

Rt Hon. Yvette Cooper MP
Chair
Home Affairs Committee
House of Commons
London
SW1A 0AA



22 November 2018

Dear Chair

Further to my letter and your response of yesterday, interaction with the Home Office concerning my inspection of asylum accommodation can be divided into two 'phases'.

The first was the inspection itself, which began with my formal notification letter of 5 February 2018 to the Director General UKVI which included my preliminary evidence request. This phase lasted until I sent my completed report to the Home Secretary on 9 July 2018.

The second phase was from 9 July to yesterday.

Phase 1

As is required for all inspections, the Home Office appointed a Senior Civil Servant (SCS) and a Single Point of Contact (SPOC) for this inspection to facilitate the process. In this instance, the SCS was Sean Palmer, one of your witnesses.

Having first conducted familiarisation visits to the service providers and having reviewed a considerable amount of documentary evidence, our field work for the inspection took place between 27 March and 30 April 2018. During this time, my inspectors visited 69 properties as listed at Figure 8 in my inspection report. I visited one of these properties myself, and also visited several other properties in England and Wales with the Home Office and with service providers, and in Scotland with a local NGO.

Although the total number of properties visited was therefore well in excess of 69, I firmly believe that the focus should be on the systemic issues identified in the report rather than on particular properties.

As the report states, 53 of the 69 property visits referred to explicitly in the report were made with Home Office Contract Compliance Officers, in many cases together with the service provider.

Sixteen of the 69 property visits were arranged by and made with NGOs, who had sought, and to whom I had given, absolute assurances that I would keep the locations confidential. As I mentioned in my previous letter, the NGOs and service users had expressed concerns about the possible consequences of my raising these particular properties with the service provider. More generally, NGOs had shared with my team concerns from service users that complaints may negatively impact their asylum claim or claim for support; a general fear of authority; and previous cases where speaking out had received a hostile response.

I continue to feel bound by these assurances, not least because my effectiveness depends upon maintaining the trust of NGOs, not just in relation to asylum accommodation but across a broad range of issues. However, in this instance as ever and in line with the protocol I have with the Home Office, I did look to assure myself that where urgent action was required it was taken and, where appropriate, the Home Office was notified.

Aside from the first one, all of the Case Studies quoted in the report relate to properties identified to us by NGOs.

Case Study 1:

The photographs are from a number of “dirty properties” shown to us by NGOs and the Home Office, none of which I judged required urgent action.

Case Study 2:

The visit took place on 27 March 2018. Inspectors examined the service provider’s visit log and established that the service provider was aware of the condition of this property. We were also told by the NGO that it had engaged the local authority and the latter had committed to having the family moved. On 27 May, the NGO informed the inspection team that the family was due to be moved on 1 June 2018.

Case Study 3:

The visit to the mother and baby unit described in Case Study 3 also took place on 27 March 2018. Again, inspectors examined the service provider visit log and also a ‘pest control sheet’. These showed that the service provider was well aware of the conditions of this property. In this case, the NGO had been particularly insistent that we did not raise our visit with the Home Office or the service provider (but see ‘emerging findings’ below).

Case Study 4:

This visit took place on 11 April 2018. The NGO in question raised the problem of the hole in the ceiling and leaking water with the service provider on the same day, and the following day my Lead Inspector emailed the SPOC with the details, including the address, and I followed this up with a phone call to the Director General UKVI.

In addition to the above, the inspection team also raised another case directly with the Home Office. This concerned a delay in NASS payments for a service user's new-born child.

On 14 May, the inspection team presented its 'emerging findings' to the Home Office. This included informing the Home Office that, in an effort to triangulate NGO evidence, to speak directly with service users and to view properties, the team had met with five NGOs and been shown a selection of properties. Following this meeting, the SPOC emailed the Lead Inspector:

"We were pleased to hear your comments on good quality properties you had visited. However, we were extremely concerned to hear that some properties were considered to be 'terrible', and would be keen to understand better what sort of problems gave that impression. We also discussed the difficulty in finding an appropriate overall 'standard' against which to judge properties, and would welcome your further thoughts on that. For example, were the problems reflective of the age and character of properties in those areas generally, were they deficiencies in compliance with our contractual requirements, with legal or local authority requirements, and/or were they out of keeping with what one would find in other forms of social or privately rented accommodation? We think this is critical to understanding of current and development of future expectations, and we would be very keen to discuss further and reach an aligned understanding on it."

On 12 June, I sent my draft report to the Home Office for a factual accuracy check, asking for a response by 26 June. The Home Office requested an extension and provided a response on 3 July.

