want to be in the same position as we were in respect of your predecessor of finding out there were certain items that were not told to this Committee. So, you can either tell us now, or you can take that away and during the April recess write to us and tell us further figures.

**Rob Whiteman:** I will do that gladly, Chairman. I hope I can help in two ways: one is I will gladly give you any broader information that you want, but also I will help to clarify some of the figures on this table, which are probably not backlogs, and I hope I can advise the Committee accordingly. One of the figures on here—for example, the applications not processed in time—relates to details we gave you of work being out of service standard, not that it has not been done, so that work has been done and does not form part of our work. Similarly, one of the other figures given here duplicates one of the other figures, so I think I can give you clarification of this as well on the question that you asked.

**Q82 Chair:** Because looking at the figures, you have just written to us in your letter and informed us that the number of cases in the live asylum cohort has gone up from 28,500 to 33,500, an increase of 5,000, and the live immigration cases have gone up from 4,000 to 7,000, an increase of 3,000 cases. The number of cases that are not loaded on to the computer we find irritating and upsetting, because as Members of Parliament we write to the UKBA through our account managers and we ask for progress on cases, and they write back and they do not know about these cases. It is because they have not been loaded on to the computer.

**Rob Whiteman:** When I appeared at the Committee last time, Chairman, you will remember that I told you that in temporary migration the cases not loaded on the system was 50,000, and, allowing for temporary and permanent migration together, that stood at 59,000, but I gave you an assurance that we would put a plan of action in place. I am pleased to tell you that those figures now stand at 5,000 cases.

**Q83 Chair:** So, not 61,000?

**Rob Whiteman:** That was at the time of writing. I told you we would have a plan of action. As of today, the number of cases not loaded on the system is 5,000.

**Q84 Chair:** Down from 61,000?

**Rob Whiteman:** To 5,000, yes.

**Q85 Chair:** How did you do that, and why was it not done before?

**Rob Whiteman:** As I advised you last time, we put a plan of action in place in order to focus on different elements of the backlog at different times. We have brought down radically the cases not loaded on the system. I am also pleased to tell you that for sponsorship and Tiers 2 and 5 we are within service standard within a week or two. We are making very good progress on Tier 4, and there are two areas of work where it will take longer to be back in service standard, but these are areas where we have seen potential abuse of the system in working on the backlog, and you will be aware that the Government made rule changes to Tier 1 before Christmas. We have also set a different service standard for human rights family cases because in working on the backlog we see that there is a fair amount of abuse taking place. I hope the figures I have just given you in terms of those areas show that we are back in service standard and that cases are now loaded on the system in time. This is progress since last time. The Home Office now has much left to do, but we have made some progress.

**Q86 Chair:** You have made progress if you have reduced it from 61,000 down to 5,000. I just wonder why they went ahead and abolished you, since you were making such a big inroad into the backlog. But we will not reopen that again. We will give you a little bit of a rest.

Mr Hayes, we want to talk to you about the International Directorate, which we regard as one of the best parts of the UKBA, so we hope in all this transition and modernisation, and all this kind of stuff, that we do not do any damage to it in the process. I gather you have been appointed as the Acting Director.

**Simon Hayes:** That is right.

**Q87 Chair:** We have just come back from an overseas trip where we looked at your immigration hubs in Dubai, we looked at Doha, and we also looked at Abu Dhabi. I personally was very impressed with what I saw. We looked at the visa application centres, we were very impressed with the work that was going on there. You certainly have a very good relationship with them. Visa times were processed very quickly, and we want to pass on our thanks to Carol Doughty and Mandy Ivey and all the other members of staff who helped us.

Can I ask you about the decision to remove the right of appeal for family visitors and the concern that this Committee has about what might be in the future a real problem? The Home Secretary in the House yesterday, in the Home Office questions, repeated this view that the reason why there are so many appeals is that the information only comes in after the application has been refused. Do you foresee any problems—and be careful in your answer because we will use it against you if there are any—as a result of the abolition of the right of appeal and the fact that people will either be asked to reapply and therefore put more pressure on the entry clearance officers or they will come to MPs and we will write in and ask why it has been refused? Do you see any possibility of any difficulties?

*Simon Hayes:* I have to say, Mr Chairman, purely from an operational perspective, leaving aside the rights or wrongs of whether there should be a right of appeal, I think we believe that will be manageable, in part because we believe that it is easier and quicker to process a new application, especially if new evidence is being submitted with the application, than it is to administer the current appeal system.

