

Briefing

New provider of support services for people seeking asylum in Scotland

Introduction

In July 2009, the UK Border Agency (UKBA) announced the launch of their COMPASS Project (Commercial and Operational Managers Procuring Asylum Support Services). The overall aim of the COMPASS Project has been to examine support for people seeking asylum and refugees that UKBA funds across the UK, such as accommodation, and to negotiate future arrangements.¹

On 9 December 2011 the UK Border Agency announced that they had selected Serco Group plc (Serco), the international private service company, as their 'preferred bidder' to provide accommodation, associated services and transport to people seeking asylum in UKBA Scotland and Northern Ireland region. Serco was also announced as the preferred bidder in the UKBA England North West region. UKBA has chosen two other private service companies, Reliance and G4S, as preferred bidders for the other four regions of the UK.² Contracts were formally awarded at the end of February 2012 for a five-year period with the option of a further two years. The total value of the contracts awarded to Serco has an estimated total value of approximately £175m. We are not currently aware of the total savings made by UKBA in contracting these three large private providers.

This briefing sets out the background to this development, the impact that this is already having on people seeking asylum and our views and concerns.

Background

The UK Government's asylum 'dispersal' programme introduced in the Immigration and Asylum Act 1999 resulted in increased numbers of people seeking asylum coming to Scotland. Prior to 1999 responsibility for the accommodation and support of people seeking asylum lay with the local authority in which the individual or their family first arrived in the UK.³ And as the main entry points to the UK are in the South of England, there were significantly fewer people seeking asylum in Scotland. However, since 2001, at any one time there have been between 2,000 and 6,000 people seeking asylum living in Scotland. In 2011, 25,455 people applied for asylum in the UK, of this just under 10% are in Scotland. Key countries of origin include Iran, Pakistan, Afghanistan and Eritrea. At the end of 2011 there were 2,066 in people seeking asylum being accommodated in Glasgow.⁴

The majority of people who flee their country and seek asylum in the UK arrive with few or no possessions and are destitute. They have no access to mainstream benefits. However, the UK Border Agency⁵ is under a statutory duty to support people seeking asylum who are destitute with financial support and housing if they have nowhere else to stay⁶. If a person is in need of

accommodation they will be allocated this on a no-choice basis and will be transported to a location across the UK where the UK Border Agency has contracted providers to accommodate them whilst their claim for protection is being assessed.

In 2000, Glasgow City Council entered into a contract with the UK Border Agency to provide housing. This initial contract ran until 2006. Despite negotiations with other local authorities, Glasgow was the only local authority in Scotland to enter into such an agreement with the UK Border Agency. A new five-year contract was introduced in 2006 to run to June 2011. This resulted in three providers: Glasgow City Council (GCC), Y People (formerly the YMCA) and Angel, a private provider. At this time, Glasgow City Council provided housing to half of the asylum population in Glasgow.⁷

In 2010 UKBA sought to renegotiate their contract with Glasgow City Council up until April 2012 due to delays in the timetable of the COMPASS project. However, in November 2010, the UK Border Agency (UKBA) sent Glasgow City Council a notice of termination on its contract when the two parties failed to reach an agreement due to differences regarding costs. Y People subsequently took over the responsibility of accommodating people previously accommodated by Glasgow City Council. Issues surrounding the transfer of accommodation were subject to an inquiry by the Scottish Affairs Select Committee in 2011.⁸

What is included in the contract?

As the successful bidder for the new five-year contract, Serco will work with its accommodation partner, Orchard & Shipman, to deliver the contract in Scotland and Northern Ireland. The contract includes the provision of accommodation to newly arrived asylum seekers (“initial accommodation”); accommodation for people throughout their asylum claim (“dispersal accommodation”) and accommodation and support for refused asylum seekers (“Section 4” support)⁹ who may qualify for support, under a number of criteria, if there are barriers to their return. The contract also includes support services, such as assistance in accessing health services and orientating new arrivals on their accommodation and area; and transport. The UK Border Agency has now published its Statement of Requirements.¹⁰ The contract allows for accommodation to be provided in Scotland not just in Glasgow. Decisions on any new dispersal area will be decided by UKBA and Serco in consultation with the local authority. It is not anticipated that the new contract will result in changes to dispersal numbers to Scotland.

What are the next steps?

