

Scottish Refugee Council

Response to Community Empowerment and Renewal Bill consultation
September 2012

About Scottish Refugee Council

Scottish Refugee Council is a charity that provides information and advice to those who have fled human rights abuses or other persecution in their homeland and now seek refuge in Scotland. We advocate for the rights of refugees and people seeking asylum and for fair and just legislation and policies, and support refugees' integration and inclusion from arrival to settlement.

The Community Engagement Team at Scottish Refugee Council supports the settlement and integration for refugees and asylum seekers. Our key areas of work include: capacity building projects with specific refugee organisations; delivery of committee skills workshops for refugee community organisations and individuals; and organisational and policy support in partnership with the Scottish Refugee Policy Forum.

Our response is based on our practical knowledge and extensive experience supporting refugee communities in Scotland.

Our response

Scottish Refugee Council welcomes the Community Empowerment and Renewal Bill as an opportunity for all sectors to increase and improve the quality of, engagement with refugees and other communities of interest.

Our focus in this response is on the Strengthening Community Participation section as the outcomes of these measures are critical to refugee communities. Refugee community organisations (RCOs) that Scottish Refugee Council has worked with have indicated that in general they lack information about where and how they might

make their communities' needs known and understood by those in power. They feel they lack the knowledge and skills necessary to give them the means and confidence to participate in fora and processes (public or third sector) where their actions could create positive changes and assist their communities to feel integrated into Scottish society. Our response sets out some of the issues specific to refugee communities that can hinder their participation, and potential to influence. It also poses questions around defining community in the context of refugees.

It is crucial that the Strengthening Community Participation measures in the final Bill produce outcomes that ensure that all sectors provide inclusive and safe opportunities for engagement, that refugees recognise as genuine ways for them to be part of meaningful decision-making and be confident that their communities' voices will be heard and heeded.

There is a large focus in the Consultation on structures and organisations that are designed around geographical communities. Scottish Refugee Council believes that the focus should also be on *communities of interest, who may face the greatest inequalities*. We are concerned that the Bill's focus on area-based structures and issues risks passing legislation that does not encourage more innovative, equalities-based approaches to engaging with hard-to-reach communities of interest such as refugees which can unleash their potential.

The Consultation does not ask about community capacity building. Scottish Refugee Council believes that the final Bill must join, rather than separate, community capacity-building from community engagement issues raised in the Bill. Investment in resources and expertise is critical for refugee community organisations, whose exceptional barriers to engagement mean that they have specific capacity building needs. Refugee communities are underrepresented in planning and engagement processes, so the Bill must address this imbalance by taking into account these capacity building needs to enable refugee community organisations to be in the best position to make use of new legislation.

The final Bill must demonstrate clearly how changes in legislation will benefit communities of interest, making specific reference to equalities duties.

We ask the Scottish Government to plan and support engagement opportunities that will allow refugee community organisations to have meaningful involvement throughout the next consultation stages of the draft Bill. Scottish Refugee Council is willing to support any direct engagement between the Scottish Government and refugee communities (i.e. hosting a meeting at the next stage or helping the Scottish Government to facilitate a specific seminar).

Defining community (in the context of refugee communities)

Scottish Refugee Council has estimated that there are around 20,000 refugees and people seeking asylum in Scotland. We further estimates that there approximately 40 active refugee community organisations in Scotland¹.

Most RCOs are independent groups established and led by refugees for their communities, which aim to address their communities' needs and provide a sense of community belonging for their members. Both mixed-gender and gender-based groups can represent single or multi nationalities or regions. There are neighbour-based dialogue and discussion groups and social networks, as well as an umbrella policy group (Scottish Refugee Policy Forum). This range of groups demonstrates the extent of multi-faced refugee identities and agendas, and the Bill must take into consideration that people identified by an agency as belonging to one community of interest may not recognise themselves as such. These are often the most vulnerable people, least likely to be engaged or aware of their rights who have the greatest need to be recognised and for their views on policy and services to be understood.

Refugee community organisation activity

The extent of RCO activity varies depending upon a group's capacity, resources and links with local organisations. RCOs often have a role to play in: helping their members with their initial and ongoing orientation needs (such as, understanding UK

¹ We use 'refugee' as an inclusive term to refer to people who have made an application to the UK Border Agency for protection and who are waiting for a decision on their application or have been refused, as well as those who have been through the asylum process and been granted a form of leave to remain (refugee status, humanitarian protection, indefinite or discretionary leave to remain).

currency, accessing healthcare); signposting (training, services); acting as informal advocates for members struggling to access services. As such RCOs are an important platform in supporting individuals, often with no familial support networks in the UK, to rebuild their lives and integrate into Scottish life. Research also indicates that these community connections reduce onward migration of refugees to England.²

Most prioritise social events for members and many RCOs aim to bridge the gap between refugee and host communities by maintaining and sharing their cultural heritage with their children and local community. Most RCOs do not have any formal funding, and the level and success of their activity fluctuates depending upon the commitment of individual leaders and support of their community members at any time.

