EXECUTIVE SUMMARY

- The Home Office has presided over numerous policy failures, and shows no sign of improving;
- The principal problem is that the Department’s remit is too wide, and the political team at the top is not scaled to the size of the tasks confronting it;
- The Ministry of Justice has a similar number of political staff, despite the much smaller Whitehall operation they need to oversee;
- The broad direction of reform should concentrate on splitting up the existing empire into two more manageable departments: Immigration and Security;
- The chief advantage would not be that it would automatically produce any particular change in policy, but it would roughly double the team of ministers and advisors, who would be assigned a narrower and more coherent portfolio of responsibilities;
- A dedicated Secretary of State for Security (the ongoing Home Secretary) could focus on reforming the police and improving the security services, whilst an Immigration Secretary could focus on issues such as small boats whilst also having the bandwidth to address other operational issues with real quality-of-life implications, such as the backlog at the Passport Office;
- Rishi Sunak’s Ten-Point Plan for Immigration concluded with “Commissioning work to look at more fundamental Home Office and Border Force reform.” This would be a good place to start.
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INTRODUCTION

The Home Office is a department running out of friends. Seldom can a department have made the news so regularly for uniformly bad reasons, nor have united so much of the political spectrum against it.

From Windrush to small boats, from Sarah Everard to half of police forces having de facto decriminalised burglary\(^1\), there is something in the Home Office’s record for everyone to despair at.

In our previous paper, Global Britons, Andy Yong and this author described the many ways in which the Department seems to go out of its way to alienate and even extort Commonwealth veterans, holders of so-called ‘residual’ British passports, and others who deserve the full rights of British citizenship but have been too long denied it by successive governments.\(^2\) Doubtless, people who focused on other areas could add to the charge sheet.

This paper, which draws primarily on conversations with current and former Home Office officials and political staff, makes the case for splitting the current institution into two new Cabinet-level departments: an Immigration Ministry, and a Security Ministry.\(^3\) This reform won’t be a silver bullet, but it provides the best hope for the Government making real headway by the time of the next election.

THE STRUCTURAL PROBLEM

There is clearly something wrong with the Home Office. But what? Is it an operational problem with the machinery of the department? Or is that just an excuse for decades of poor decisions by our political leaders?

Initially, before talking to people with first-hand experience of the Home Office, this author imagined that the issue was relatively straightforward: that the Department’s particular combination of responsibilities meant that it approached every issue, including immigration and citizenship, with a ‘computer-says-no’ mindset which put security first:

“…there is a consistent pattern of making the smallest possible concession when civil servants are left to their own devices. In a system where ministers are rotated

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\(^1\) Khan, I. and Aoraha, C., 2022. Police forces failed to solve a single burglary in nearly half of the country’s neighbourhoods over the past three years, figures reveal. Daily Mail, [online] Available at: <https://www.dailymail.co.uk/news/article-10993747/Police-failed-solve-burglaries-nearly-half-country-neighbourhoods-data-reveals.html> [Accessed 17 July 2022].


\(^3\) For the sake of historical continuity, the latter should probably retain the name of ‘Home Office’, but I will use ‘Security Ministry’ here to distinguish it from the current institution. Likewise, ‘Immigration Ministry’ is likely a bit on-the-nose to be the actual name of a new department, but serves our purposes here.
Thus, the obvious solution was to break up the Home Office and get immigration policy out of the hands of the security state. Critics on the left, whilst naturally differing on the details, have taken a similar line.\(^4\)

In the course of interviewing people for this paper, a somewhat more nuanced picture emerged. There are clearly operational problems, and there has been plenty of questionable decision-making. But the decisive factor which led advisers to push privately for breaking up the Home Office in the early days of Boris Johnson’s Government was slightly different: the impact of the structure of the Department on politicians and their decision-making.

**Political Bottleneck**

The Home Office is a huge department. Its remit encompasses several policy areas which have the potential to end political careers. Yet, due to the way Whitehall is structured, the political team at the top of the Department is not scaled to the size of the task confronting it.

