



House of Commons
Home Affairs Committee

Work of the Committee in 2005–06

First Report of Session 2006–07



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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; and the administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Current membership

Mr John Denham MP (*Labour, Southampton, Itchen*) (Chairman)
Mr Richard Benyon MP (*Conservative, Newbury*)
Mr Jeremy Browne MP (*Liberal Democrat, Taunton*)
Ms Karen Buck MP (*Labour, Regent's Park and Kensington North*)
Mr James Clappison MP (*Conservative, Hertsmere*)
Mrs Ann Cryer MP (*Labour, Keighley*)
Mrs Janet Dean MP (*Labour, Burton*)
Margaret Moran MP (*Labour, Luton South*)
Gwyn Prosser MP (*Labour, Dover*)
Bob Russell MP (*Liberal Democrat, Colchester*)
Martin Salter MP (*Labour, Reading West*)
Mr Richard Spring MP (*Conservative, West Suffolk*)
Mr Gary Streeter MP (*Conservative, South West Devon*)
Mr David Winnick MP (*Labour, Walsall North*)

The following members were also members of the Committee during 2005–06.

Colin Burgon MP (*Labour, Elmet*)
Nick Harvey MP (*Liberal Democrat, North Devon*)
Mr Nick Herbert MP (*Conservative, Arundel & South Downs*)
Stephen McCabe MP (*Labour, Birmingham, Hall Green*)
Mr Shahid Malik MP (*Labour, Dewsbury*)

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

Publication

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/homeaffairscom A list of Reports of the Committee since Session 2003–03 is at the back of this volume.

Committee staff

The current staff of the Committee are Dr Robin James (Clerk), Dr Mark Egan (Second Clerk), Kate Akester (Adviser (Sentencing Guidelines)), Elisabeth Bates (Committee Specialist), Martha Goyder (Committee Specialist), Mr Ian Thomson (Committee Assistant), Ms Jenny Pickard (Secretary), Alison Forrester (Senior Office Clerk) and Ms Jessica Bridges-Palmer (Select Committee Media Officer).

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1 Introduction

Scope of this report

1. This report is a review of the Home Affairs Committee's activities during the 17-month period from its renomination after the last general election, in July 2005, to the end of calendar year 2006. We preface this with a brief résumé of the work done by our predecessors at the end of last Parliament. We then give an overview of the main developments during 2005–06, followed by an analysis of the Committee's performance in relation to the indicative 'core tasks' for select committees specified by the Liaison Committee. We conclude with some comments on innovative working practices and on our relations with the Department.

The Committee's work at the end of the last Parliament

2. The Committee's last annual report, dealing with calendar year 2004, was published in February 2005.¹ In the short but busy period which elapsed between that publication and the Dissolution of Parliament in April 2005, our predecessor Committee produced four reports, on *Home Office Target-Setting 2004*, *Police Reform*, *Anti-Social Behaviour*, and *Terrorism and Community Relations*.² The latter two reports were debated in Westminster Hall in the new Parliament (see paragraph 30 below).

Overview of the Committee's activities in 2005–06

3. Our principal remit, set out in House of Commons standing orders, is "to examine the expenditure, administration and policy of the Home Office and its associated public bodies".³ In carrying out this remit, we aim to strike a balance between (1) inquiries into major policy issues, (2) scrutiny of bills or draft bills, and (3) 'one off' evidence sessions which enable us to investigate other aspects of the Home Office's work and that of its associated public bodies.

4. The Committee was renominated following the General Election on 13 July 2005. Since then our major activities have been our inquiry into the Government's proposals to extend to 90 days the period in which terrorism suspects can be detained without charge, our comprehensive examination of the immigration control system (which was extended to deal also with the controversy over the Home Office's failure to consider for deportation released foreign prisoners), our continuing scrutiny of draft sentencing guidelines, and our currently active inquiries into justice and home affairs (JHA) issues at EU level and into young black people and the criminal justice system. A full list of subjects into which we inquired is set out in the table below.

¹ Second Report of Session 2004-05, *Work of the Committee in 2004* (HC 280)

² Third Report of Session 2004-05 (HC 320); Fourth Report of Session 2004-05 (HC 370); Fifth Report of Session 2004-05 (HC 80); and Sixth Report of 2004-05 (HC 165)

