NR: Do you feel ashamed of what has happened?

DG: Yes, and it’s wrong what has happened, it should not have happened. And it’s right that we apologise. And these are people who are British citizens, they’ve been here for the overwhelming majority of their lives. They are not illegal migrants. They came here legally, have been here legally, and it’s wrong what has happened and we do need to take steps to address it.

NR: The question then is what are you, as well as the Ministers, as well as the Prime Minister, actually sorry for? Are you sorry for policies set by politicians or are you sorry for the way officials implemented policies?

DG: Well, I think when it comes to the policies, it is right that we take illegal immigration seriously. Of course I stress we are not talking about illegal immigrants in the Windrush case. But it is right that we take that seriously, and I think it’s perfectly reasonable to, for example, want to ensure that when providing public services they are being provided to people who are entitled to them. And it’s perfectly reasonable –

NR: There were warnings at the time when this change was brought it – a very popular change, you should have to show that you’re really a British citizen before you can get healthcare and a house or a flat, and indeed a job. But Diane Abbott said in 2014, and she’s put it to Theresa May directly in the House of Commons, ‘has she given no thought to the effect that her measures that are designed to crack down on illegal immigrants could have on people who are British nationals but appear as if they might be immigrants?’ Ministers were warned.

DG: Well, look, the objective was for this to be focused on illegal migration, and I think, you know, going back to 2014, I think most people, including, as you drew out in your interview with
Emily earlier, the Labour Party that abstained on these measures, most people believed that it would be possible to introduce these measures to tighten up the provision of public services to illegal migrants without there being an impact on those who were here legally.

NR: Well, did they? Because Diane Abbott didn’t, not only that, the Home Office officials in an internal assessment the following year said, and I quote: ‘some non-UK-born older people may have difficulties in providing original documentation. Some may have had their immigration records destroyed.’ Now we know now when that happened. So again, ministers warned by officials, warned by the backbenches in the Labour Party like Diane Abbott.

DG: But I come back to the point that one would expect – and this is what we’ve now really got to address – one would expect there to be a way of dealing with people who are here legally to ensure that we can work with people so that they’ve got the evidence to be able to demonstrate that, without there being any disruption, without there being any threats to, you know, deportation order, detainment and so on, which is completely unacceptable.

NR: And in other words I think you answered my first question, you are saying that this is about implementation by officials. The Home Secretary said the Home Office loses sight of individuals. Do you remember the words from Margaret Thatcher? Do you know what she said about this?

DG: Well, which – I think I know which one you’re referring to. NR: ‘Ministers decide, advisers advise.’ Ministers decide.

DG: Yes, but I think when it comes down to policy – I come back to your interview with Emily – I thought what was quite striking is that she actually said that when it came to much of the policy in this area that she didn’t particularly have a problem, that it is right that we test these things. Now, it must be possible to implement
that in a way that does not draw in innocent victims in the way that we have seen.

NR: So ministers are apologising – I want to be clear about this - for the way some officials implemented a policy that you think is perfectly reasonable?
DG: Well, I think in terms of, as I say, checking to ensure that public services, that employment tests and so on, that we do check to find out who is here illegally. But it needs to be done in such a way as to ensure that those who are here legally are not put through what we have to accept they have been put through.

NR: I want to play you something that Theresa May said in the past in this sort of situation. She was speaking on Question Time back in 2004.

TM: I’m actually sick and tired of government ministers in this Labour government who simply blame other people when something goes wrong and are not willing to take responsibility for what is happening under this government and their decisions.

NR: Ministers who blame other people. Shouldn’t Theresa May, shouldn’t Amber Rudd, listen to those words and shouldn’t a politician quit and not just apologise?
DG: I think it is right that both the Home Secretary and the Prime Minister have apologised for this, that we have put in place, you know, we’ve got a new team in place, we’ve got a hotline that is available to people to contact, that Home Office officials are working with the individuals who’ve been affected on this, helping to ensure that they have got the evidence that they need so that they’re not in any way adversely affected. And I think that is the right approach.

NR: The Home Secretary should not quit? They should stay in their job?
DG: Absolutely. Because when it comes down to it, the central policy is right, but clearly there have been very significant failures in terms of how this has been implemented, and it’s right that we address that.

NR: Amber Rudd wants to tighten the policy. We saw a leaked memo the other day where she was boasting in a private memo to Theresa May. She wanted to deport more people. She wanted the policy to have more teeth. So aren’t people entitled to ask have ministers learnt anything from this?