In fact, as those who have served in the political trenches report, it’s even worse than an initial glance at the organisation chart might suggest, because the risk of a career-ending fiasco turns successive Secretaries of State into control freaks. Every major decision in this vast department ends up having to cross their desk, with the ministerial team not afforded the leeway to make lower-level decisions usually found in other departments.

This has obvious ill-effects. Even in good times, it is a rare politician who can successfully carry forward a major policy agenda through their department. Fewer still are capable of carrying two at once; Michael Gove has rare ability as a reformer, but his annexation of housing, the Union, and levelling up into his empire at DLUHC wasn’t marked by boldness on any of those fronts.

We are therefore (at best) going to get someone focused on, for example, delivering immigration reform or tackling police dysfunction, but almost certainly not both – not least because the two tasks are probably best suited to quite different people.

More often we get no forward movement at all. Politicians make bold promises about cracking down on issues such as small boats but struggle to deliver, creating a gap between rhetoric and reality which corrodes public faith in government.

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4 Hill, H., 2022. Is it time to break up the Home Office? The Spectator, [online] Available at: <https://www.spectator.co.uk/article/is-it-time-to-break-up-the-home-office> [Accessed 17 July 2022].

A dysfunctional dynamic at the top of the Department is further exacerbated by wariness of officials by ministers and political staff. The circumstances that forced Amber Rudd to resign as Home Secretary are perhaps the clearest example of what drives this distrust, with politicians and aides feeling she was either let down or worse, set up by senior civil servants – and either way, ended up taking the fall for them. Fear of serving as the fall-guy only serves to push Secretaries of State to grip tighter – which means yet more issues slip through their fingers.

**Case Study: Amber Rudd**

In 2018, Amber Rudd resigned as Home Secretary after having been found to have misled MPs investigating the Windrush scandal about whether or not the Home Office had a target for deportations. Yet in the aftermath, allies pointed out that Glyn Williams, then-Director General of Borders, Immigration, and Citizenship, gave the same select committee a very similar answer and faced no consequences, and alleged not only that Rudd was inadequately briefed but accused senior Home Office civil servants of giving misleading advice.

Whilst suspicious politicos might have suspected a stitch-up, one ex-Home Office staffer interviewed for this paper offered a more prosaic explanation: that neither Williams nor Hugh Ind, the then-Director General of Immigration Enforcement, who also gave evidence, were themselves adequately across the question as the mammoth department grappled, amongst other things, with various aspects of leaving the European Union.

Either way, the example understandably produces a degree of paranoia in Home Secretaries which is not conducive to delegated decision-making and effective government. And it is telling that Williams – the man described by the Guardian as “one of the architects of Theresa May’s “hostile environment”” – himself has since called for immigration and visa processing to be removed from Home Office control.

Lower down the political hierarchy, former staffers report facing huge institutional resistance to change: “even minor disputes take vast effort to resolve.” This serves to restrict the bandwidth at the top of the Home Office further still.

There is no denying that there are problems at the operational level. But there are limits to this argument, and however much ordure can be deservedly heaped on...

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6 Elliott, F. and Wright, O., 2018. Amber Rudd was given bad advice by top civil servants, say friends. The Times, [online] Available at: <https://www.thetimes.co.uk/article/amber-rudd-was-given-bad-advice-by-top-civil-servants-say-friends-phbscj08> [Accessed 17 July 2022].


parts of the Home Office, departmental officials this author spoke to pushed back on the narrative above in several respects.

They obviously have a clear incentive to defend their honour. But we can’t build a realistic case for reform of the Home Office on an exaggeratedly demoniacal portrait of it (even if we might sometimes struggle to imagine that such exaggeration is possible).

The first counter-argument is that the Home Office is sufficiently vast that its various areas of responsibility are overseen by completely different internal units, each of which is able to operate pretty effectively. And indeed, a glance at the most recent structure and salaries information published by the Department reveals a dizzying array including, but not limited to: the Migration and Citizenship Directorate; the Policing Policy Directorate, the Portfolio & Project Delivery Directorate, the Strategic Capabilities and Resources Directorate, and many (many, many) more.\(^9\)

One interviewee contrasted the size of the Home Office with that of the Ministry of Justice, which was spun off from it under New Labour, pointing out that each has a similar-sized political staff despite the much smaller Whitehall operation those working in the latter need to oversee.