³ In addition, Standing Order No. 152 (2) charges the Committee with inquiring into the administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Table 1: Subjects covered by the Home Affairs Committee, July 2005 to December 2006

| Subject | Evidence sessions in 2005-06 | Outcome |
|--|------------------------------|--|
| Draft Corporate Manslaughter Bill (joint report with Work and Pensions Committee) | 6 ⁴ | Report, December 2005 ⁵ |
| Draft Sentencing Guideline: Robbery | - | Report, March 2006 ⁶ |
| Draft Sentencing Guidelines: Overarching Principles: Domestic Violence and Breach of a Protective Order | - | Report, June 2006 ⁷ |
| Terrorism Detention Powers | 4 | Report, July 2006 ⁸ |
| Immigration Control | 12 | Report, July 2006 ⁹ |
| Draft Sentencing Guideline: Sexual Offences Act 2003 | - | Report, July 2006 ¹⁰ |
| Young Black People and the Criminal Justice System | 3 | Report to be published |
| Justice and Home Affairs Issues at European Union Level | 2 | Report to be published |
| Counter-terrorism and Community Relations in the Aftermath of the London Bombings | 1 | Evidence, September 2005 |
| Draft Terrorism Bill | 1 | Evidence, October 2005 |
| Work of the Home Office | 2 | Evidence, October 2005 and December 2006 |
| Prison Suicides and Overcrowding | 1 | Evidence, November 2005 |
| Restructuring Probation | 1 | Evidence, November 2005 |
| UK-US Extradition Treaty | 1 | Evidence, November 2005 |
| Criminal Cases Review Commission | 1 | Evidence, October 2006 |
| Human Rights Legislation and Government Policy-making (joint evidence with Constitutional Affairs Committee) | 2 | Evidence, October 2006 |
| Migration Issues Relating to the Accession of Bulgaria and Romania to the EU (joint evidence with European Scrutiny Committee) | 1 | Evidence, December 2006 |

⁴ Evidence taken by joint sub-committee

⁵ Home Affairs and Work and Pensions Committees, First Joint Report of Session 2005–06 (HC 540)

⁶ Second Report of Session 2005–06 (HC 947)

⁷ Third Report of Session 2005–06 (HC 1231)

⁸ Fourth Report of Session 2005–06 (HC 910)

⁹ Fifth Report of Session 2005–06 (HC 775)

¹⁰ Sixth Report of Session 2005–06 (HC 1582)

5. During 2005–06 we went on a number of visits, as set out in Table 2 below. Our major overseas visit, in which the Committee split into two groups, one visiting India and Pakistan, and the other Nigeria and Ghana, proved invaluable in gathering information about the UK's overseas visa application processes; in our subsequent report on *Immigration Control* there are many references to what we learnt during this visit. More recently, our visits within the UK to meet young people and criminal justice practitioners in connection with our ongoing inquiry into *Young Black People and the Criminal Justice System* have proved thought-provoking and enjoyable; as, in a different way, did our two-day visit to Brussels in connection with our *EU Issues* inquiry (during which we took formal evidence from MEPs and others).

Table 2: Visits by the Home Affairs Committee, July 2005 to December 2006

| Location | Purpose of visit |
|---|--|
| Nigeria/Ghana and Pakistan/India | Inquiry into Immigration Control |
| Calais | Inquiry into Immigration Control |
| Brussels | Inquiry into Justice and Home Affairs Issues at European Union Level |
| Heathrow Airport and Colnbrook Removal Centre | Inquiry into Immigration Control |
| Presenting Officers Unit and the Asylum and Immigration Tribunal in London (2 visits) | Inquiry into Immigration Control |
| Immigration and Nationality Directorate's offices in Croydon | Inquiry into Immigration Control |
| Paddington Green Police Station | Inquiry into Terrorism Detention Powers |
| Southwark Criminal Justice Agencies and Kids Company Project | Inquiry to Young Black People and the Criminal Justice System |
| Leeds | Inquiry into Young Black People and the Criminal Justice System |
| Bristol | Inquiry into Young Black People and the Criminal Justice System |
| Vienna | Visit by Mr James Clappison MP in a representative capacity to attend Austrian EU Presidency Conference of Justice and Home Affairs Committees |
| Brussels | Visit by Chairman and Mr James Clappison MP in a representative capacity to meeting of National Parliament Committees and European Parliament Committees |
| Brussels | Visit by Chairman in a representative capacity to attend Parliamentary meeting on the future of Europe |

| Location | Purpose of visit |
|----------|---|
| Brussels | Visit by Chairman and Bob Russell MP in a representative capacity to attend conference on Justice and Home Affairs issues |
| Kiev | Visit by Margaret Moran MP in representative capacity to attend Ukrainian Parliament debate on domestic violence |

6. We have aimed to explore new methods of working, and to extend the range of the Committee's work. In particular, we have increased the scale of joint working with other select committees, and made a sustained effort to scrutinise the European dimension to Home Office decision-making. We give more details in paragraphs 31 to 35 below.