**Q88 Chair:** Do you have any concerns about the current way in which the visa applications are made and the relationship between the visa application centres and the embassies?

*Simon Hayes:* I do not think we have huge problems. I think it has been quite a success story. We were the first country in the world to introduce a system where we outsourced as much of the process as we have done and we think it has worked well, and other countries have followed our lead on it. I hope from what you saw in the Gulf, that you saw evidence that it was working well. We get good feedback from our customers, and we work very hard alongside our partners to make sure that the relationships are in the right place.

**Q89 Chair:** We were very impressed. One of the things we pressed on your predecessors is the need for more face-to-face interviews, and the worry is that if you have more face-to-face interviews then that will require more staff and more staff are not available. Tell us about what is happening in Sheffield and the new centre you set up there to deal with overseas cases.

*Simon Hayes:* As the Committee will know, the Home Secretary asked us to undertake many more interviews this year than we have ever done before. In order to do that, in recognition of the issue that you have described about making sure that we can keep the process running, not make it too inconvenient for applicants, we put in place a new way of doing a particular type of interview, a credibility interview, whereby we will run those interviews by video conference from a new hub in Sheffield to our outsourced visa application centres, and people will be interviewed at the point at which they give their biometrics.

The results of those interviews will not lead immediately to a decision. The report of the interview will go to the decision maker at the overseas hub where the expertise will still reside, and they will be able to consider that report as part of the evidence in coming to a decision or—and I think this is important—they will be able to ask that applicant on the basis of concerns that might have been raised from the report of the initial credibility interview to come in to the hub for a face-to-face, more in-depth interview at that point.

So, that is the way in which we are trying to square the circle of doing more interviews with an infrastructure that perhaps was not quite built for it but most importantly not slowing down the process for the applicant so that we can keep up with our customer service processing.

**Q90 Chair:** We did put to the Immigration Minister the thought that we needed a more robust review given that the right of appeal is being taken away—that between refusal and reapplication there needs to be a more robust approach—and he said he would look at this, and we certainly are keen to see whether this could be done; either a hub in London or somewhere else in the United Kingdom onshore, where some of these cases can be reviewed. The difficulty is telling applicants again and again, “Apply again, pay your fee, put in your new documents”, whereas perhaps one or two documents is all that is required, because I have not seen any evidence that ECOs or ECMs ring up applicants and say, “Actually this document is missing and therefore submit the document and I will grant the visa”; this just does not happen. So I do not know where this anecdotal evidence comes from. What we find is refusal, they come and see their Members of Parliament, we write in, and the paper trail begins again. So, we put it to Ministers.

**Rob Whiteman:** Ministers are looking at this. As Mr Hayes said, we think it is in the interests of the applicant that the appeal is coming to an end. People can reapply for a visa, and we will process that in 15 days, an appeals process can take eight months and very often in the majority of cases where it does go to appeal it is on the basis of new information that has been submitted. As the Home Secretary said to the House yesterday, while the appeal right will go, where we receive letters from MPs, we will of course always look to ensure that there is a robust check of the case. If our decision has been made on the basis that people have not provided certain evidence and they have, if there is an administrative mistake on our part, then of course we would look at the case again. We are looking at the arrangements for dealing with MPs’ correspondence, as I know the Minister has told you, and on the whole we will look at having hubs and those account managers that work with your officers all the time having responsibility for those letters, rather than passing them into the business where it may take longer. So, we are looking at strengthening the account manager role that supports you and making sure that we can look at those cases robustly.

**Q91 Chair:** Finally from me, Mr Hayes, it is important that one understands that when people come to see Members of Parliament in their surgeries they think we are the last resort. They have already tried other methods to try to sort issues out. But at the moment, the relationship between London and Doha or Dubai or Mumbai—what we picked up from the ECOs is they are put under a lot of pressure to reply to MPs’ representations in two days, whereas the system does not take two days to get back to us. Secondly, that decisions to grant visas are sent by post and the ECOs were saying if they came electronically, then they would be able to grant the visas quicker, and that would cut down on the correspondence from MPs. Would you look at that please?

**Simon Hayes:** Yes, absolutely.

**Q92 Dr Huppert:** Firstly, the Chair is absolutely right to refer to the importance of a review process working, if I can emphasise that. I think it needs to be independent of MPs’ involvement. I had a constituent whose brother could not visit him because he did not have enough money to pay for the expenses and because they were concerned, because of the civil war in Libya, he might not go back, which both sound like reasonable explanations, except for the fact that the ECO had clearly miscalculated his income, because if you look at the two numbers and divide one by the other you do not get the third answer, and he had never been to Libya in his life so was rather surprised that it could have any bearing. There needs to be a simple way. It should not require an MP to say, “Hang on, there is something wrong here.” I presume you would agree with that; I am not looking for detailed answers on that.