Serco is currently in a period of ‘mobilisation’ until May. During this period Serco will seek to ensure staff are in place and trained. They are also procuring properties to meet the requirements of the contract. This includes discussions with the current providers, Y People and Angel, with a view to taking over existing properties. The transition period will commence in May. The number of current residents who will have to move will be dependent on the number of properties that are novated from the current providers to Serco. This period may take up to November 2012 before the final handover takes place but may be concluded sooner.

Scottish Refugee Council and other stakeholders have met with Serco and Orchard & Shipman and will continue to engage with them to seek to ensure that during this period we see the minimum disruption for people in the asylum process in Scotland. Serco has stated that they will meet with MPs and Community Consultative Groups during the mobilisation period. The UK Border Agency has also instigated a transitions working group to discuss and manage the process with stakeholders.

Evictions from Y- people property

In mid-April it was widely reported that as a result of losing the contract Y People, the current

accommodation provider, had informed residents in their accommodation that they would be served with a notice of eviction.¹¹ The people affected, around 100, have been refused asylum¹². Under current UK policy, those who are “appeal rights exhausted” have their accommodation and support withdrawn after 21 days¹³ and are made destitute. Y People has however had a policy of not seeking immediate evictions and has allowed people to stay in its properties at its own expense. When it provided accommodation, Glasgow City Council interpreted UKBA’s ‘21-day move-on period’ humanely by implementing standard Scottish eviction procedures for social housing tenants, thus allowing people to stay longer in their properties. Y People has estimated the cost of supporting those with no entitlement to statutory support to have cost them £500,000 since 2000.

The practice of Glasgow City Council and Y People has masked the true extent and impact of abject destitution experienced by refused asylum seekers in Glasgow compared to other parts of the UK. In 2008 alone more than 10,000 asylum seekers in the UK approached the British Red Cross in need of emergency relief from destitution. Charities such as Scottish Refugee Council, the British Red Cross, Refuge Survival Trust and Positive Action in Housing as well as local faith and community groups, are increasingly having to pick up the pieces of UK Government policies which force refused asylum seekers into destitution with no means of supporting themselves.

The UK Government’s position was and is that the restrictive measures that it has introduced will deter people from seeking asylum the UK and force refused asylum seekers to return home. These policies have included a narrower interpretation of who should qualify for protection and withdrawing permission to work. All of the available evidence, including from the Home Office itself, indicates that these policies have not had the intended effect. There is insurmountable evidence¹⁴ however from Scottish Refugee Council and many others of the appalling impact that they have on people.

Many of those refused and forced into destitution would have qualified for some form of protection had they applied for asylum in another country or had they applied in the UK in the past. Those refused include: people who would have to return to areas of armed conflict or endemic violence and people at serious risk of systemic or generalised violence of their human rights but who have not been able to establish that they, individually, are at risk. Less than 1 in 10 people who seek asylum in the UK are granted protection outside of the 1951 Refugee Convention whereas prior to 2005 this was 1 in 4. The UK Government’s expectation is that those who do not qualify for international protection should return ‘voluntarily’. Yet people who are afraid to return, such as many Iraqis from Central and Southern Iraq are unlikely to consent to go, irrespective of how hard life is made for them in the UK or the level of assistance offered to encourage them to return from where they fled.

Forcing people into destitution also undermines immigration control as it creates serious obstacles to both voluntary and forced returns. Asylum seekers without any means of support cannot focus on the voluntary returns process when they are thinking about how they are going to survive.

It is unlikely that Serco will follow the same practice of accommodating refused asylum seekers beyond the statutory requirements imposed by the UK Border Agency. As a result, the impact of the UK Government’s policies will be much greater in Glasgow than it has been previously.

Our views

Scottish Refugee Council does not provide accommodation to people seeking asylum and thus we have not been directly involved in any of the current contractual discussions regarding accommodation. We do however provide independent advice and advocacy to all asylum seekers

living in Scotland. Alongside the other independent asylum advice providers across the UK and with over ten years of experience in advising people in the asylum process on issues they encounter in navigating the asylum support system, we submitted our views to UKBA on the COMPASS project.

Transition period

- Serco and the UK Border Agency have both stated that their aim is to minimise any disruption to people seeking asylum and local services during the transition period and they will involve key agencies such as Health, Police, Education, Social Services and the voluntary sector in this planning. Whilst Serco manages parts of UKBA's immigration detention estate, they have no direct experience of working with, often vulnerable people, going through the asylum system or those granted refugee status. It is vital that both Serco and UKBA carry out these commitments in full to benefit from the expertise and 'lessons learnt' of previous transitions. As such it is essential that formal structures to engage with all stakeholders are created now to consider all elements of the transition as well as in the future where consideration will have to be given to issues such as support, information and referrals for people granted refugee status. We believe COSLA has a key role to play in this.

