



House of Commons
Home Affairs Committee

The Work of the Home Affairs Committee in 2003

Third Report of the Session 2003–04



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Report, together with formal minutes

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The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies; the administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office.

Current membership

Mr John Denham MP (*Labour, Southampton, Itchen*) (Chairman)
Janet Anderson MP (*Labour, Rossendale and Darwen*)
Mr David Cameron MP (*Conservative, Witney*)
Mr James Clappison MP (*Conservative, Hertsmere*)
Mrs Claire Curtis-Thomas MP (*Labour, Crosby*)
Mrs Janet Dean MP (*Labour, Burton*)
Mr Gwyn Prosser MP (*Labour, Dover*)
Bob Russell MP (*Liberal Democrat, Colchester*)
Mr Marsha Singh MP (*Labour, Bradford West*)
Mr John Taylor MP (*Conservative, Solihull*)
David Winnick MP (*Labour, Walsall North*)

The following Members were also members of the Committee during 2003:

Mr Chris Mullin MP (*Labour, Sunderland South*) (Chairman until 17.6 03),
Mr John Bercow MP (*Conservative, Buckingham*), Bridget Prentice MP (*Labour, Lewisham East*), Mr Tom Watson MP (*Labour, West Bromwich East*) and Miss Ann Widdecombe MP (*Conservative, Maidstone and The Weald*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/home_affairs_committee.cfm. A list of Reports of the Committee in the present Parliament is at the back of this report.

Committee staff

The current staff of the Committee are Dr Robin James (Clerk), Mr Mark Etherton (Second Clerk), Miss Jane Gordon (Committee Legal Specialist), Mr Ben Morris (Committee Legal Specialist), Mr Ian Thomson (Committee Assistant), and Ms Melanie Barklem (Secretary).

Contacts

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Introduction

1. This report is a review of the Home Affairs Committee's activities in 2003, arranged in the form of comments on the Committee's performance in relation to the indicative 'core tasks' for departmental select committees specified by the Liaison Committee.

2. A major factor in determining the programme of the Home Affairs Committee is the legislative output of the Home Office. Since the start of the 1997 Parliament, the Home Office has introduced 44 bills—more than any other Government department except the Treasury, which introduced 46 bills over that period.¹ As many of the Treasury-sponsored bills were concerned with the formal cycle of parliamentary approval of expenditure, it can fairly be stated that the Home Office puts more new policy proposals before Parliament than any other department, and by a considerable margin.²

3. Although it used to be a rare occurrence for a departmental select committee to scrutinise the legislative output of its department, in recent years the Home Affairs Committee has devoted considerable attention to looking at Home Office legislative proposals, either in the form of draft bills or actual bills. In 2002, for instance, we published reports on the Police Reform Bill, the Criminal Justice Bill and the Extradition Bill (the last-mentioned having been considered initially in draft form). In 2003, likewise, we published reports on the Sexual Offences Bill and the Asylum and Immigration (Treatment of Claimants, etc.) Bill. In 2004 we intend to scrutinise the Government's proposed draft bill on identity cards, and possibly other legislation in draft.

4. The Committee has also monitored other areas of activity of the Home Office and its associated public bodies. We carried out major inquiries into asylum removals (with a report published in May 2003) and into asylum applications (with a report published in January 2004). We have continued to hold regular 'one-off' evidence sessions with a variety of individuals and organisations within our order of reference.

Inquiries carried out into:

(a) Government policy proposals and implementation of legislation and major policy initiatives

5. The Home Office produces a continuous stream of policy proposals. In addition to the bills mentioned above, since the start of the 1997 Parliament the Home Office has launched over 120 consultation papers.³ The Committee monitors these proposals and initiatives in a variety of ways. We hold an annual evidence session with the Home Secretary to review ministerial priorities and emerging policy issues as a whole. We aim to respond rapidly, where appropriate, to government initiatives. For instance, within the larger context of our asylum applications inquiry, we gave separate scrutiny to the raft of new government measures on asylum announced in late October, taking evidence from the relevant

1 Source: House of Commons Library. Figures include all bills whether they started in the Commons or the Lords.

2 The runners up in terms of bills introduced since 1997 are: the Department of Constitutional Affairs (formerly the Lord Chancellor's Department) with 24 bills, Trade and Industry with 18, Northern Ireland Office with 15, and Health 14.