The Committee's performance in relation to the 'core tasks'

7. On 14 May 2002 the House, by resolution, invited the Liaison Committee to establish common objectives for select committees. The Liaison Committee subsequently issued a list of indicative core tasks, and has asked departmental select committees to reflect these in their annual reports. The table below shows the relationship of our inquiries and evidence sessions to these core tasks. A detailed commentary is then set out in the paragraphs which follow.

Table 3: Liaison Committee criteria relevant to 2005-06 inquiries

| | Government and Commission policy proposals | Examination of deficiencies | Departmental actions | Associated public bodies | Major appointments | Implementation of legislation | Legislation / Draft legislation | Expenditure | Evidence from Minister | Public Service Agreements |
|--|--|-----------------------------|----------------------|--------------------------|--------------------|-------------------------------|---------------------------------|-------------|------------------------|---------------------------|
| Draft Corporate Manslaughter Bill | | | | | | | √ | | √ | |
| Draft Sentencing Guideline: Robbery | | | | √ | | | | | | |
| Draft Sentencing Guideline: Overarching Principles: Domestic Violence and Breach of a Protective Order | | | | √ | | | | | | |
| Terrorism Detention Powers | √ | | | √ | | √ | √ | | √ | |
| Immigration Control | | √ | √ | √ | | | | | √ | √ |
| Draft Sentencing Guideline: Sexual Offences Act 2003 | | | | √ | | | | | | |
| Young Black People and the Criminal Justice System | | √ | √ | | | | | | | |
| Justice and Home Affairs Issues at European Union Level | √ | | | √ | | | | | | |
| Counter-terrorism and Community Relations in the Aftermath of the London Bombings | | | √ | √ | | | | | √ | |
| Draft Terrorism Bill | √ | | √ | | | | √ | | √ | |
| Work of the Home Office | √ | | | | √ | | | √ | √ | √ |
| Prison Suicides and Overcrowding | | √ | √ | √ | | | | | √ | |

| | Government and Commission policy proposals | Examination of deficiencies | Departmental actions | Associated public bodies | Major appointments | Implementation of legislation | Legislation / Draft legislation | Expenditure | Evidence from Minister | Public Service Agreements |
|--|--|-----------------------------|----------------------|--------------------------|--------------------|-------------------------------|---------------------------------|-------------|------------------------|---------------------------|
| Restructuring Probation | √ | | | √ | | | | | √ | |
| UK-US Extradition Treaty | | | | | | √ | | | √ | |
| Criminal Cases Review Commission | | | | √ | | | | | | |
| Human Rights Legislation and Government Policy-making | | | | | | √ | | | √ | |
| Migration Issues Relating to the Accession of Bulgaria and Romania to the EU | √ | | √ | | | | | | √ | |

Inquiries carried out into:

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

8. We noted in our last annual report that “the Home Office produces more policy proposals, in the form of consultation documents, green and white papers, bills and draft bills, than any other government department”.¹¹ To these documents must be added the stream of reviews of the Home Office itself, making recommendations as to future internal policy, which have been commissioned as a result of the Department’s recent difficulties.

9. Given the limited time and resources at our disposal, we have to be severely selective in deciding which policy proposals and initiatives to scrutinise. We carry out scrutiny in a variety of ways. We hold an annual evidence session with the Home Secretary (most recently in December 2006), to review Ministerial priorities and emerging policy areas as a whole. We aim to respond rapidly to developments where issues of major public concern are at stake (see paragraph 16 below).

10. One issue which we felt merited in-depth analysis was the Government’s proposal to extend the **terrorism detention powers** of the police, by empowering them to detain suspects for up to 90 days without charges. In a sense this was ‘post-legislative scrutiny’, in that when we began our inquiry the House had already decided to reject the Government’s 90-day proposal and to substitute an extension of the powers to 28 days. Nonetheless we felt it was important that the strength or otherwise of the Government’s case for this

¹¹ Second Report of Session 2004–05, *Work of the Committee in 2004* (HC 280), para 7

proposal should be subjected to rigorous scrutiny, of a kind which had not been possible owing to pressure of time during the House's consideration of the Terrorism Bill. We concluded that none of the evidence we reviewed would have justified a maximum detention period longer than 28 days, but that changes in the nature and scale of the terrorist threat might lead to the 28-day limit proving inadequate in future. We noted that the process of the Terrorism Bill through Parliament had been divisive, not least because of the lack of care with which the Government promoted its case; and we recommended that an independent review committee be created to make recommendations as to any future change of policy.

11. In our current inquiry into **justice and home affairs issues at European Union level**, we are considering the range of initiatives being taken by the European Commission under the aegis of the Hague Programme. We are examining not only proposals to enhance practical co-operation between member states in the JHA field, but also the desirability or otherwise of greater harmonisation of procedures, and whether the EU's decision-making processes in relation to JHA policy need to be changed. We intend to report on this in Spring 2007. (See also paragraph 32 below.)