This claim was initially confusing: the MoJ is one of the largest departments by headcount. However, this is because it is unusual in employing a lot of front-line delivery staff directly. As the Institute for Government explains: “the majority of staff work in HM Prison and Probation Service, although these officials remain under the management of senior civil servants in MoJ.”\(^{10}\)

Such factors have obvious implications for any reform plan, not least of which any realistic pathway to a new Immigration Department involves spinning off the relevant directorates and associated units from the existing Home Office. There is thus a danger of any problematic institutional attitudes being simply transplanted into the successor department.

But it was put to this author that this also means the caricature underpinning a lot of reform commentary, including my own—that of security officials moonlighting at the immigration desk and bringing their priorities with them—isn’t accurate. Officials rather argued that the Home Office is perfectly capable of delivering a liberal policy \textit{when it receives political instruction to do so}. The way they delivered the new points-based immigration system, which is in some respects considerably more liberal than the EU regime, was offered as a case in point.

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This is probably a somewhat rosy picture from inside the machine. But there is likely enough truth to it to serve as a reminder that structural reform is not a silver bullet if political attitudes don’t change too.

**REFORM**

The Home Office is a vast department with an appropriately baroque organisational chart; it would be beyond the scope of a paper such as this to try to chart and reassign every outlying satrapy – which has in any event been surveyed in detail in the Adam Smith Institute’s *Home Truths: Reforming the Home Office* paper. However, the broad direction of the reform we need is to split the existing empire up into two more manageable dominions: Immigration and Security.

**Responsibilities**

The former would be responsible for immigration policy and enforcement, asylum, and passports, as well as the Home Secretary’s existing broad powers to set immigration rules (described by one official as “quasi-law”); the latter would, at minimum, take over the Home Office’s existing responsibilities for policing, counterterrorism, and the security services.

As now, the Immigration Department would liaise with other parts of government when deciding policy; the FCDO and BEIS would presumably continue to advocate for things such as more liberal visa regimes.

Likewise, the Security Ministry could continue to make its case alongside them – simply without the inbuilt advantage that comes from being housed in the same department. After all, other departments such as DIT also have portfolios with serious security implications, and nobody suggests that work needs to be done in-house at 2 Marsham Street.

Were a government to bite the bullet and implement these changes, they might at the same time also give the Security Ministry control over prisons. This would allow the Ministry of Justice to focus on the justice system and quietly turn it into something more closely resembling the old Lord Chancellor’s department – a reform two-for-one.

**Advantages**

The chief advantage of this is not that it would automatically produce any particular change in policy – that remains the province of the politicians – but that it would roughly double the team of ministers and special advisers available to provide that political management, and each would be assigned a narrower and more coherent portfolio of responsibilities.

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A dedicated Security Secretary could apply themselves fully to the urgent task of reforming (or better yet, and getting into the spirit of things, breaking up\textsuperscript{12}) the Metropolitan Police, amongst a broader overhaul of policing. Meanwhile an Immigration Secretary could focus more completely on issues such as small boats whilst also having the bandwidth to address other operational issues with real quality-of-life implications, such as the backlog at the Passport Office.\textsuperscript{13}

This should not only at least tilt the playing field towards better government, but it would also improve executive accountability to Parliament. It is clearly a shortcoming in our scrutiny procedures if a department is so large that those at the top, be they ministers or civil servants senior enough to be called before select committees, may very well not know what has been going on in whichever corner of the Department MPs are taking an interest in.

One benefit of a Security Ministry with a tighter remit might also be better oversight of the security services; one former SpAd described the current arrangements governing their operations and budgets as “a Potemkin exercise”.

