

**Briefing to:** Housing Support Services to Vulnerable People O&S Working Group

**Briefing from:** Head of Communities

**Date:** 22<sup>nd</sup> January 2021

**Subject:** Details of the Serco contract specification with the home Office; and profiles of service users in relation to age, gender, children

**Prepared by:** Steve Martlew Locality Service Manager

---

### **Purpose / Summary**

To provide information requested by Members at the first Working Group meeting on the information the Council holds about the accommodation and services provided to asylum seekers by the agency appointed by the Home Office (Serco).

### **Recommendations**

Members consider and note the information provided

### **Asylum Seekers, Refugees and Migrants**

#### Who is a refugee?

The human rights of refugees and people seeking asylum are protected by various international human rights instruments. The UK is signatory to the 1951 UN Refugee Convention which defines a refugee as a person who:

‘Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.’

According to international law everyone who satisfies this definition is a refugee. The UK was also one of the first states to ratify the European Convention on Human Rights in 1951. The Convention was given direct effect in domestic law through the Human Rights Act 1998. This states that everybody is entitled to seek, and enjoy in other countries, asylum from persecution. International law does not distinguish between refugees and asylum seekers, although states often do. In the UK a person who has not yet received a decision on their application is referred to as an asylum seeker, or a person seeking asylum. Appendix 1 gives an overview of the asylum process in the UK.

Refugees can also arrive in the UK via a resettlement programme. Resettlement is the transfer of refugees, under the protection of the United Nations High Commission for Refugees (UNHCR), from an asylum country to another state that has agreed to admit them and ultimately grant them permanent settlement. Local Authorities are responsible for the vast majority of the UK's resettled refugees, however the Home Office also delivers a Community Sponsorship programme that allows community groups and organisations to support individual families with their resettlement.

### Who is a vulnerable migrant?

We define a vulnerable migrant as any migrant whose immigration status is the cause or a contributory factor of their vulnerability. This could include:

- An EU migrant who is finding it difficult to secure settled status or who is homeless (or living in extreme poverty) because they are unemployed and unable access public funds such as housing support.
- An EU migrant involved in exploitative labour who is unable to demonstrate their eligibility to benefits, as they may not have payslips or a tenancy agreement to evidence that they have been living and working in the UK.
- A survivor of trafficking who needs support to access services, understand their options and make a decision about how to move forward.
- A victim of domestic abuse who wants to leave their partner but whose immigration status is dependent on their spousal visa.
- Someone who has had their asylum application refused and has become homeless while they are making a fresh claim or are unable to return to their country of origin.

### Asylum Seekers

People seeking asylum in the UK, who lack the means to support themselves, are entitled to support while the Home Office is processing their asylum application. This support is called Section 95 (s95) support. Asylum seekers must apply for this type of support on a specified application form and it can take several weeks for the Home Office to process this request. Migrant Help who are contracted by the Home Office to deliver the AIRE contract (see later in this report) helps people to complete this application. Section 98 (s98) support is a form of temporary support that is provided to asylum seekers who appear to be destitute and who are awaiting a decision on their application for s95 asylum support. S98 support is supposed to be provided for a short period, however due to Covid and restrictions on movement, people have remained in s98 accommodation for months instead of weeks. It is generally offered on a full-board basis in Home Office hostels and often referred to as initial accommodation (the Liverpool Initial Accommodation sites have always been self catered sites).

Someone who has been refused asylum can apply for Section 4 support if they meet the destitution test and satisfies the following 5 criteria,:

1. S/he is taking all reasonable steps to leave the UK or place her/himself in a position in which s/he is able to leave the UK
2. S/he is unable to leave the UK because of a physical impediment to travel or for some other medical reason
3. S/he is unable to leave the UK because in the opinion of the Secretary of State there is no viable route of return
4. S/he has applied for judicial review of the decision on her/his asylum claim and has been granted permission to proceed
5. The provision of accommodation is necessary to avoid breaching a person's human rights

## **Contracts**

The Home Office contract the Housing of Asylum Seekers to Serco who are the provider for the North West and Midlands, Mears Group and Clearsprings deliver in other parts of the UK. This is known as the Asylum Accommodation and Support Contracts (AASC). Since January 2019 the Home Office have contracted Migrant Help to deliver the Advice, Issue Reporting and Eligibility Contract (AIRE). Under the previous contract arrangements (pre-January 2019) Serco provided both Housing Management & support services and Migrant Help provided advice as part of the COMPASS contract. When the transition to the AASC & AIRE took place the support role that Serco provided transferred to Migrant Help and they lost a significant level of workforce to Migrant Help to account for the shift in responsibilities.

The AASC Contracts cover accommodation services, transport services and support services. Appendix 2 gives more detail in terms of the accommodation standards that is expected to be delivered.