12. We have continued to monitor **the Government's response to our own past reports**. We appended to our 2004 annual report a memorandum from the Home Office setting out the action they had taken in respect of all accepted Home Affairs Committee recommendations since the start of the 2001 Parliament.¹² In 2006 the Government supplied us with an updated version of this information, which we published as a Special Report.¹³ We understand that a further update will be supplied to us in February 2007, and we intend to publish this also. We are grateful to the Home Office for undertaking this work, which is of great value in enabling us to track progress, or sometimes lack of it, in implementing our recommendations. We trust that the Government will continue to supply us with annual updates (preferably on a rolling basis so that in each case the period under consideration is the previous five years).

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

13. Our major enterprise in the period since July 2005 has been the inquiry into **immigration control**. We held 12 evidence sessions and received a considerable quantity of written submissions. Our report was a comprehensive survey of this very complex and controversial area of policy. It identified numerous deficiencies in the current operation of the immigration system. Indeed, it was as a result of deficiencies identified both by ourselves and by our colleagues on the Public Accounts Committee that the present Home Secretary felt compelled to appear before us and describe the immigration system as “not fit for purpose”. Our report contains numerous proposals for putting right current faults in the system; we will continue to monitor this important area and the extent to which the Government is taking effective action to turn the situation around.

¹² Second Report of Session 2004–05, *Work of the Committee in 2004* (HC 280), pp 13–102

¹³ First Special Report of Session 2005–06, *Memorandum from the Home Office: Progress in implementing accepted Committee recommendations 2001–05* (HC 1007)

14. Another contentious area of policy is that involving **young black people and the criminal justice system**. Our current inquiry focuses particularly on public perceptions of criminality among young black people and the reasons for their overrepresentation in the system. It is common in the media and elsewhere for a connection to be made between young black people and criminal behaviour. However, the evidence for this connection is contested. Our inquiry is seeking to establish whether patterns of criminal behaviour amongst young black people differ in any significant way from patterns of crime amongst other young people and whether any specific policies are required to tackle this. As part of the inquiry we are making efforts wherever possible to contact young black people themselves and not just adults purporting to speak on their behalf. We have visited community projects in south London, Leeds and Bristol, and have taken formal oral evidence from young black people who have experience of crime and/or the criminal justice system. We have visited Feltham Young Offenders' Institution and talked to young people there convicted of a range of serious offences including robbery and murder. We have also organised an informal discussion at Westminster between ourselves, young people from south London, and the two main frontbench spokespersons on policing issues—Tony McNulty MP, Home Office Minister of State, and James Brokenshire MP, Shadow Minister for Home Affairs; Dawn Butler MP, Member for Brent South, also took part in the discussion.

15. In conjunction with this inquiry, we have commissioned research into public perceptions of young black people and the criminal justice system from Opinion Leader Research. The results of the research, which was based on use of focus groups, have been submitted to us and will be published with our forthcoming report.

(c) Departmental actions

16. As in previous years, the Committee has questioned witnesses on specific departmental actions as and when they arose. Where necessary we have moved quickly to set up evidence sessions in response to developing events. In September 2005 we took evidence from the then Home Secretary, the Metropolitan Police Commissioner, the Mayor of London and the Secretary General of the Muslim Council of Britain on issues arising from **the aftermath of the '7/7' London bombings**. In December 2006 we responded to public concern about **the implications of the imminent accession of Bulgaria and Romania to the EU** by arranging an evidence session at short notice to question the relevant Minister about the Government's package of measures to deal with migration issues arising from the new accessions. In January 2007 we have been taking evidence on the respective responsibilities of the Home Office and the police for securing **the effective processing of information from other countries about offences committed by UK nationals overseas**; this has triggered considerable media and political interest.

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

17. The Committee has taken evidence from a wide range of witnesses representing bodies associated with the Home Office. These include the Immigration and Nationality Directorate, the Metropolitan Police, the Association of Chief Police Officers, the Prison Service, the Probation Service and the Criminal Cases Review Commission.

18. One “associated public body” with which we have a particularly close relationship is the Sentencing Guidelines Council (SGC). We have agreed to review all the **draft sentencing guidelines** produced by the Council, and to make comments either in the form of a report, or of a letter to the chair of the SGC, the Lord Chief Justice, which will be posted on our website. So far we have issued reports on six guidelines, and posted one letter on the website.¹⁴ In addition, we propose later in 2007 to conduct an inquiry into aspects of sentencing; this will include a review of the operation of the guidelines system.¹⁵

19. We are grateful to the Lord Chief Justice for agreeing to the attendance of a senior member of the judiciary at an all-day meeting we held jointly with the Constitutional Affairs Committee in October 2006, to explore the subject of human rights legislation and its impact on government policy-making. This proved a very useful and informative occasion, not least due to the oral evidence contributed by Lord Justice Maurice Kay. In questioning this witness, we were careful to avoid pressing him on matters on which it would be inappropriate for a serving judge to make public comment, but we found that even within the conventions governing these matters, it was possible for us to take some stimulating and useful evidence on the role and functions of the judiciary.