Organisational challenges

RCOs often lack information and understanding about local and national systems and services. Differing (or an absence of) democratic systems in refugees' home countries can mean that some refugees find equivalent systems in Scotland difficult to negotiate. Negative or traumatic experiences of home countries' institutions can result in a mistrust of public or even third sector organisations that they engage with. Communities' members and leaders are often transient (through choice or due to the uncertainty of the asylum process or transition to refugee status) which makes it difficult for RCOs to sustain capacity, share skills learned or disseminate information among members. Many community members lack basic literacy skills or English, which hampers their participation at organisational level. Internal discrimination and equality issues (gender, sexuality, regional, political, racial, cultural divisions) among communities can prevent or discourage member participation. Refugees may face discrimination from other disadvantaged or other minority ethnic communities, which can prevent their participation in wider debate on issues which have an impact on their members.

² <http://www.unhcr.org/4a38af986.html> p. 14 Community connections appear to influence onward migration. Those individuals with community connections were more likely to remain in Glasgow (80 per cent) whereas those with no community connections were more likely to migrate (17 per cent) or drop out (25%).

Strengthening Community Participation

Structures for participation

Q1 What would you consider to be effective community engagement in the Community Planning Process? What would provide evidence of effective community engagement?

Q2 How effective and influential is the community engagement currently taking place within Community Planning?

Q3 Are there any changes that could be made to the current Community Planning process to help make community engagement easier and more effective?

Community Planning tends to focus on area-based community engagement, which leaves communities of interest at a disadvantage. Most refugee communities and their organisations are based in and around Glasgow - an allocated UK Border Agency dispersal area for asylum seekers since 2001. (There are also notable refugee populations in other towns and cities in Scotland.) While there are populations of refugees concentrated in certain areas, *Community Planning needs to act beyond locality issues and provide effective community engagement on a broader perspective* – and not be limited by geographical boundaries and ensure their work is inclusive and representative of diverse communities. This also includes recognition that there is inter-sectionality of issues e.g. refugee women, victims of torture, young LGBT.

Community Planning Partnership structures must however also create an approach that allows refugee communities to engage in local groups, but also to be consulted individually.

Q4 Do you feel the existing duties on the public sector to engage with communities are appropriate?

Q5 Should the various existing duties on the public sector to engage with communities be replaced with an overarching duty?

We appreciate that duties may be confusing to public bodies. For example, research Scottish Refugee Council conducted with other NGOs in Scotland on S6 of the Human Rights Act 1998 (HRA)³ demonstrated confusion and often poor compliance. We would not advocate however for replacing existing duties with one overarching duty. Rather, producing clear guidance on their application would be more appropriate.

We would suggest that the *Scottish Government considers a human rights-based approach in relation to community*. Internationally, there are a variety of mechanisms to mainstream human rights into the culture of nations and within both public and private sector bodies. The UN's view, repeatedly delivered to the UK at periodic hearings on human rights compliance, includes incorporation of the ratified Conventions into domestic law. NGOs such as the British Institute of Human Rights suggest a 'Human Rights Based Approach (HRBA) as an appropriate model. The HRBA is a human rights tool for organisations as a way of doing things (process) as well as an end to be achieved (compliance with standards). The HRBA's five principles have been developed by international bodies such as the UN and are defined as:

- Putting human rights principles and standards at the heart of policy and planning
- Ensuring Accountability
- Empowerment
- Participation and Involvement
- Non-discrimination and attention to vulnerable groups

Q6 What role, if any can community councils play in helping to ensure communities are involved in the design and delivery of public services?

Q7 What role if any can community councils play in delivering public services?

Q8 What changes if any to existing community council legislation can be made to help enable community councils maximise their positive role in communities?

³ S6 of the Human Rights Act 1998 (HRA) requires all public authorities in Scotland to comply with the European Convention on Human Rights (ECHR) on reserved and devolved matters

Community councils currently do not suit the needs of RCOs, as their area-based structures are not flexible enough to accommodate and adapt to the needs and agendas of communities of interest. To address this, community councils need to be more inclusive of other communities and recognise other interests and experiences rather than locality. Community councils themselves need to be pro-active in engaging with new communities e.g. migrants and refugees, throughout Scotland.

Q9 How can the third sector work with community planning partners and communities to ensure the participation of communities in the Community Planning process?

The Bill should recognise and that there are certain structures and organisations that are central to refugees and other communities of interest. These structures and organisations provide support key to the needs of their members - services (e.g. ESOL, rehabilitation services for victims of torture), capacity-building (training and policy) and social enterprise. The third sector involve communities in activities in its most vibrant expressions e.g. the arts culture and sports whose energy and enthusiasm which profit wider society and can have positive outcomes for individuals e.g. skills and employability.

The Bill should make provisions for Community Planning Partners to be required to or at least encouraged use of the expertise and experiences of community and voluntary sector organisations to increase CPP's reach and understanding of communities of interest.