I would like to ask about the areas where things still are not going so well. Mr Whiteman highlighted the fact that some areas are going well, but if you look at Tier 1 and

Tier 4 in-country visa applications, there is not a pretty picture. The latest figures you have given us, Mr Whiteman, in the letter say 10% of Tier 1 visas are processed within four weeks against a service standard of 90%; Tier 4 we are at 21%. That is pretty appallingly poor, particularly given that Tier 1 is supposed to be the brightest and the best. What is taking so long to make a decision?

*Simon Hayes:* I think that refers to the in-country applications.

*Rob Whiteman:* As we have said, Dr Huppert, we have had backlogs of work in temporary migration. Since the time of writing to you some of those areas are now more up to date—as I covered earlier, and I will not repeat my answer.

On Tier 1, what we see is a differentiation where we are seeing use of Tier 1 as perhaps an application of last resort where applications to other parts of the immigration system have failed, and what often happens with immigration case-work, as you will know, is that where policy tightens up in one area in order to close down the abuse of that area, the applicants can move to another. Where we are confident that the Tier 1 application is well founded, we will be processing these within service standard by after Easter.

Where we wish to use the new rules that were set before Christmas for a credibility interview, because we have seen a very large spike in Tier 1 applications for switching where we can see by the nature of them that there is abuse taking place with a high refusal rate, then they will take longer to process, and we thought it important not to process them until the rule change was made. We will now process those applications, and we will deal with them before the summer. But it is important, Dr Huppert, to say that where through the triaging of cases that we make, we think that this is a Tier 1 application that is straightforward and we do not think there are any concerns where we need the new rules, then they are being processed as of now, as of the other side of Easter, within the usual service standard, and we have triaged that work and we are treating it differently.

**Q93 Dr Huppert:** The Immigration Minister in his now infamous written statement on Thursday said that, “I expect the Agency to be operating within service standards by spring 2013”. Spring is late in coming, I agree. Exactly when do you think spring will be, and when do you think the Minister reasonably expects you to be operating within service standards?

*Rob Whiteman:* Other than the Tier 1 issue that I have just spoken to you about, and the human rights applications of family, where again we have separated family into four different areas, and one of those areas is where we see that abuse is taking place—in fact with a very high refusal rate, over 60%—we will be back to within service standard within weeks, after Easter, and we have made good progress and the workload has come down.

In Tier 1 where we wish to interview and in Tier 4, human rights applications, we will take beyond the spring and probably into the summer, in order to get them back within service standard.

**Q94 Dr Huppert:** We look forward to seeing that. What about people who have been here legally for 10 years applying for leave to remain, because I have a constituent—I just had all these people who came to see me on Saturday—who applied on 3 September 2012, having been here perfectly legally for 10 years, with a highly skilled job, still waiting for an answer, and a contact at the Borders Agency said, “We will try to get you an answer by the end of May.” Again I think this is a four-week service standard. Is this a one-off, or is that also going to be caught up with by the end of Easter?

*Rob Whiteman:* I cannot answer on this individual case.

**Dr Huppert:** Not on the individual but on other cases like it.

**Rob Whiteman:** What I have said is that other than those Tier 4 human rights applications and other than where we believe switching has occurred within Tier 1 we will be up to date within weeks, the other side of Easter, and we have made good progress.

**Dr Huppert:** We will check all of those, I am sure.

**Rob Whiteman:** I will write to the Committee, Chairman, as you asked me to do.

**Chair:** Thank you.

**Q95 Dr Huppert:** When it comes to people who have paid the huge extra premiums—it could be well over £1,000 for premier service with a 24-hour scale—will you be able to hit that 24-hour turnaround as well within a few weeks?

**Rob Whiteman:** Yes, we will. We have had some difficulties with premium appointments where agents have—I think this has been reported in the media—tried to harvest those appointments in order to get hold of them in advance, and we have put three measures in place: one around rule changes to take more of the fee upfront; secondly, IT changes on the websites or web addresses where that harvesting comes from; and thirdly, some other operational issues, which probably I will not go into detail here, because it deals with overcoming the abuse that has taken place. But given those three things, together with extending the opening hours for some of our PEOs to 12 hours from 8.00am to 8.00pm with more appointments available, I would expect by the end of May/early June the problems that we have had with premium appointments to have been finally resolved by both dealing with the demand issues and ending the way that agents have been acting, but also with increasing the supply of premium appointments.