(e) Major appointments

20. We were pleased to have the opportunity of taking oral evidence from the current Home Secretary, Rt Hon Dr John Reid MP, only 18 days after he assumed his present responsibilities. On the same occasion we took evidence from the Permanent Secretary at the Home Office, Sir David Normington KCB, who at that time had been in post for four months, the Chief Executive of the National Offender Management Service, Ms Helen Edwards CBE, who had been in post for five months, and the Director-General of the Immigration and Nationality Directorate, Ms Lin Homer, who had been in post for nine months.¹⁶ Although the session was part of our wider inquiry into immigration control, it had something of the feel of an ‘induction hearing’ for all these office-holders. This was the occasion on which Dr Reid made his widely-quoted remark that the immigration system was not “fit for purpose”, and announced the first of a series of major internal reviews of Home Office administration and working methods.¹⁷ The consequences of this review process are still working their way through the system. In December 2006 we held a further evidence session with the Home Secretary to discuss his progress to date; and during the course of 2007 we will continue to monitor the Government’s success or otherwise in

¹⁴ Fifth Report of Session 2003–04, *Draft Sentencing Guidelines 1 and 2* [these were on *Reduction in Sentence for a Guilty Plea* and *Overarching Principles: Seriousness / New Sentences: Criminal Justice Act 2003*] (HC 1207); Second Report of Session 2005–06, *Draft Sentencing Guideline: Robbery* (HC 947); Third Report of Session 2005–06, *Draft Sentencing Guidelines—‘Overarching Principles: Domestic Violence’ and ‘Breach of a Protective Order’* (HC 1231); and Sixth Report of Session 2005–06, *Draft Sentencing Guidelines: Sexual Offences Act 2003* (HC 1582). A letter dated 16 May 2006 from the Chairman of the Committee to the Lord Chief Justice giving the Committee’s response to the draft guideline on *Custodial Sentences of Less Than 12 Months: Criminal Justice Act 2003* was published on the Committee’s website, which is at http://www.parliament.uk/parliamentary_committees/home_affairs_committee.cfm.

The Committee did not make substantive comments on the draft guidelines on *Manslaughter* (which was issued when the Committee was unappointed following the General Election of 2005) or *Allocation*.

¹⁵ Terms of reference will be announced shortly.

¹⁶ Fifth Report of Session 2005–06, *Immigration Control* (HC 775-III), Ev 155 (Q866).

¹⁷ *Ibid.*

rendering not just the immigration system but the Home Office as a whole “fit for purpose”.

Examination of draft legislation

21. In late 2005 we, together with the Work and Pensions Committee, conducted full pre-legislative scrutiny of the Government’s draft Corporate Manslaughter Bill. In addition, in October 2005 we held a single evidence session with the then Home Secretary on a draft text of the Terrorism Bill which had been posted on the Home Office website.

22. However, since the beginning of 2006 no Home Office bills have been published in draft form, nor are there, to the best of our knowledge, any plans to publish draft bills in the near future. The Leader of the House has announced that in the current Session only four Government bills will be published in draft. None is a Home Office bill. When we pressed the present Home Secretary on this subject, on 12 December 2006, he replied that, although publication of the forthcoming Terrorism Bill in draft form was unlikely because of time pressures, nonetheless he would “look at finding some mechanism for us to enter into discussion or dialogue” with the Committee on “two or three specific areas in which you might be interested”.¹⁸

23. We welcome this limited assurance from the Home Secretary that the Committee will be consulted in some form about future terrorism legislation. However, we much regret that the flow of legislation in draft form from the Home Office appears to have dried up. It has been well established that pre-legislative scrutiny by select committees makes for better legislation. The Home Office has been justly criticised in recent years for producing some legislation which has been ill-conceived and badly (because hastily) drafted. We are ready and willing to play our part in helping to improve the quality of legislation. We urge the Home Office to make allowance in its forward planning for suitable bills to be referred to us for scrutiny in draft form. This will be a valuable supplement to the new parliamentary procedures under which Public Bill Committees will hold evidence sessions on government bills before proceeding to line-by-line scrutiny.