3 HC Deb, 15 July 2003, cols 268–71W, and Home Office website.

Minister in November and publishing a report on the Government's Asylum and Immigration (Treatment of Claimants, etc.) Bill within three weeks of its publication, in time for the Bill's Second Reading on 17 December. Earlier in the year, our scrutiny of the Sexual Offences Bill [*Lords*] allowed study of the policy implications of the Government's proposed reform of the law in this field, again with a report published in time to inform debate in the House on Second Reading of the bill.

6. In November the Home Secretary announced that the Government would pursue a step-by-step approach to the introduction of a national system of identity cards. We took oral evidence from the Home Office on this in December, and will conduct a full inquiry in 2004, as well as scrutinising the promised draft legislation on identity cards when this is published.

7. We examined the Government's implementation of policy changes in the field of drugs—changes that were partly prompted by our 2002 report on *The Government's Drugs Policy: Is it Working?*—by holding an oral evidence session with the Minister responsible for Anti-Drugs Co-ordination and Organised Crime. The same report was tagged on the Order Paper as relevant to the debate when the House considered the draft Misuse of Drugs Act 1971 (Modification) (No. 2) Order 2003, the statutory instrument which implemented the reclassification of cannabis as a prohibited substance from Class B to Class C.

8. We followed up another report from 2002, into the Police Reform Bill, by taking oral evidence from the Police Standards Unit, an internal unit within the Home Office set up as part of the Government's police reform agenda. In June we obtained an Estimates Day debate in the House on our report from the previous Session on *The Conduct of Investigations into Past Cases of Abuse in Children's Homes* (the government reply to which had been published in April).

9. In future we aim to carry out more 'follow up' inquiries and evidence sessions, both in relation to our own past reports and to the Government's implementation of its initiatives.

(b) Areas seen by the Committee as requiring examination because of deficiencies

10. Two of our major inquiries in 2003 examined areas of government policy which have been the subject of much debate and criticism. Our report on asylum removals, published in May, criticised the Government for the low rate at which failed asylum seekers were removed from the UK and made detailed suggestions for making the process more efficient and humane. Our inquiry into asylum applications, on which we reported in January 2004, identified areas of shortcoming in current policy, but also recent developments which deserve praise.

11. We are currently conducting an inquiry into an issue where many people claim that current provision is inadequate—the rehabilitation of prisoners. This will investigate the effectiveness of prisons in reducing re-offending through rehabilitation, looking in particular at the extent and quality of rehabilitative programmes, and whether more should be done for particularly vulnerable groups such as the young, women, and mentally ill prisoners.

(c) Departmental actions

12. The Committee has questioned Home Office witnesses on specific departmental actions in the course of its inquiries and evidence sessions during the year. We considered a number of issues relating to the internal administration of the Home Office and its associated bodies. For instance, we questioned senior officials on the proposed merger of the Prison and Probation Services, and subsequently the Home Secretary on changes to the structure of senior posts in the department.

(d) The work of the Department's Agencies and associated public bodies

13. As in previous years, the Committee has pursued a programme of single evidence sessions designed to scrutinise the bodies associated with the Home Office, interspersed between its longer inquiries. Bodies and individuals examined in these single evidence sessions in 2003 were HM Inspectorate of Probation, the Government's Reviewer of Anti-Terrorism Legislation (Lord Carlile of Berriew QC) and the Parole Board. The Committee also held an informal meeting with the Director General of the Security Service.

(e) Major appointments

14. The Committee did not have occasion to interview any new appointees to major posts in 2003. The incoming Chairman of the Criminal Cases Review Commission, who took up his post in November 2003, gave oral evidence to us in January 2004.

Examination of expenditure

15. The Committee conducts an annual scrutiny of Home Office expenditure by means of a questionnaire submitted following publication of the department's annual report, followed by an evidence session with the Permanent Secretary and other relevant officials. In addition, we have pursued in writing with the Home Office specific queries arising from the Main and Supplementary Estimates.