**Q96 Dr Huppert:** Just to be clear, that means by, I think you said, the end of May people will be able to get premium appointments reasonably rather than having to desperately hunt for them, and they will get the decision made within the 24 hours they have paid for—

**Rob Whiteman:** Within the service standard.

**Dr Huppert:** —which they are currently not doing?

**Rob Whiteman:** Yes. That has been quite a large operation in order to put that right. As I say, it has involved people—I use the word “attacking” our sites in order to harvest appointments.

**Q97 Mark Reckless:** Mr Hayes, the International Directorate has had a better record of meeting and indeed sometimes exceeding its performance standards. Is it right for the most recent quarter that you have been able to hit the target of processing 98% within 30 days for every class of visa application?

**Simon Hayes:** I believe so. I know that we have hit our 15-day target for 90%, and I believe we hit the 98% for 30 days as well.

**Q98 Mark Reckless:** Why do you believe it is that the International Directorate has developed a better record of hitting those targets than has been the case for the in-country applications?

**Simon Hayes:** There are a range of factors that apply. First of all, in-country applications are different types of visas, different types of cases, and they do not process visitor visas by definition. There are aspects of the risk associated with them that are slightly different. It is important to point out they have not had the benefit in-country of the visa application centres that we were just talking about that have helped with the processing and the streaming of applications.

But also it is fair to say that over the years we have developed some systems for managing cases that are quite effective, in part because for very good and justifiable reasons

we are not allowed to get away with any major delays in our out-of-country processing because of the problems that will cause for with people coming to the country, which would be a major issue. So, we spend a lot of time on it, and what we would like to do now—and I am sure Mr Whiteman will have something to say about this—is try to spread some of that best practice from overseas to the in-country operation. In fact, we have begun that work in Sheffield. We have a new team in Sheffield, which does a very small number of out-of-country settlement applications at the moment, and we have tried to use some of that team to review some of the processes in Sheffield, while they overhaul that operation.

**Rob Whiteman:** I would add to that that indeed Mr Hayes has been very helpful in terms of talking through with our operations in Sheffield concerning temporary migration some of the techniques that are used overseas for streamlining and improving productivity to build that into the way that we work in our in-country operation. As you say, Mr Reckless, there is a difference there. That is partly explained, as Mr Hayes said, by a different cohort and a different type of intake, but there is good practice definitely that we can learn from our overseas operations and build that into in-country.

**Q99 Mark Reckless:** You mentioned cohort and intake, and I assume that was a reference to the visa applications, but I wonder: is there also a different cohort intake, perhaps type of staff, that you are using in the in-country versus out-of-country and whether there are any lessons one might apply from that?

**Rob Whiteman:** Mr Hayes and I discussed this a great deal. Looking at the difference in productivity figures, our overseas staff do get through quite a lot of cases but maintain good decision quality, and in our temporary migration operations actually they are more complex cases, and we do have to carry out more checks, but in terms of some of the culture around the ability to make a good decision quickly and to not necessarily over-engineer the way it is done because it might not add to the final quality of the decision—we think there is definitely something there, and we think it is interesting to compare the two and to get the managers to speak.

**Q100 Mark Reckless:** There was a pretty critical report by John Vine in 2010 of the visa processing hub in Abu Dhabi. When the Committee recently visited, we were very impressed both by the morale but also by the seemingly efficient operation of the service there, and I wonder if I might just ask you to pass on the compliments of the Committee following that visit.

**Rob Whiteman:** I will gladly do that. Both of us will do that and I know your visit was greatly welcomed and the interest that you showed in the visiting visa hub, and we will pass that on, Mr Reckless.

**Chair:** We were a little jealous of the Saudis; they have a very good visa application centre, which VFS has just opened for them. I am not saying that we should compete with it, because obviously we do not have as much money as the Saudi Arabian Government, but it was certainly the place where people could go and visit. So, yes, I endorse fully what Mr Reckless has said. It is an excellent operation out there.

**Q101 Mr Winnick:** We live in the electronic age, as I am constantly told by those who would say they are younger than I am, but what is difficult to understand is why is it necessary to send hard copies between the UK and the overseas post, which causes further delay in an organisation, which of course has been criticised so harshly, certainly by us and by others for delays. Why not do it all electronically? Is it a particular purpose in resorting to hard copy?