Examination of expenditure

24. The Committee conducts annual scrutiny of Home Office expenditure by means of a questionnaire submitted following publication of the Department’s annual report, usually followed by an evidence session with the Permanent Secretary and other relevant officials. In 2006, publication of the Home Office annual report was postponed from April (when it usually appears) to late July, and in consequence we had to cancel our planned session with the Permanent Secretary. We hope that the normal sequence of events will be resumed in 2007. However, in 2006 we were able to pursue in writing with the Home Office specific queries arising from the Main and Supplementary Estimates. As in previous years, we wish to express our gratitude to the Committee Office Scrutiny Unit for supplying us with specialist advice on expenditure issues.

¹⁸ *The Work of the Home Office*, oral evidence taken on 12 December 2006 (to be published), Q9

Examination of Public Service Agreements

25. In April 2005 the Committee published a report on *Home Office Target-Setting 2004*.¹⁹ The report welcomed the move towards fewer and simpler Home Office Public Service Agreement (PSA) targets. However, it argued there is a need for a real reduction in centrally determined targets set outside the PSA framework. It recommended that ‘key performance indicators’ and supporting data should routinely be published. The Committee noted the trend towards ‘directional’ PSA targets that do not quantify the desired level of improvement. It argued that quantified targets can have potential benefits as well as risks, and recommended that in the next round of PSA targets the Home Office should retain some quantitative elements. The report suggested how the main benefits of PSA targets—those of accountability, performance management and strategic direction—could be increased further, and called for Home Office objectives to be better aligned with the targets. Finally, it suggested ways in which the reporting of achievement of targets could be improved.

26. In its reply the Government accepted a number of the Committee’s recommendations and undertook to implement them during the 2006 Spending Review process. The Spending Review has been postponed till 2007 so we are not yet able to assess the full extent to which comments in our report have been taken on board.²⁰

27. Appearing before us in October 2005, the then Home Secretary (Rt Hon Charles Clarke MP) was asked:

“Is the Home Office open to the idea that you might discuss with the Select Committee some of your PSA targets before they are actually set in stone?”

Mr Clarke replied:

“Absolutely, and in fact I think it would be a very positive thing to do ... I think the principle of the Select Committee being more involved in the process would be very useful. At the end of the day, it would be a government decision [but] a discussion informed by an informed consideration by yourselves would be beneficial.”²¹

28. We welcome this undertaking by the then Home Secretary, and look forward to being consulted as part of the postponed target-setting process in 2007.

29. In addition to the general review of target-setting outlined above, we took a detailed look at some individual Home Office targets in our report on *Immigration Control*. We concluded that although the achievement of successive asylum targets has been a notable success of the Immigration and Nationality Directorate, there were four different ways in which “targets have had unintended impacts on other parts of the immigration system: (1) major political targets on asylum meant other work may have been sidelined or even deliberately manipulated; (2) targets were set for only one part of a system without

¹⁹ Third Report of Session 2004–05 (HC 320)

²⁰ See *Home Office Target-Setting 2004: The Government Reply to the Third Report from the Home Affairs Committee, Session 2004–05* (Cm 6592); and Home Affairs Committee, First Special Report of Session 2005–06, *Memorandum from the Home Office: Progress in implementing accepted Committee recommendations 2001–05* (HC 1007), pp 74–76

²¹ *The Work of the Home Office*, oral and written evidence, 25 October 2005 (HC 604-i of 2005–06), Q43

consideration of the effect elsewhere; (3) targets on speed had a negative impact on quality; and (4) targets were being met without having any impact on the underlying objective.”²²

Assisting the House

30. Five of our reports were debated in Westminster Hall during the period under review: that on *Terrorism and Community Relations* on 27 October 2005; on *Rehabilitation of Prisoners*, 17 November 2005; on *Anti-Social Behaviour*, 19 January 2006; on *Immigration Control*, 2 November 2006; and on *Terrorism Detention Powers*, 7 December 2006. In addition, four of our reports and one evidence session were tagged on the Order Paper as relevant to debates in the House.²³

Innovations in working methods

Joint working with other committees

31. We have set out to **liaise more closely with other select committees**. This included:

- A joint inquiry (using joint sub-committees) with the Work and Pensions Committee into the Government’s draft legislation creating an offence of corporate manslaughter. The two committees produced a single report.
- A joint evidence session with the European Scrutiny Committee on the implications of Bulgaria’s and Romania’s accession to the EU.
- Two joint evidence sessions (held on the same day) with the Constitutional Affairs Committee, exploring the impact of the Human Rights Act 1998 on government policy-making. We also collaborated with the same committee in organising a conference of JHA committees from other EU member states to mark the UK presidency in late 2005 (see paragraph 33 below).
- A joint briefing on EU issues in Brussels from the office of the UK Permanent Representative for ourselves and Sub-Committee F (Home Affairs) of the House of Lords European Union Committee.
- Regular meetings between the Chairmen and Clerks of the Home Affairs Committee, European Scrutiny Committee and Lords Sub-Committee F to co-ordinate the three committees’ scrutiny of European JHA issues.