16. We are grateful to the newly established Committee Office Scrutiny Unit for supplying us with specialist advice on expenditure issues.

Examination of Public Service Agreements

17. We have considered the Home Office's progress towards achieving its Public Service Agreement (PSA) targets in the context of individual inquiries and evidence sessions. For instance, we questioned the Permanent Secretary about the full range of Home Office targets and the methodology underlying them, and we subsequently questioned the Home Secretary about Home Office PSA Target 3, which seeks to improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.2 million by 2005–06. We likewise explored in oral evidence key Prison Service and Probation Service targets.

18. In our report on asylum removals we were critical of the Home Office's 2002 PSA target to increase the number of failed asylum seekers removed from the country to 30,000

by March 2003—a target which had to be abandoned as unachievable. The comment we made may have more general application in relation to government targets:

“We deprecate the setting of wholly unrealistic targets which serve only to arouse false expectations and which can only prove demoralising for all concerned. ... It is surely not too much to expect that, if it is thought necessary to set targets for removals, they should be rational and achievable.”⁴

In our report on asylum applications we considered the 2003 PSA Target 7, which aims to improve the quality of decision-making on asylum claims. We criticised aspects of the target and called for future targets in this area to be more challenging.

Assisting the House

19. During 2003 four of our reports were tagged on the Order Paper as relevant to debates. The reports on the Sexual Offences Bill and the Asylum and Immigration (Treatment of Claimants, etc.) Bill were produced, under considerable pressure of time, in order to inform the House in advance of the Second Reading debates on those bills. Our report from Session 2001–02 on *The Conduct of Investigations into Past Cases of Abuse in Children’s Homes* was debated in the House on an Estimates Day. Finally, as we have mentioned, our report from the same Session on *The Government’s Drugs Policy: Is it Working?* was tagged as relevant to the debate on the statutory instrument implementing the reclassification of cannabis.

20. Our proposed work on draft sentencing guidelines, commencing in early 2004, is intended to assist the House in its scrutiny of sentencing policy (see paragraphs 24–27 below).

Innovations in working methods

Scrutiny of bills and draft bills

21. We mentioned above our increasing emphasis on scrutiny of legislation. We have produced reports on five bills or draft bills in the past 18 months. Other departmental committees are similarly, if to a lesser degree, increasing the extent to which they look at bills or draft bills. We welcome this healthy development which increases the range and effectiveness of select committee scrutiny and should improve the quality of legislation.

22. Committees cannot, however, devote so much time to legislation, draft or otherwise, that their programme is dominated by the Government’s agenda. Departmental select committees must judge whether or not they will examine particular pieces of draft legislation, in order to achieve a balance between draft bill and inquiry work within their own programme. This in turn will require that the department should consult the relevant committee at a sufficiently early stage about whether it wishes to look at a particular bill in draft form. We welcome the recent initiative by the Leader of the House to inform all departmental committees early in the Session of details of forthcoming draft legislation.

23. Effective pre-legislative scrutiny also depends on the committee having sufficient time to carry out a serious inquiry. That in turn depends on the department supplying them with a draft bill sufficiently far in advance of the date for publication of the actual bill. Giving a committee just two or three weeks to consider draft legislation will not lead to effective scrutiny. Equally, it is not helpful to be told that a draft bill will be ready by a particular date only for it to fail to materialise. This happened in the autumn of 2003 when we made provision in our future programme for evidence on a draft Domestic Violence and Victims bill which, in the event, the Home Office was not able to produce. Good forward planning by the department, and regular liaison with the committee, are pre-requisites for successful pre-legislative scrutiny.

Scrutiny of draft sentencing guidelines

24. A significant innovation in our working practice will take place in 2004 when we begin to conduct scrutiny of draft sentencing guidelines submitted to us for consultation by the new Sentencing Guidelines Council.

25. The Council has been set up under the Criminal Justice Act 2003. It will be chaired by the Lord Chief Justice, and consist of both judicial and non-judicial members. It will take over the Court of Appeal's present responsibility for issuing guidelines, but will no longer be tied to individual cases, or to specific offences. The Council will also take over responsibility for the Magistrates' Court Sentencing Guidelines.