**Rob Whiteman:** No, I think your challenge is a very good one, Mr Winnick. We see the need in order to make the manual systems and the hard-copy systems work well—

**Mr Winnick:** I think electronic things are going on between us.

**Rob Whiteman:** —but as we strengthen our IT and we strengthen our contracts, then working electronically or digitally and scanning documents in to support online applications will happen. The majority of our visa applications are made online, and so, being able to deal with the supporting documentation digitally rather than pass hard copies around is, of course, the direction we want to go in, and it is about strengthening the resilience and capability of our underlying systems, as Mr Sedwill said earlier, and indeed as the Home Secretary said in her speech earlier in the House. We recognise that some of the systems that underpin our operations need improvement and we think, as we transform those systems, that Mr Hayes and other operational managers will be able to have better tools at their disposal.

**Q102 Mr Winnick:** Electronic communications have been around for quite a time now; 75%, 80% at least of all the correspondence I receive from constituents is emails. When my colleagues were in Dubai they discovered—I was not with them—that much of the processing was still being done in hard copy, so can we work on the basis that with the new organisation, and what have you, that all this will be changed pretty quickly?

**Rob Whiteman:** Yes, Mr Winnick. It was one of the four pillars that the Home Secretary set out earlier in the House as to why change is needed and what has gone wrong with the UKBA. Please be assured that we are absolutely clear that our IT and our systems need improvement. They will not change overnight. A great deal of work needs to be made in order to change those systems. We do recognise the challenge that you set.

**Q103 Chair:** Mr Whiteman, I am sorry to interrupt; we are not talking about pillars here. This is not some great European Union event. All Mr Winnick wants to do, and I am delighted to hear it from him, because he, like me, is not very good at this stuff, is just send an email. You do not have to wait for it to change overnight, just send an email. Can we not send an email when someone has been successful in getting a visa rather than putting it in the post?

**Rob Whiteman:** All I want to do is answer yes, Chairman, that we want to be able to do that and will work toward it.

**Chair:** Excellent, that is a perfect answer.

**Mr Winnick:** Work towards it? I do not think that shows much optimism.

**Q104 Chair:** As you know, we have been reading out your emails today, so it is quite simple to do. Mr Hayes, this could be your great moment in history. They could be putting up a statue to you. Rather than walking towards the great pillars of change, will you look at sending an email to say, “Your visa has been granted”? This is a humble request from Members of the Select Committee.

**Mr Winnick:** You have got round to the typewriter by now, I take it.

**Simon Hayes:** Yes, we will take that on board, definitely.

**Q105 Dr Huppert:** Can I just have a look at a couple of issues around asylum cases? I will not go through all the details—your response previously says some things did not add up—but what I do not understand is what is happening with the wait for six months because it seems, from the figures that you provided, there has been a very substantial increase for about 3,500 asylum cases waiting more than six months for an initial decision to something more like 6,000, in the latest quarter, of people waiting more than six months for an initial decision. I hope you would agree it is unacceptable. We should be trying to make these decisions

correctly and quickly, and people should not be waiting six months for an answer from the Border Agency.

**Rob Whiteman:** I understand that point and agree with it, Dr Huppert. It is interesting, is it not, that, looking at the figures that I give you, while the conclusions within six months are not as strong, conclusions within 12 months have continued to improve, in fact up from 56% in 2010/11 to 63% in 2011/12, so in terms of dealing with things within 12 months we have got better, even allowing for the fact that the figures for six months are less strong. What we need to do is have a balanced work in progress where the cases that we can deal with in three months we deal with more effectively.

But I do of course understand the point that you made, that a priority of trying to deal with these cases in a timely way is important.

**Q106 Dr Huppert:** Sorry, you are just talking about conclusions, whereas I am talking about initial decisions, and there is a difference between those two. We can come on to conclusions later if you would like, but the initial decision, the first response from the Borders Agency, is frequently taking more than six months. Surely that is not acceptable, and that is entirely within your hands. That is not to do with whether you can get people into another country, and it is not to do with whether people choose to leave; it is people waiting for an answer from you.

**Rob Whiteman:** Yes, that is quite right; we are committed to concluding cases as quickly as possible.

**Dr Huppert:** Yes, but the asylum initial decision.

**Rob Whiteman:** Yes, but for the initial decision asylum cases are often complex and require thorough consideration. It is important that the process is not rushed by the nature of the case and given that the intake that we have can change from year to year, it is important that we consider them properly.

**Q107 Dr Huppert:** You think that six months is a rush to consider these applications?

**Rob Whiteman:** No, I think you want to be better at dealing with initial decisions within six months.

**Q108 Dr Huppert:** Certainly my view is it is not acceptable for them to take more than six months for an initial decision.

