

Rt Hon Yvette Cooper MP  
Chair,  
Home Affairs Select Committee

By email

14 May 2018

Dear Yvette,

## **IMMIGRATION ENFORCEMENT**

Following the oral evidence sessions with your Committee on 25 April and 8 May 2018 and some related correspondence, I thought it would be helpful to set out the approach to performance in enforced removals in recent years. I am also writing on the detention gatekeeper, wrongful deportations and performance bonuses, and the organisational structure within which Immigration Enforcement sits.

Each of those themes is covered in the following, short Annexes:

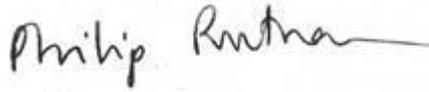
- Annex A – the performance management regime for enforced removals;
- Annex B – the Detention Gatekeeper;
- Annex C – Performance bonuses, including for Mr Ind;
- Annex D – wrongful deportations;
- Annex E – the organisational structure and top-level accountabilities in the Border & Immigration System.

The Home Secretary is writing in parallel, to provide the first of his written updates to your Committee in relation to progress for people in the Windrush generation.

The Home Secretary also told the House that he will be writing routinely with numbers in relation to detention, removals and deportations. My colleagues and I of course stand ready to provide any supplementary written material, at your Committee's request.

I am grateful to Departmental Ministers for placing copies of this letter in the Libraries of both Houses.

Yours sincerely,

A handwritten signature in black ink that reads "Philip Rutnam" followed by a horizontal flourish.

**Sir Philip Rutnam**  
**Permanent Secretary**

## **ANNEX A – THE PERFORMANCE MANAGEMENT REGIME FOR ENFORCED REMOVALS**

A1. This Annex sets out the timeline, including distinguishing those periods during which senior managers set ‘targets’ from those in which they did not.

### **Timeline**

A2. Working backwards, the approach taken by senior managers was:

- 2018-19 – intentionally, in time for the start of this reporting year, no quantified goal or ‘target’ was set for the year, and internal management information templates were amended to reflect that and make it clear;
- 2017-18 – in time for the start of that year, the senior management team set a target to secure 12,800 enforced removals. In October 2017, the senior team amended that goal, to achieve 230-250 enforced removals a week;
- 2016-17 – the senior team set a target for returns to home countries of 45,000 people, and assumed that would include around 14,000 enforced returns;
- 2015-16 – the senior team set a target for returns to home countries of 40,000, and assumed that would include around 14,000 enforced returns.

A3. The Committee heard on 8 May that the Home Office’s operational work is organised into a range of thematic and regional teams (which change, over time, to reflect changes in organisational or operational requirements). During the period in which specific, quantified goals were set by senior managers, it was common practice for those to be apportioned amongst individual teams, reflecting their roles or areas of geographical coverage, and for local members of staff to see how their own work contributed to that.

## **ANNEX B – THE *DETENTION GATEKEEPER***

B1. The *Detention Gatekeeper* was introduced as part of the Department's response to Stephen Shaw's independent report on immigration detention, bolstering a pre-existing function. The Detention Gatekeeper acts independently from case workers making recommendations about detention (who, themselves, develop their recommendations on a case-by-case basis, which is why the Department would expect the Gatekeeper's rejection rate to be low). That ensures assessments of suitability for detention are always made in advance and independently.

B2. In 2017-18, 25,358 people were referred by case workers for detention. 24,339 recommendations were agreed, and 1,019 referrals (4%) were rejected.

## **ANNEX C – PERFORMANCE BONUSES**

C1. The Department has two performance management systems in place, both of which attract non-consolidated performance related payments (bonuses) in certain circumstances. Details of these payments are published on GOV.UK at <https://www.gov.uk/government/collections/home-office-performance-related-pay>

### **Senior Civil Service**

C2. The Department follows the Cabinet Office's performance management system for Senior Civil Servants. All SCS year-end performance assessments are subjected to a moderation process undertaken by the Senior Pay and Performance Committee chaired by the Permanent Secretary, during which they are ranked relative to their peers. The moderation process looks at the individuals' performance against objectives, both 'what' has been achieved and 'how' they have achieved it including: leadership behaviours exhibited; the management of resources; sound financial management; job weight; and contribution to the Civil Service. In addition an individual can only be placed in the 'top' 25% performance group if they have exceeded at least one finance/efficiency objective. Only those in the 'top' performance group are eligible for an end of year bonus. In addition, the Cabinet Office introduced greater flexibility for the 2016-17 performance year allowing for up to 10% of a department's SCS members to receive an in year bonus.