DG: I think, you know, come back to actually, you have to look at precisely what we’re talking about here. And when it comes to those who are illegal, I would stress again, that’s not what we’re talking about with the Windrush generation, but those who should not be here, if we want to have a sustainable immigration system that has public support, it’s right that we address those.

NR: I want to move on to what you think the remedy is. But just briefly, when you heard Theresa May talking on Question Time there, ‘sick and tired of government ministers who simply blame other people when things go wrong,’ did you not think, yeah, that’s right?

DG: Well, I think where there are failures of policy, then we are held accountable for that. Where there are failures in terms of implementation, then yes of course we are held to account. But I don’t believe in these circumstances that Emily is setting out is right.

NR: You think it’s a failure of implementation. Now, moving on, you’ve talked about what the government’s going to do. There’s been a promise of compensation, how do you compensate someone for missing cancer treatment or missing a relative’s funeral because they’re trapped and can’t travel?

DG: Well, we’re going to set out further details on that. I think all I can say at this stage is that it is right that there is compensation where appropriate here, that there have, you know, as we have
repeatedly said, you know, we do apologise to those who have been adversely affected by this. It isn’t right what’s happened. We accept that that is wrong. Part of dealing with this is about compensation.

NR: Now, you yourself when you were moved to become Justice Secretary faced this sort of row around what made people very angry indeed, about Warboys, the black cab rapist, as he was know, who’s alleged to have assaulted more than a hundred women, and he was going to be released until the victims – not you as Justice Secretary – the victims, took the case to court. Now, you again have said mistakes were made. Did you consider resigning?

DG: I didn’t. But can I just say on there I think there are two things where I think we have to put our hands up, if you like. First of all was that the whole system did not work as it should have done for victims. So I think victims were let down. I think the Parole Board process wasn’t adequate. I think it’s also fair to say that not every document in the dossier that was given to Parole Board was included by the MOJ. So we have to accept responsibility for that. The other point I accept responsibility for is I didn’t bring the judicial review myself. I was advised that I was not well placed to bring it, the victims were better placed. But you know, that was the advice I received, but I made that decision and I accept that I made that decision.

NR: But you effectively sacked the guy who was the head of the Parole Board, Nick Hardwick, he said, ‘I didn’t resign willingly, I resigned because the Justice Secretary’ – you – ‘said I had no choice.’ So once again officials pay the price.

DG: Well, I think in that case what Warboys has revealed is although there were many good things that were going on at the Parole Board there were a number of problems, and that requires
more fundamental review of the Parole Board rules and my belief was that required new leadership in the Parole Board.

NR: Now, the big issue in your inbox, perhaps having you back in order to talk a bit longer, at greater length about that, is of course the state of our prisons. And the sense that violence is up, violence by prisoners to prison officers, but also terrible levels of self-harm. Are you going to get the officers that are needed to try to reverse that?

DG: Well, what I can announce today is that when in October 2016 the government announced that we were going to recruit two and a half thousand more prison officers by the end of 2018, as of today we have recruited net, three thousand more officers. We’re making very good progress in that. Ninety per cent will be actually out on the landings by this summer, 100 per cent of those will be in operation by the end of the year, and we are continuing to recruit more prison officers.

NR: That’s still below the level that you inherited when you came into government isn’t it?

DG: It is. But I mean, one of the things we have to remember is that we have seen the introduction of these psychotic substances within prisons that have made life much more difficult, driven a lot of the violence, and that’s why we need the additional prison officers.

NR: Brief last word. The customs union once again going to be voted on, or ‘a customs union’, in parliament. Would you cry into your beer if that’s where we end up and the government has to agree to a customs union?

DG: Well, the government’s position is we’re leaving the customs union, we’re not going to join a customs union, but we will have a customs arrangement –
DAVID GAUKE

NR: Would you cry into your beer? Because that was the phrase on the front page of the Sunday Times. People inside Number 10 saying, ‘It’s not what we want, but if we end up like that, so be it.’

DG: Well, the job of those of us government is to persuade parliament that the route we’re going for leaving the customs union but ensuring that we don’t put in place unnecessary barriers to our trade with the European Union, we can make that case to parliament, we can win that case.

NR: And if you lose so be it?

DG: Well, I think we’ve got to win that case, and that’s my determination.

(ends)