Can I just quickly ask about another issue we have discussed, which is about Sri Lankans and Tamils, because we have discussed this in the past. You presumably are aware of the freedom of information request that was made by Freedom from Torture, which found that there were 15 Sri Lankan nationals who, having been rejected status here initially, were sent back to Sri Lanka and then came back here saying they had been tortured after they had been returned and were then given status here. I think you have since changed the answer of your FOI—there should have been 13 rather than 15. The point is there are a number of people who we sent back to a country who were then tortured we have since had to let in. Do you stand behind previous Government assurances there is no substantiated evidence that Tamils forced to be relocated to Sri Lanka have been mistreated, because five days before the FOI response, the Foreign Office Minister, Alistair Burt, was giving reassurances to the Sri Lankan press, presumably based on information from you? Given that we have now accepted these 13 people were in fact tortured and we have given them asylum, why were we assuring the Sri Lankans they were not?

**Rob Whiteman:** Dr Huppert, we have confidence that our decision-making processes are of high quality and that if we make returns, we believe that we have taken all proper

information into consideration at that time. If subsequently other information comes to light and therefore a reverse decision is made, it does not, with respect, mean that the initial decision was wrong. We make decisions based on the information that we have available to us at the time and the quality of asylum decision making is strong. If later on we find out that more information has come to light or has come to light through judicial process, which was not considered at the time, and therefore applicants are brought back, we still believe that the quality of our initial decision is right.

**Q109 Dr Huppert:** In this case the extra information is not from a judicial review process. It is the fact that we sent people back and they were tortured, which is quite a substantial piece of new information. My question was about the Government assurances that there is no substantiated evidence that Tamils forcibly removed to Sri Lanka had been mistreated, which is what Alistair Burt was saying, I assume based on information from you. Do you accept now that there is in fact substantiated evidence that Tamils forcibly removed to Sri Lanka have been mistreated, as evidenced by the fact we have taken 13 of them and said, “Yes, you can come here because you were tortured”?

**Rob Whiteman:** The Home Office will continue to look at information that comes to light.

**Dr Huppert:** Such as the fact that we have let 13 people back in after they were mistreated.

**Rob Whiteman:** I would refer to what I said earlier.

**Q110 Steve McCabe:** Just before we move on, I just want to ask on the back of the asylum questions, Mr Whiteman, about the Case Audit and Assurance Unit. I am still writing to you—I am sure lots of other people are—about folk whose cases have been sent there and appeared to have disappeared into a black hole. We get constant assurances that they are being dealt with, sometimes we get told that there is an officer looking at them, but they never come back. I am just wondering if there is any way today you can tell us how many cases are up there being looked at, and when am I going to get some evidence that some of them are being resolved? In some ways I do not almost care how they are resolved. I would like them resolved—either people will be given a legal and proper right to remain here or be told that right does not exist and, “You are going back”, but it is the fact that they seem to disappear into a black hole.

Also, can I just ask, when is the Agency or the new unit within the Home Office going to start advising people when they have lost their passport and other documents rather than waiting for an MP to write and discover this? When an MP does write and discover it, when are you going to start paying people compensation for this, because this just seems to me to be a stream of work that has been generated by the fact that the Case Audit and Assurance Unit never resolves cases, it loses documents hand over fist, and never tells anybody until you ferret it out of them and then it does not compensate anybody. I am not surprised the Home Secretary said she had had enough, because nearly everybody else has.

**Chair:** Quick replies to those questions, please.

**Rob Whiteman:** So the Case Assurance Unit, as you know, Mr McCabe, is now called the Older Live Cases Unit.

**Steve McCabe:** I know that, but your staff do not know that in their latest letter to me.

**Rob Whiteman:** Mr Winnick and the Committee said to us last time we ought to call it something that it does on the tin, and therefore we—

**Steve McCabe:** You should send them a memo about it so that they know as well.

**Rob Whiteman:** We have tried to do that. In terms of the asylum cases and the migration cases that are now left following the closure of the Controlled Archive, there is

around 40,000 cases and we are working through a large sample of those cases in order to give realistic timescales for how long those 40,000 cases will now take to close, and I imagine that the next time the Home Office gives evidence on this we will be able to give you a better estimate.

**Q111 Steve McCabe:** I do not want to drag this out, but can I just check: when you are saying you are working on a large sample in order to work out how long it will take, what is a large sample?