But that’s just the government side – there are also the political advantages to consider. Whilst this sort of ‘machinery of government’ policy might mostly be of interest to wonks, new departments could provide platforms for two bold and distinctive policy offers at a 2024 election, each fronted by a dedicated Secretary of State.

It would obviously be up to the government to come up with suitable policies (although I humbly submit that the new British Nationality Bill we called for in Global Britons would make a fine flagship Bill for the Immigration Ministry), but the Home Office is currently beset by sufficient challenges on both fronts that there should be no shortage of ideas.

Given the difficulty Prime Minister Rishi Sunak will have delivering tangible outcomes in the two austerity-restricted years he has until the next election, such a change could at least send a strong signal to voters that the Conservatives are taking these issues seriously; allow each team to focus more closely on some deliverable wins by 2024, and provide a platform for more ambitious proposals to take into the election.

Finally, successfully delivering this would provide a model for breaking up other ill-conceived and under-performing imperial departments. Top of the list should be DLUHC, which in housing, regional policy, and the Union currently houses three separate tier-one policy areas which could warrant a proper ministerial team.


Drawbacks

At the very minimum, there would be frictional costs to breaking up the Home Office and spinning off new departments, and the more comprehensive the effort, the greater the cost. There is also the danger that, if undertaken without sufficient care and attention, the whole thing ends up getting hijacked by a Sir Humphrey character; complex and time-consuming organisational overhauls are very much his home terrain.

Home Office officials argue that none of that is worth the risk, because it is unlikely to lead to any major changes in policy. There is a reason that it is the global norm for the interior ministry of any country to oversee its immigration policies; it is Britain’s political priorities, not just an organisational advantage, which explains why the Home Office usually triumphs over the FCDO or BEIS when they clash.

In particular, an organisational overhaul will not necessarily change the poisonous dynamic whereby tough-talking politicians continually oversell the electorate on what the government is actually inclined to do when it comes to immigration policy.

The fact that something must be done does not mean that this or that particular thing must be done. The case for reform must stand on its own merits, and doubtless people will differ on the exact form it should take. But the key question is this: can the change that needs to happen be delivered within the current Home Office structure?

Conclusion

There seems scant reason to believe it can. The Home Secretary is the government’s firefighter-in-chief; even a greatly expanded team of ministers and SpAds would be of little use in a system which makes the secretary of state allergic to delegating.

In recent years, the Home Office has presided over policy failure after policy failure and shows no sign yet of turning the ship around. From policing to passports, basic functions of the State are failing and being seen to fail; on immigration, bright spots such as the generous treatment of Hong Kongers stand out from a track record of issuing deportation threats to British citizens and shaking down ex-servicemen. Whether you want a liberal immigration regime or effectively-enforced restrictions, the Home Office is falling short.

This is not because it is staffed by bad people; it is not, despite sometime evidence to the contrary, the British outpost of the daemonic lowerarchy from CS Lewis’ Screwtape Letters. But it is a prime example of what happens when you make a de-

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partment too big to manage, and then assign it responsibility for a clutch of political minefields. New, more tightly-focused departments offer both clearer lines of democratic accountability and more practical political management.

Unfortunately, this sort of policy is hard to pull off. Incumbents understandably view it as a demotion – this is reportedly one reason Johnson’s team backed off the idea after the 2019 election. Rishi Sunak has just re-appointed Suella Braverman to the post, and there is no reason to suppose she would be any keener on the implied demotion of splitting her department than was Priti Patel before her.

But as the man chosen by Conservative MPs to be their leader, Sunak has a mandate of his own – and in his ten-point ‘Plan to Take Back Control of Our Borders’, he concluded with “Reforming the Home Office and Border Force”.15

The Prime Minister seems to grasp the seriousness of the problem. But with only two years to go until the next election, it would be easy to waste the remainder of his term “commissioning work to look at more fundamental Home Office and Border Force reform” rather than actually doing it.

Outlined in this paper is one possible, actual solution: two new departments, a renewed political focus on immigration and policing, and a clean break with a litany of failure which undermines both public faith in government and the Conservatives’ reputation on law and order. It’s time to break up the Home Office.