The AIRE contract covers the provision of advice and guidance, issue reporting, and eligibility assistance to people seeking asylum. It is predominantly a phone based service, using call centres and includes:

- Advice and Guidance – help to service users to navigate the asylum system
- Issue Reporting, Feedback and Complaints – repairs, maintenance and accommodation issues, issues with payment cards and payment providers,
- Eligibility. – helping service users access the right level of support

Appendix 3 shows the different services Migrant Help deliver under the AIRE contract.

## **Accommodation**

Initial accommodation for s98 Asylum Seekers is provided at 3 main sites in Liverpool. During the pandemic however a number of hotels (approximately 100) were stood up across the country to provide additional bed spaces to act as initial accommodation,

this was due to the lack of movement of asylum seekers as both positive and negative decision making was paused. Asylum Seekers were still arriving in the country or making in country claims. Serco procured 5 hotels in the Liverpool City Region – 2 in Liverpool City Centre, The Holiday Inn at Hoylake, The Daresbury in Halton and The Scarisbrick in Southport.

Dispersed accommodation is the accommodation both s95 or s4 Asylum Seekers move into once they transition from s98 initial accommodation.

Serco procure accommodation in local authority areas. This is usually in the form of a commercial agreement with a private landlord.

Each local authority operates an asylum seeker cluster limit which is based on 1 asylum seeker for every 200 head of population. This is set by the Home Office and applies across the UK. This cluster limit can only be used boroughwide and not at ward level.

Serco's property procurement arm will approach the Local Authority with the property address and postcode of the property they wish to procure. This is known as a postcode check (PCC). The LA has 3 days to reply as to whether to grant approval for the procurement or not. The checks that the LA will make to determine whether a request can go ahead are:

- Crime, Hate Crime and Anti Social Behaviour levels – the Police are consulted
- Capacity with local GPs and Health Services for additional population – the CCG are consulted
- Capacity with local schools for additional pupils – Schools Regulatory Services are consulted.
- Concentration of Asylum Properties

All LAs have seen a significant increase in the number of PCCs received from Serco since March 2020. This is Sercos attempt to satisfy the demands of the Home Office to stand the hotels down quickly. They need a significant uplift in bedspaces in order to do this. Appendix 4 shows the PCC activity from March until the end of December across the Liverpool City Region.

### **Sefton Context**

**Exempt information was contained in this section and it has therefore been removed from this version of the briefing note.**

### **Challenges for Asylum Seekers**

**Legal Advice** – access to legal advice is very limited and so more complex cases, especially where an asylum seeker is looking to reunite his family can be difficult because this falls outside the scope of legal aid so will be charged. There are both “for profit” and “not for profit” organisations that provide services but these are generally

located in Liverpool. Legal aid funding/time for asylum claims is limited and the providers in Liverpool and Manchester serve asylum seekers across the North West.

**Employment** - Employment is a key determinant of integration. The right to work and the eligibility of welfare benefits are dependent on immigration status. People granted refugee status, humanitarian protection and EU migrants all have the right to work. People seeking asylum are not permitted to work, unless they have been waiting longer than 12 months for a decision on their asylum claim. Then they may apply for permission to work, however any job taken up must be on the list of Shortage Occupations.

**Welfare Advice** - Newly granted refugees face particular barriers during the Move-On period, with many lacking an understanding of the process and what is expected of them. Key documents such as NINOs and Biometric Residency Permits can be missing or incorrect and there is often a lack of cultural understanding and joined up working between key stakeholders such as the Home Office, Serco, statutory and voluntary providers and the DWP. All of which result in newly granted refugees not being able to access mainstream benefits in a timely manner and being made temporarily destitute. Universal Credit presents unique challenges for refugees, it presumes IT access, literacy and access to a bank account which many refugees do not have.

**Housing** - Newly granted refugees face a number of challenges in being able to secure Move-On housing. Many lack an understanding of their rights and entitlements, the processes involved and what they can realistically expect in terms of housing location and affordability. Once granted leave to remain refugees have 28 days to vacate their asylum accommodation, this proves challenging for them and for Local Authorities, who have duties under the homeless legislation. As a result single refugees or couples without children can find themselves homeless and requiring temporary/hostel accommodation. Refugee families in Sefton are usually placed in emergency accommodation, often for a number of weeks before suitable permanent housing is secured. This can sometimes be for longer periods particularly for large refugee families who require larger properties, which are in short supply.

There are a number of pressures on social housing across the City Region, including providing access to newly granted or newly arrived refugees, whilst at the same time managing the demand for social housing from local residents. On receiving leave to remain, most refugees will present to the Council's Housing Options service, this is one of the most common reasons for statutory homelessness in Sefton.

**No Recourse to Public Funds (NRPF)** - There are a number of people in Sefton whose asylum claims have been refused and they have exhausted all appeals. The Home Office ask some to report regularly and they may be at risk of detention or forced removal. However, the majority are encouraged to return voluntarily. Many people feel unable to return to their country of origin and choose to remain in Sefton or move to

Liverpool to seek support from their community. Such vulnerable migrants find themselves homeless and destitute with NRPF and very limited pathways out.