**Rob Whiteman:** I do not have those figures to hand, I will gladly write to the Committee, Mr McCabe.

**Steve McCabe:** Would you?

**Rob Whiteman:** Yes. The questions that you make about lost documents: yes, we take that very seriously. We know that in the past there have been problems with document-tracking. We are introducing a means of keeping better tabs on documents, including a registry of them, which will be introduced and part of the improvement of the services is to make sure that some of the problems of document tracking is corrected through better systems for the future.

**Q112 Steve McCabe:** Should people get compensation when the documents are lost? You have to buy another passport if the UKBA loses yours.

**Rob Whiteman:** We will gladly consider that.

**Chair:** Excellent, that you are considering it, not excellent that you have given us a full reply; if you could write to us and give us an answer, that would be good.

**Q113 Bridget Phillipson:** Mr Whiteman, last time you gave evidence to the Committee you appeared to contradict the Agency, or whoever—the Home Office’s own guidance on Rule 35—when you suggested that legal representatives could make referrals into that. Is that not rather concerning, and can we be confident that the rules are well understood?

**Rob Whiteman:** I am sorry if I was not clear on this last time. The point I was trying to make, and not very well, and therefore we did have to clarify it, was that Rule 35 reports are made by medical practitioners. It is the case that we receive other requests of a Rule 35 type outside of the process, and that is the point that I was trying to make. But for the caseworker they have Rule 35 reports from medical practitioners but also, from a range of sources, they receive similar information but not covered by Rule 35. If I was not clear on that, I am sorry, Ms Phillipson, but I looked back at the evidence I gave last time and the clarification we gave, and I know what I was trying to say and I thought it sort of said it, but if it did not, I am sorry; these things are very complex.

In terms of the Rule 35 reports, the medical practitioner does not make a recommendation. Very often what the medical practitioner does is pass on to the case-worker the information that has been given. Therefore we think that the important thing is, as I said to you before, that we have training packages, both for medical practitioner or guidance, and we have reissued guidance, and we also have training packages for case-workers in order to make sure that the consideration that they give to those Rule 35 reports is as thorough as possible. As I said in answer to you last time, we have put a lot of work in place in order to make sure that we have training for case-workers and that we take Rule 35 seriously.

I do think that the difference between the number of reports that we receive and the number of people that we decide to release in relation to that is because the reports themselves pass on the information, the medical practitioner passes on the information, including what at times will be unsubstantiated claims, and the case-worker has to consider that.

**Q114 Bridget Phillipson:** But the numbers are very low in terms of referrals leading to release from detention, and surely the concern that we would have is whether case-workers who are not medically trained understand that they have to take into consideration evidence from medical professionals? Is it that the UK Border Agency is suggesting that they in some way are better placed to make a judgment on that than people who are medically qualified?

**Rob Whiteman:** The point I am making is that medical practitioners pass on the information that they have been told. It is not the case that all Rule 35 reports say, “In our opinion we think you should release the person”. Very often what Rule 35 reports do is to pass on the information that has been given to the medical practitioner and then the case-worker makes the decision.

**Q115 Bridget Phillipson:** What happens then? Surely the member of staff should be able to have a conversation with someone suitably qualified to reach a considered decision on that, rather than just reading a report on a piece of paper without having the opportunity to discuss its implications further.

**Rob Whiteman:** The important thing, as I said earlier, is that we think the decision makers in this case have to be very well trained, and we do provide training for them to do that and we have ensured clear guidance for the medical practitioners in order that they understand the role of the Rule 35 report and that we have case-workers who are trained. We will of course watch the figures, and we will see what happens. There is a consistent pattern to those figures, which perhaps you take as alarming, but we can be reassured that something strange is not suddenly happening, looking at the figures. There is a consistent picture to the figures, and we of course will continue to watch that after the training has been given and guidance for medical practitioners has its effect.

**Q116 Mr Winnick:** Mr Whiteman, you work on the assumption, I hope, that if you do not know the answer when being questioned by Members, you admit it, and you do not lose any respect because of that. I refer you to the session in September when I asked about three individuals who were found by the High Court to have been falsely imprisoned and were subject to inhumane and degrading treatment in violation of Article 3, and we had a dialogue. I asked, “Have you apologised for that?” You replied, “I do apologise, Mr Winnick”. I responded by saying, “Not to me; there is no need to apologise to me”, and you responded to that by saying, “We have, yes, sir”, but apparently not, because my question to you therefore is: are you aware a solicitor said, “Rob Whiteman said in his letter to the Committee of 8 October 2012 the UK Border Agency has not formally apologised outside the settlement process, but has agreed appropriate damages in line with the Administrative Court’s findings that limited periods of detention had been unlawful”? I am just wondering—

**Rob Whiteman:** I do not know the answer to that, Mr Winnick. I cannot remember those three cases. I will gladly look at what I said at the time and see where we are now with them and write to you.