### **For Mr Ind**

C3. On 8 May, the Committee asked about historical bonus payments to Hugh Ind during the past four years. The SCS moderation process for 2017-18 is not yet concluded. Mr Ind was judged in the upper 25% tier at the conclusion of 2015-16 and 2016-17 and received non-consolidated payments in consequence.

### **For more junior staff, below the Senior Civil Service**

C4. During the hearing, Ms Shah also asked about the distribution of bonuses for performance to more junior members of staff.

C5. The Department's performance management procedures changed in 2017-18. Up until the 2016-17 performance year, the Department operated a similar system of moderation as that described above for the senior civil service. Only those employees placed in the 'top' 25% performance group were eligible to receive a bonus following objective assessment of their performance when compared to their peers.

C6. In 2017-18, the Department introduced a new approach, whereby staff would receive a bonus at the end of the performance year if they receive a top (4\*) marking for the achievement of goals set during the year. This performance rating would reflect a range of goals, standards and behaviours that are relevant to a particular role.

C7. In addition, the Department has several mechanisms available to reward employees in grades beneath the SCS, during the year, for going above and beyond what is expected of them in their roles (such as thank you vouchers and special bonuses).

C8. The following table sets out the number and proportion of all Home Office staff, not just those working in Immigration Enforcement, who received end-of-year performance bonuses. The process for 2017-18 is not yet complete.

| <b>Performance Year</b> | <b>Bonus Type</b> | <b>Senior Civil Servants</b> | <b>Delegated Grades</b>   |
|-------------------------|-------------------|------------------------------|---------------------------|
| 2016/17                 | End of Year       | 57 (26% of headcount)        | 6067 (21.8% of headcount) |
|                         | In Year           | 21 (9.6% of headcount)       | 5639 (20.2% of headcount) |
| 2015/16                 | End of Year       | 58 (25.8% of headcount)      | 6165 (21.0% of headcount) |
|                         | In Year           | N/A                          | 7625 (27% of headcount)   |

NB – the headcount figure at 31st March may not directly match the numbers of employees whose performance was moderated.

## **ANNEX D – WRONGFUL DEPORTATIONS**

D1. The 8 May evidence session included a focus on “wrongful deportations” from the UK overall (not only in relation to people in the Windrush generation); those are when people, having been removed from the UK into the jurisdiction of another State, are returned either by the Department itself or by order of the Court. The 8 May discussion was not related to the question of any deportations of people in the Windrush generation.

D2. The following numbers are derived from manual compilation of records, because “wrongful deportation” has not been defined, and therefore cannot simply be counted automatically from electronic systems. Consequently the numbers might be subject to further change, on which the Department would update the Committee.

D3. The Department has identified 17 cases since 2015 in which a person was returned to the UK<sup>1</sup> after being removed. Of these 17:

- (i) in 5 cases the Department or the Court found no legal basis for their remaining here; the Department has subsequently removed or is seeking to remove that person again from the UK;
- (ii) in 9 cases, proceedings are ongoing; and
- (iii) in 3 cases the Department or the Court has found those people to have a legal basis to remain in the UK. (It is not necessarily the case that the legal reason which led to those people being brought back to the UK is the same grounds on which they have acquired a legal basis to remain).

---

<sup>1</sup> Or is in the process of being returned here

**ANNEX E – ORGANISATIONAL STRUCTURE AND TOP-LEVEL ACCOUNTABILITIES IN THE BORDER, IMMIGRATION & CITIZENSHIP SYSTEM**

E1. During the oral evidence session on 25 April 2018, the Committee was interested in the organisational relationship between Glyn Williams’ role and the parallel directorate general which is *Immigration Enforcement*, led by Mr Ind.

E2. The following chart sets out these relationships. Like Mr Ind and others, Mr Williams reports to the Second Permanent Secretary Patsy Wilkinson who, in turn, reports to me.