**Education** - all children have the right to an education, regardless of their immigration status. The Children's Act defines children of migrant backgrounds as children first, before their immigration status and affording them the same rights and entitlements as resident children. Local authorities have a duty to provide education for all children living in their area. There are challenges for both schools and families at particular stages: around the year 6/7 transition; new to country arrivals accessing schools in Year 10/11 GCSE years and a lack of provision for young people aged 15-18 years, many of whom are unable to access education for long periods.

Children with disabilities and special needs often arrive without any prior assessment history to share with health and education professionals, which makes assessing their needs a lengthy process and results in delays in the appropriate support for them.

Refugee parents themselves face a numbers of challenges in supporting their children to access and attend school. Many do not understand how the UK education system works, the various admission procedures particularly for high school, the compulsory school age for younger children and that attendance in school is compulsory, with the potential for fines for unauthorised absences.

Schools are presented with a number of challenges, those that are new to working with refugee children often require additional support and expertise. English as an Additional Language (EAL) support is available to Sefton schools.

**Language** – Language is crucial to all elements of integration. It enables people seeking asylum and refugees to understand essential information about housing, healthcare, find employment or pursue further education or training, public services, civic participation and understanding of wider rights and responsibilities. It also enables communication with neighbours and members of local community groups which helps people to build social connections and feel part of their local community.

Overwhelmingly refugees and people seeking asylum want to learn English and many appeal for additional classes or hours. Progress in language acquisition is dependent on the amount of provision available and the educational capacity of the learner. It is recognised that people's former education levels will have an impact on their ability to learn English. Refugees and people seeking asylum have a broad range of abilities, some are illiterate in their own language and others educated at a tertiary level in their own language but do not speak English. For those with post-traumatic stress disorder (PTSD) or autism their learning can be impaired as they may not feel at ease in a classroom setting with others. Others with or without a diagnosed condition often lack the confidence to speak their newly acquired English, particularly in formal settings such as with the JCP or medical practitioners.

The Home Office require (and fund) Local Authorities to provide 8 hours per week English for Speakers of Other Languages (ESOL) classes for refugees arriving on the resettlement programmes. In Sefton ESOL is delivered through Sefton Adults Education Centre in partnership with Venus, one of our voluntary sector providers. We have recently acquired an additional online learning experience which is shared across adults in Sefton that require ESOL provision but cannot access the centre due to Covid lockdown.

**Health and Wellbeing** - People seeking asylum and refugees in Sefton can face barriers in accessing health services for a range of reasons. Many present in Sefton with physical and mental health problems resulting from the reasons that they have sought protection. Some have experienced trauma as a result of gender based violence, sexual violence, torture, degrading treatment and have been witness to unimaginable events. Added to this, the experience of seeking asylum itself and incidents of hostility or hate crime can exacerbate existing physical and mental health problems sometimes resulting in secondary trauma. Mersey Care Trust have developed a resource to inform their staff of the factors and impact of trauma.

Many refugees and people seeking asylum do not understand their health care rights and/or are unable to exercise them. It is feared that the recent change of legislation regarding the entitlement to and charging of secondary health care for some migrants will exacerbate the barriers, creating confusion for healthcare professions and vulnerable migrant's alike.

### **Governance**

The governance of Asylum Seekers locally starts with the Sefton Multi Agency Forum, where all agencies involved with the provision and support of asylum seekers, refugees and migrants meet on a quarterly basis to raise issues and jointly problem solve.

Each Migration lead for each LCR LA meets on a 6 weekly basis – every 12 weeks partners are invited to join the meeting to discuss issues.

Each area has a Regional Strategic Migration Partnership. The North West RSMP is hosted by Manchester City Council and feeds into the national network at a senior level. The RSMP will escalate common issues across the region.

Politically each LA has an elected member with responsibility around Asylum Seekers, Refugeed and Migrants. Councillor Hardy is Seftons lead. The lead members across LCR meet twice a year and Councillor Liz Parsons from Liverpool City Council represents LCR on the LGA group.

This ensure that issues are escalated up to the Home Office in a manged way. The RSMP national senior board has implemented a change plan for a fairer distribution of asylum seekers across the UK Currently the NW hosts 25% of UK Asylum Seekers but has 11% of population.

A study of the true costs to LA's of being an asylum area is being pursued by this group.

### Summary

The Asylum world is a complex one. Sefton plays its part as a dispersal area and support asylum seekers and refugees to ensure that the diverse nature of Sefton's population is enriched. There are issues that local areas face in managing asylum seekers and these are not exclusive to Sefton or any other LA area, indeed they are common issues across many LAs in the North West.

The governance mechanisms in place give a route to escalate issues with Serco or the Home Office and this is done on a regular basis.

### **Recommendations**

Overview and Scrutiny Working Group note the contents of this report

Steve Martlew  
Locality Service Manager