26. The then Leader of the House wrote to the Committee in 2002 suggesting that the Home Affairs Committee should take on the role of studying new sentencing guidelines to enable the views of Parliament to be taken into account in the process. The Government thought it "important that a bridge is built between Parliament and the Council in order to enable Parliament properly to contribute to those guidelines whilst preserving the proper independence of the Council".⁵ The Committee has agreed in principle to carry out this role.

27. The Council is due to begin work in late Spring 2004. We shall announce in due course how we propose to conduct scrutiny both of individual guidelines and of the new sentencing guidelines process as a whole.

Extent to which systematic structure is in place for meeting the indicative tasks listed, and response of Department

28. The Home Office is one of the busiest departments of state, employing some 70,000 people in the central Home Office, the Immigration and Nationality Department and the Prison Service, and responsible for the supervision of many more in related public bodies. It is not possible for a single parliamentary committee employing six full-time staff to conduct systematic and comprehensive scrutiny of every aspect of the Home Office's responsibilities. Inevitably we have to focus our major inquiries on areas of particular importance and concern, as well as taking a wide spread of written and oral evidence on other topics which deserve scrutiny.

5 Letter to the Chairman of the Committee from Rt Hon Robin Cook MP, dated 13 June 2002.

29. Following an internal review of Committee Office staffing, our staff complement, along with that of other departmental committees, will shortly be increased. We are grateful for this extra, much-needed, provision. However, the Committee's workload and range of activities is likely to continue to expand, as we seek further to improve the scope and quality of our scrutiny of the Home Office. We trust that the House of Commons authorities will monitor the situation and bear in mind the possible need for further staff increases when appropriate.

30. Broadly speaking we are content with the assistance offered us by the Home Office. In general we have received timely responses to requests for information, and effective liaison with the wider Department is maintained through contacts between the Committee staff and the Parliamentary Clerk.

31. However, there are two areas where we think an improved service should be provided. As we have mentioned above, it is crucially important that we receive adequate notice of the Home Office's plans for draft legislation. A reasonable period for parliamentary scrutiny of draft legislation—at least three months—should be allowed for when the timetable of that legislation is planned, and every effort should be made to stick to that timetable. Secondly, it would materially assist our work if the Home Office were to be more pro-active in alerting us to impending policy initiatives and developments, particularly where these relate to currently active inquiries. We will explore with the Home Office mechanisms for achieving this.

Formal minutes

Tuesday 10 February 2004

Members present:

Mr John Denham, in the Chair

Janet Anderson
Mrs Janet Dean

Mr Gwyn Prosser
David Winnick

The Committee deliberated.

Draft Report (The Work of the Home Affairs Committee in 2003), proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 31 read and agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Tuesday 24 February at 2.15 pm]

Reports from the Home Affairs Committee since 2001

The following reports have been produced by the Committee since the start of the 2001 Parliament. Government Responses to the Committee's reports are published as Special Reports from the Committee or as Command Papers by the Government. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2003–04

First Report	Asylum and Immigration (Treatment of Claimants, etc.) Bill	HC 109
Second Report	Asylum Applications	HC 218

Session 2002–03

First Report	Extradition Bill	HC 138 (<i>HC 475</i>)
Second Report	Criminal Justice Bill	HC 83 (<i>Cm 5787</i>)
Third Report	The Work of the Home Affairs Committee in 2002	HC 336
Fourth Report	Asylum Removals	HC 654 (<i>HC 1006</i>)
Fifth Report	Sexual Offences Bill	HC 639 (<i>Cm 5986</i>)

Session 2001–02

First Report	The Anti-Terrorism, Crime and Security Bill 2001	HC 351
Second Report	Police Reform Bill	HC 612 (<i>HC 1052</i>)
Third Report	The Government's Drugs Policy: Is it Working?	HC 318 (<i>Cm 5573</i>)
Fourth Report	The Conduct of Investigations into Past Cases of Abuse in Children's Homes	HC 836 (<i>Cm 5799</i>)