²² Fifth Report of Session 2005–06 (HC 775-I), paras 579, 572

²³ The report on *Anti-Social Behaviour* was relevant to second reading of the Violent Crime Reduction Bill, 20 June 2005, that on *Terrorism and Community Relations* to second reading of the Racial and Religious Hatred Bill, 21 June 2005, that on *Identity Cards* to second reading of the Identity Cards Bill, 28 June 2005, and that on *Draft Corporate Manslaughter Bill* to second reading of the Corporate Manslaughter and Corporate Homicide Bill, 10 October 2006. Oral evidence on *Draft Terrorism Bill 2005* was relevant to second reading of the Terrorism Bill, 26 October 2005.

- Our report on *Terrorism Detention Powers* was debated in Westminster Hall jointly with a report from the Joint Committee on Human Rights dealing with the same subject.²⁴

The European dimension

32. As several of the activities outlined in the previous paragraph indicate, we have also been making a sustained attempt to scrutinise **the European dimension to Home Office policy-making**. Since the adoption of the Tampere programme in 1999 and the Hague programme in 2004—and prompted by the sharpened awareness of security issues following the 11 September 2001 attacks on New York—the institutions of the EU have given a greater degree of attention to co-operation in the JHA field. In a whole range of JHA policy areas, it is becoming increasingly unusual for UK policy to be developed in isolation from that of our European neighbours. Our current inquiry into JHA issues at EU level is examining—

- progress in developing practical co-operation between member states, and future options in this area.
- progress in mutual recognition, including the development of minimum standards, across the EU, and whether further steps in this direction are desirable.
- progress in and appetite for harmonising criminal justice systems across the EU, and whether further steps in this direction are desirable.
- the process of decision-making on JHA issues at EU level: in particular, the extent to which current difficulties in reaching agreement derive from ‘third pillar’ voting procedure and might be remedied by implementation of the ‘passerelle’ clauses in previous treaties.

33. In November 2005, to mark the UK presidency of the EU, we hosted a conference at Westminster of representatives of equivalent committees in the EU’s national parliaments, and of the European Parliament. The theme of the conference was ‘terrorism and community relations’, which had been the subject of the Committee’s report published six months earlier. For the benefit of delegates to the conference, we commissioned a translation of the report into French. Keynote speeches were given by the European Justice Commissioner (Franco Frattini), the then Home Secretary (Rt Hon Charles Clarke MP) and the Lord Chancellor (Lord Falconer).

34. In addition to the visit to Brussels in November 2006 by the whole Committee, the Chairman and other Members have several times attended in a representative capacity meetings in Brussels of our ‘sister committee’ of the European Parliament: the Committee on Civil Liberties, Justice and Home Affairs (usually known for short as ‘LIBE’). In October 2006 the Chairman gave a short presentation to LIBE on migration policy. In addition, in May 2006 the Chairman attended a “Parliamentary Meeting on the Future of Europe” in

²⁴ JCHR, Twenty-fourth Report of Session 2005–06, *Counter-Terrorism Policy and Human Rights: Prosecution and Pre-Charge Detention* (HC 1526). The debate was held on 7 December 2006.

Brussels, organised jointly by the European Parliament and the Austrian Parliament, acting as rapporteur of a working group on JHA issues.

35. We wish to pay particular thanks to the staff of the UK National Parliament Office in Brussels, who have given us much-appreciated support in arranging these various visits and who provided us with high-quality briefing.

Relations with the Department

36. In general our working relationship with the Home Office is a good one. The Department has been helpful in providing Ministers and officials to give evidence to our inquiries, often at short notice. Successive Home Secretaries have been generous in making time to appear before us. We particularly appreciate the work that goes into supplying us with regular updates on progress with implementing past accepted Committee recommendations (see paragraph 12 above).

37. However, we regret that in two specific respects the Home Office has not been as co-operative as we would wish in its dealings with us. One is their recent failure to publish legislation in draft form: we have commented on this in paragraphs 22 and 23 above. The other is their failure to be pro-active in supplying us with written information and documents relevant to our inquiries. A case in point is the appearance on a newspaper website in July 2005 of a leaked joint Home Office/Foreign Office paper on “Young Muslims and Extremism”. The subject matter of this paper was highly relevant to the Committee’s inquiry into terrorism and community relations, which was in progress at the time the HO/FCO paper was produced, but despite this, and despite the fact that the paper did not carry a formal security classification, neither the paper itself nor even the fact of its existence was drawn to the attention of the Committee.