**Q117 Mr Winnick:** I understand that. There was no reason why anyone, be it you or whoever basically would do your job, or any Member of Parliament, any Minister, can know the answer to every possible question, but what surprises me is that you were so willing to say yes an apology had been made when in fact it had not been. Would it not have been better, on reflection, to have said, “I will look into that”?

**Rob Whiteman:** Yes, Mr Winnick, it sounds as if that is the case. Sometimes what happens in these cases is that if we have made a settlement and finalised the matter on the settlement, then we would not reopen it. I will look at these cases, sir.

**Q118 Chair:** I am going to close the session now, but I want to ask two final questions. First of all, the Home Secretary said that the two units were going to be an immigration and visa service and an immigration law enforcement organisation. Do we have names for these services yet?

**Rob Whiteman:** No, not at the moment. The Home Secretary has set out the broad principles of what they will do and that will be looked at in the immediate future, Mr Vaz.

**Q119 Chair:** This is your last appearance, so we do not have a name, so we do not write to you any more, obviously, because you are not the Chief Executive; is that right?

**Rob Whiteman:** We will set up transitional arrangements immediately.

**Q120 Chair:** Immediately as of today?

**Rob Whiteman:** As of today I remain Chief Executive of the Agency until 31 March, and I will now lead the transition process and we will make sure that the issue of where letters and queries should go to will be dealt with.

**Q121 Chair:** So it may be more appropriate to write to Ministers now in the interim so that the letter does not get lost between your office and the Home Office and somewhere else?

**Rob Whiteman:** I am happy, if you write to me, to make sure that it is dealt with appropriately by the proper person, or you are free to write to Ministers. We will put strong transitional arrangements in place during the period between now and new interim directors general being appointed.

**Q122 Chair:** When you were appointed you came before the Committee, you were the new broom, and you were going to change everything that was going to happen with the UKBA. It must be disappointing to hear the Home Secretary use those words “closed, secretive and defensive” about an organisation that you have led for the last two years. As we said in our last report, that must be an issue about leadership; that is where culture comes from. Lin Homer, as we know, we have noted it in our last report, was promoted to become the Permanent Secretary at the HMIC, Jonathan Sedgwick, who we were anticipating hearing from today has gone off to work for the Ministry of Justice, and you are now staying on to do this transitional arrangement. Can you understand the public’s concern that here is an organisation that the Minister for Immigration has called troubled, that we have called, in some cases, shambolic, that the Home Secretary has called closed, secretive and defensive, yet everyone associated with the leadership of this organisation is guaranteed a job or has been promoted? Do you understand what the public must feel?

**Rob Whiteman:** I do completely hear what you say. I hope that the changes that I have made over the last 18 months have put the UKBA and the immigration services on the road to better transparency. I have, I hope, treated this Committee with respect. I have written to you on time; I have tried to make information available. When we have discovered mistakes we have said so. I think that where the Home Secretary has set out that one of the major tenets of what we want through the new organisations is to improve their transparency, all of that applies. Of course it is always disappointing if we have not made as much progress as we wish we had.

**Q123 Chair:** Can I pay tribute to you, as this is the last appearance you will be making as Chief Executive. Certainly, as you have correctly said, and can I just repeat what I said earlier, in your dealings with this Committee there has been a step change in the way in

which the UKBA has dealt with the Home Affairs Select Committee. Your letters have improved immensely since your predecessor's letters to us, and the last letter, as I have said, was on time. You have always been available whenever we have called you, and if you want a lasting legacy—and this is why I am surprised that all these discussions were taking place—you did close the Controlled Archive, which was a real bugbear for this Committee. I do not know what you must feel after what has been said in the House about the organisation that you have led; the fact is—thank you for the way in which you have dealt with this Committee, and we wish you well in your future career in the Home Office.

**Rob Whiteman:** I am very grateful for those comments, Chair; I have greatly enjoyed my appearances here, and I am grateful for, genuinely, the insight that the Committee has given in terms of improving our immigration services, which I know you will want to see.

**Chair:** We may see you again in another role.

**Rob Whiteman:** Let us see. Thank you very much.

**Chair:** Mr Hayes, I am sorry that we kept you waiting, but thank you for what you have done; most grateful.