The UK Border Agency has said that successful suppliers should focus on taking on existing properties. This is a sensible solution to avoid serious disruption and limiting the number of people that may need to move by novating the current accommodation that people are staying in to the new provider where those properties are of a fit standard. The bulk of the current accommodation managed by Y People is owned by Glasgow Housing Association (GHA).

- The situation of the eviction of refused asylum seekers from Y People accommodation brings into stark focus the need for the UK Government to urgently restore faith in the asylum system by implementing solutions to more humane and effective policy to deal with refused asylum seekers. These should be: returning to a more inclusive approach to its assessment of who is in need of protection; granting asylum seekers permission to work if their case has not been resolved within six months or they have been refused, but temporarily cannot be returned through no fault of their own; and providing asylum seekers who would otherwise be destitute with sufficient support so that they can meet their essential living needs until they are returned to their country of origin or are given permission to stay in the UK.

The Scottish Government has previously stated that: "*Asylum seekers must be treated fairly and humanely.*" We welcome the longstanding policy of the Scottish Government, which has proved progressive in its approach to free healthcare for all including refused asylum seekers¹⁵. This is not the case in England.

The Scottish Government is supportive of allowing asylum seekers and refused asylum seekers the right to work.¹⁶ and has raised this with the Home Office. We would also ask that they raise urgently with the Home Office the need for better protection and support for people who end up refused to ensure that we have a humane, fair and effective asylum system which does not lead to the human suffering that we continue to witness.

Post transition period

- Throughout Glasgow City Council's and Y People's contract Scottish Refugee Council received very few complaints from people living in their housing. This was not the case with the other provider the Angel Group. In 2008 Scottish Refugee Council ran a pilot with

UKBA on improving complaints resolutions with the three accommodation providers in Glasgow.¹⁷ In the period of the four-month pilot Scottish Refugee Council received and sought resolution to 187 accommodation related complaints from people seeking asylum. Of these 97% of total complaints received related to Angel. Of these 91% of Angel's total complaints related to accommodation standards. Key complaints related to dirty floors, no heating or hot water and water leaks. One in three of the complaints were deemed to be severe.

UKBA must ensure the Serco and Orchard & Shipman comply with the requirements that have been set to maintain quality standards.

- The new contract allows for accommodation and support to be provided in “full-board” hostel accommodation. This means that people seeking asylum would not be provided with any cash¹⁸, instead be given meals within the accommodation they are staying in. Scottish Refugee Council strongly believes that it is in the best interest of the asylum seekers to receive cash instead of full board support. Our position is based on the difficult and undignified experiences faced by people currently in receipt of Section 4 cashless support¹⁹, the early Section 95 voucher system; and practical experiences encountered in providing full-board to newly-arrived asylum seekers in Initial Accommodation. We also believe this is counter to the Scottish Government’s policy of ‘integration from day-one.’
- Over the long term of the contract, it is possible that asylum seekers could be dispersed to other locations in Scotland. Scottish Refugee Council can see that this has potential positive benefits for refugees and Scotland as a whole. Nevertheless, UKBA and Serco on deciding any future changes to dispersal locations must ensure that they comply with the Statement of Requirements. This states that they should liaise and consult with relevant Local Authorities to ensure that any changes do not adversely affect Local Authority developments or community plans and mitigates the risk of social tensions. The Scottish Government also has an important locus in any decision. The Concordat between the Home Office and the Scottish Government states that “*Arrangements for the dispersal of asylum seekers and the designation of reception zones.*” is an area of “joint working.”²⁰
- Scottish Refugee Council is currently providing independent advice services for asylum seekers residing in Scotland. The contract to provide this work with the UKBA ends in 2013. Our 26 years’ experience of supporting refugees and 11 years’ experience of providing these advice services has shown that independent advice is vital to assist people to navigate the complexities of the asylum system and asylum support system and advocate on their behalf.

Independent advice is about who you act *for*. It is important that this service is provided by agencies that represent the needs of the asylum seekers. Accommodation providers act for the UKBA. They might also not free from restrictions which might limit their ability to deliver the best possible solutions to “service users”. It is important that advice remains independent. It is also essential that immigration advice and services are regulated to ensure that advisers are competent and act in the best interests of their clients.²¹

Scotland for over 10 years has provided a welcome and humane response to the dispersal of people seeking asylum. Statutory, voluntary, community and faith organisations have all played a role in helping refugees to rebuild their lives in safety and contribute to Scottish economic, cultural and social life. We sincerely hope that this ethos is taken on board by UKBA’s new provider.