38. In July 2005 the Chairman of the Committee wrote to the then Home Secretary, Mr Clarke, to raise this matter, and to make on behalf of the Committee a general request in respect of written evidence. The Chairman wrote:

“I appreciate that Government must be necessarily selective in the information which it provides to select committees. However, where major internally commissioned research, intelligence assessments and background strategy papers are directly relevant to a committee inquiry, and where there are no constraints on grounds of security, my view is that those documents should be made available to the Committee. I would therefore like to request on behalf of the Committee that the Home Office should accept in principle that such material will normally be volunteered to the Committee where directly relevant to its inquiries. ...

I hope you will look favourably on this request, especially in the light of the comments by Peter Hain as Leader of the House, when on 19 October 2004 he told the Liaison Committee that ‘there should be a presumption of disclosure of documents’. We note also the statement in the latest revision of the Government’s own ‘Osmotherly Rules’ (July 2005) that

“The Government is committed to being as open and as helpful as possible with Select Committees. The presumption is that requests for information from Select Committees will be agreed to.”

39. The then Home Secretary replied to this letter in November 2005. He wrote that:

“You ... asked questions about the relationship between the Department and the Committee, making specific reference to your unanswered letter of 29 July that requested a copy of the Young Muslims and Extremism paper. You subsequently received a copy of the paper, but did not receive a substantive response to your letter, for which I apologise. You asked in the letter that in future the Committee should be provided with all papers that are directly relevant to their enquiries. I agree with the principle of your request, but must retain the option to review what should be released on a case by case basis. As you say in the letter of 29 July, “Government must be necessarily selective in the information it releases to Select Committees.” Bearing in mind the above proviso, I do accept the principle and presumption that documents should be released.”²⁵

40. We were pleased to receive this assurance from the Government. In our most recent inquiries we have been seeking to submit more detailed and probing requests for written evidence from the Department than has been the case in the past. We expect the Home Office to respond to these requests in the spirit of the undertakings given by the former Leader of the House and former Home Secretary. We also wish the Home Office to be more pro-active in volunteering to us specific material relevant to our inquiries even if we have not specifically requested this. We shall monitor this situation and report further to the Liaison Committee and the House in due course.

²⁵ *The Work of the Home Office*, oral evidence taken on 25 October 2005 (HC 604-i), Ev 38

Formal minutes

Thursday 1 February 2007

Members present:

Mr John Denham, in the Chair

Mr Richard Benyon

Ms Karen Buck

Mrs Ann Cryer

Mrs Janet Dean

Mr David Winnick

Draft Report (Work of the Committee in 2005–06), 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 40 agreed to.

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

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

[Adjourned till Tuesday 6 February at 2.15 p.m.]

Reports from the Home Affairs Committee

The following reports have been produced by the Committee since the start of the 2002–03 Session. 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 2005–06

| | | |
|----------------------|--|---------------------|
| First Report | Draft Corporate Manslaughter Bill (First Joint Report with Work and Pensions Committee) | HC 540 (Cm 6755) |
| Second Report | Draft Sentencing Guideline: Robbery | HC 947 |
| Third Report | Draft Sentencing Guidelines— <i>Overarching Principles: Domestic Violence and Breach of a Protective Order</i> | HC 1231 |
| Fourth Report | Terrorism Detention Powers | HC 910 (Cm 6906) |
| Fifth Report | Immigration Control | HC 947 (Cm 6910) |
| Sixth Report | Draft Sentencing Guideline: Sexual Offences Act 2003 | HC 1582 |
| First Special Report | Memorandum from the Home Office: Progress in implementing accepted Committee recommendations 2001–05 | HC 1007 |

The following reports were produced by the Committee in the previous Parliament.

Session 2004–05

| | | |
|---------------|-----------------------------------|------------------|
| First Report | Rehabilitation of Prisoners | HC 193 (Cm 6486) |
| Second Report | Work of the Committee in 2004 | HC 280 |
| Third Report | Home Office Target-Setting 2004 | HC 320 (Cm 6592) |
| Fourth Report | Police Reform | HC 370 (Cm 6600) |
| Fifth Report | Anti-Social Behaviour | HC 80 (Cm 6588) |
| Sixth Report | Terrorism and Community Relations | HC 165 (Cm 6593) |

Session 2003–04

| | | |
|---------------|--|------------------|
| First Report | Asylum and Immigration (Treatment of Claimants, etc.) Bill | HC 109 (Cm 6132) |
| Second Report | Asylum Applications | HC 218 (Cm 6166) |
| Third Report | The Work of the Home Affairs Committee in 2003 | HC 345 |
| Fourth Report | Identity Cards | HC 130 (Cm 6359) |
| Fifth Report | Draft Sentencing Guidelines 1 and 2 | HC 1207 (HC 371) |

Session 2002–03

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