I sent my completed report to the Home Secretary with a covering letter (attached) and copy of the factual accuracy grid with my comments on 9 July. Both were copied to the Immigration Minister and Director General UKVI.

Phase 2

From 9 July until 16 November, interactions with the Home Office were solely concerned with when the report would be laid in Parliament. In most cases, this was my office asking for an update.

On 16 November, I received a call from the Home Office to say that it hoped to lay the report on 19 November, although this was not confirmed and might slip to 20 November. At 16.58, I was sent a copy of the Home Office's planned formal response. I emailed back at 17.25 drawing attention to a sentence in the response regarding the governance of the commercial contracts to which I objected. This was subsequently deleted.

On 19 November, my office was told in the morning that the report would not be laid until the following day. At around 18.30, my office received a call from the Home Office asking if I would now share the 69 addresses with the department. For the reasons I have already explained, I declined. To be clear, the Home Office already knew and had facilitated visits to 53 of the addresses and had been provided with details of 2 of the 16 we had visited with NGOs.

On 20 November, I received an amended copy of the Home Office response, together with a copy of the Action Plan. We were informed at 14.09 that the report had been laid, and immediately uploaded it to my website along with my covering statement.

In your letter you raise the matter of “inconsistent” information received from my office during and immediately after yesterday’s Home Affairs Committee meeting. In the telephone calls that passed between our offices my staff answered the questions you were asking to the best of their knowledge. However, none of the team that had worked on the inspection was in the office and, as you can see from the above account, the answers you were seeking were not straightforward.

Having received an email request from the Committee Specialist, my letter to you was intended to clarify any misunderstanding. In hindsight, I believe it may have been better for us not to have attempted to provide answers over the phone. Of course, this situation would have been avoided had the report been published earlier and there had been time to follow up any points of detail in advance of the HASC meeting.

Yours Sincerely



David Bolt

Independent Chief Inspector of Borders and Immigration.

cc. Rt Hon. Caroline Nokes MP, Minister of State for Immigration
Shona Dunn, Second Permanent Under Secretary, Home Office



Rt. Hon Sajid Javid MP
Home Secretary
3rd Floor Peel Building
2 Marsham Street
London
SW1P 4DF

9 July 2018

Dear Home Secretary,

**‘An inspection of the Home Office’s management of
asylum accommodation provision (February – June 2018)’**

Please find attached my report ‘An inspection of the Home Office’s management of asylum accommodation provision (February – June 2018)’.

Also attached is the factual accuracy grid, indicating where I have accepted the Home Office's suggestions/comments and made amendments to the text or added explanatory footnotes.

You will see that in a substantial number of instances I have marked the Home Office's suggestions/comments “Noted”. This is where I believe they have strayed from factual accuracy into argument, including some that appear to question my remit and approach. The department is entitled to its view, of course, but the proper time and place for expressing this is during the evidence gathering phase of the inspection or in the formal response to the report. I have raised this with the Pre-inspection Team to try to ensure that future factual accuracy returns stick more closely to their purpose.

The report is complete and, I hope, self-explanatory. However, there are a couple of points I feel I need to raise separately. The first concerns the ruling in May 2018 by the Property Chamber, Northern Residential Property, First Tier Tribunal against Newcastle Council on the matter of room sharing by unconnected adults (paragraph 7.35 and Footnote 38 refer).

In support of its determination, the Tribunal appears to have relied on the screening process “overseen by the Home Office” prior to the allocation of Dispersal Accommodation (DA) and on an understanding that an individual will spend only a short amount of time in asylum accommodation. My concern is whether the Tribunal had an accurate picture of how the system operates in practice.

As well as the evidence from this inspection, the findings from the 2017 Asylum Intake and Casework inspection, and from the ongoing inspection of Vulnerable Adults, suggest that it may have over-estimated the capacity of the screening process to identify and respond effectively to vulnerabilities, including the force of the “no choice” policy, and under-estimated how long the asylum process takes.

Secondly, as noted in the attached grid, I have deleted a paragraph from the final report that related to the new contracts, specifically to the key performance indicators (KPI) and service credits regime. The paragraph in question was not material to my findings, and I did not look in detail at the new contracts. I have deleted it for these reasons, and not because, as UKVI asserts, it was inappropriate for me to have discussed it with the Provider and inaccurate.

While I understand that the Home Office is seeking to get the best new deal, and that the potential Providers are manoeuvring, it is clear from this inspection, and from my 2016 inspection of the contracts for escorted and non-escorted removals, that whatever KPI/service credit regime is written in to the new contracts it is vital that both sides believe from the outset that it is fair and workable.

I am copying this letter to the Immigration Minister, Mark Thompson, and Glyn Williams.

Yours sincerely



David Bolt
Independent Chief Inspector