Scottish Refugee Council is an independent charity which provides advice and information to people seeking asylum and refugees living in Scotland. We also campaign for fair treatment of refugees and people seeking asylum and to raise awareness of refugee issues.

Notes

¹ COMPASS does not include the following services: management of the immigration detention estate (Dungavel House Immigration Removal Centre is managed by the GEO Group UK Ltd on behalf of UKBA. GEO took over the management of the Dungavel in September 2011 from G4S; nor advice and information on voluntary return (this is delivered by Refugee Action across the UK); nor independent advice services for people seeking asylum (in Scotland, Scottish Refugee Council provides this support).

² G4s Regional Management have been selected for Midlands and East England; and North East Yorkshire and Humberside); Reliance Secure Task Management (London and South; and Wales). These regions will match Immigration Group Boundaries with the exception, for the purposes of COMPASS only, of the service requirements for Wales.

³ This is still the case for young people under 18 who arrive by themselves in the UK and claim asylum.

⁴ Source: Fourth quarter asylum statistics 2011, Home Office. This does not include those who do not require accommodation, but receive financial support from UKBA. There are 35 across Scotland in this situation. These figures also do not include the numbers of people who are granted refugee status or who are refused asylum who are not supported and are destitute.

⁵ Formerly the Border and Immigration Agency and prior to this the Immigration and Nationality Directorate and the National Asylum Support Service. For clarity we refer to these as the UK Border Agency throughout.

⁶ Sections 98 and 95 of the Immigration and Asylum Act 1999

⁷ From statistics in September 2010, GCC housed 49% of the asylum population (1600 people); Y People (formerly the YMCA) 35% (1200) and Angel, a private provider 16% (500).

⁸ UK Border Agency and Glasgow City Council, House of Commons Scottish Affairs Committee (2011),

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmsscota/733/733.pdf>

⁹ Section 4 is a form of accommodation and subsistence support given to refused asylum seekers who can show that they are destitute and is, or was initially, meant as a short term mechanism for people about to leave the country. The support was established by the 1999 Immigration and Asylum Act but did not begin to be widely used until some years later when it was given statutory authority in the 2004 Asylum and Immigration (Treatment of Claimants) Act. The Home Office define applicability for Section 4 thus: You must be destitute *and* satisfy one of the following requirements: You are taking all reasonable steps to leave the United Kingdom or placing yourself in a position where you can do so; You are unable to leave the United Kingdom because of a physical barrier to travel or for some other medical reason; You are unable to leave the United Kingdom because the UK Border Agency believes there is no safe route available; You have either applied for a judicial review of your asylum application in Scotland or applied for a judicial review of your asylum application in England, Wales or Northern Ireland and been given permission to proceed with it; or Accommodation is necessary to prevent a breach of your rights, within the meaning of the Human Rights Act 1998.

¹¹ See: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithasylumseekers/standards-required-for-asylum-ac>

¹² This includes people whose statutory entitlement to be accommodated ended 2 years ago up until 10 days ago. This figure is not static as others will be refused asylum.

¹³ Section 95 of the Immigration and Asylum Act 1999

¹⁴ See for example: The Second Destitution Tally: An indication of the extent of destitution among asylum seekers, refused asylum seekers and refugees, Asylum Support Partnership (2009); http://www.scottishrefugeecouncil.org.uk/assets/0000/0102/Second_destitution_report_ASP.pdf

¹⁵ "Anyone who has made a formal application for asylum, whether pending or unsuccessful, is entitled to treatment on the same basis as a UK national who is ordinarily resident in Scotland while they remain in the country". (CEL 09 (2010))

¹⁶ See: Cabinet Memo on Asylum, 3 August 2007

See: <http://www.scotland.gov.uk/Resource/Doc/923/0086020.pdf>

¹⁷ Target Accommodation Provider Complaints Pilot Report, UKBA (May 2009)

¹⁸ Under Section 95 support, people seeking asylum receive around £5 per day.

¹⁹ See *Your inflexible friend: The cost of living without cash*, Asylum Support Partnership (2010)

²⁰ Annex C

²¹ OISC (Office of Immigration Services Commissioner). Regulator of immigration advice established under the Immigration and Asylum Act 1999.