Any provisions in the Bill must ensure there is opportunity for communities to identify the organisations best placed to achieve this; these steps will start the process of giving power to communities to be active in making changes happen.

Quality and accountability for participation

Q10 Should there be a duty on the Public Sector to follow the National Standards for Community Engagement?

Although National Standards of Community Engagement were introduced as guidance for public bodies helping them with a practical tool of community planning, Scottish Refugee Council urges a formalisation of its implementation and its application by all bodies of the public sector to ensure engagement of those in the most disadvantaged communities.

It is important that the public sector has a duty to follow the Standards to ensure best practice. The use of standards should be sustainable and systematic, monitored and evaluated.

Refugees, as part of our communities, must be included in all aspects of community engagement to ensure that they are genuinely engaged in the decisions made on public services which affect them.

While third sector refugee organisations such as Scottish Refugee Council work with providing key information and capacity building to some refugee community organisations, refugees are not part of many public body consultations. They are rarely involved directly in planning, and barriers to their involvement are not recognised, leading to planning and implementation of policy and services not suitable to their needs. For example, the recent Mental Health Strategy (July 2012) overlooks the needs and experiences of refugees, despite well researched evidence and consultation submissions regarding this.

Consideration to how the Standards are applied in relation to communities of interest is crucial. This includes ensuring that that engagement is planned and addresses any communication issues so that support such as translation, advocates, signers and interpreters can be used effectively.

There also needs to be trust and continuity when working with refugees and other communities of interest –inconsistent engagement with already marginalised communities is counter-productive, and will not assist communities to be empowered in the long-term.

Q11 Should there be a duty on the public sector to publish and communicate a community engagement plan?

Scottish Refugee Council welcomes the proposal to ask all public sector authorities to publish and communicate their community engagement plans. There should also be a requirement to explicitly state how procurement of wider services by the private or voluntary sector will engage and be accountable.

This will provide transparency of the methods used to engage with all groups within our communities including asylum seekers and refugees.

It will strengthen relationships with communities, improve outcomes and will reduce the consultation "fatigue" of too many uncoordinated meetings.

These plans could contain the framework of the consultation process: who will be involved, methods used and how all National Standards of Community Engagement will be applied in securing engagement in consultation.

As mentioned above, refugees and asylum seekers are part of our communities and they are as vital as any other group in the community in developing our future development. Engagement is complex due to language and cultural barriers however new and fresh perspectives that test our assumptions and experiences are to be welcomed. All elements of engagement such as preparatory work in raising community awareness on the approaching development, information production and distribution, consultation activities, need to be tailored to their needs to maximise involvement and realise potential.

These plans should be clear in how these barriers to engagements will be addressed.

It is important to engage with refugee organisations, local communities and other networks at the early stages of planning to identify the best approaches.

Q12 Should community participation be made a more significant part of the audit of best value and Community Planning?

Scottish Refugee Council supports measures that develop appropriate mechanisms that will produce a greater level of accountability for structures within the remit of Community Planning (Community Councils), which can then be audited.

There should be something in place that protect and develops community-led and based organisations which provides check and balances. Ensuring communities participate in planning means that services are designed and co-produced, managed, valued and used more effectively by the communities they serve.

Community-led design and delivery

Q17 Should communities have the right to challenge service provision where they feel the service is not being run efficiently and that it does not meet their needs?

Yes. All communities should have this right. There are areas of service delivery that are a priority to refugee communities (e.g. closure/cuts of Bilingual Units in schools) Communities may be unable to exercise this right to challenge if they do not possess the skills and knowledge to do so, if community capacity building measures are not in place to enable them, this right becomes one in principle only and not in reality. .

Q18 Should communities have a greater role in deciding how budgets are spent in their areas?

We welcome any proposal to transfer greater power for decision-making and real positive change to communities. If there is sufficient engagement and community capacity building investment that will support communities of interest to be in a stronger position to take these decisions. Otherwise such further decentralisation of

funding may exacerbate inequalities, as it will favour the communities who already have the capacity to take action.

Assessing Impact

Equality

Q46 Please tell us about any potential impacts, either positive or negative, you feel any of these ideas in this consultation may have on particular groups of people?

Q47 Please also tell us what potential there may be within these ideas to advance equality of opportunity between different groups and to foster good relations between different groups?

A greater link to the equalities duties is required, to ensure all communities can benefit. There is a need for minimum statutory duties to ensure support in place for those who need it most e.g. CLD support. The outcomes of the Bill need to be tailored to specific sections of community who face inequalities, whether this is due to protected characteristics or other situational factors, or both, e.g. seeking protection as a refugee due to persecution because of sexual orientation.

The recognition of communities of interest and the specific experiences and insights they may have must be recognised. Particular barriers they face then must be addressed e.g. ensuring communication needs are addressed for new communities or refugee women's self-esteem and confidence is built.

This provides a starting point for all communities to recognise how inequalities may impact upon them too and build upon common interests and form shared agendas. For example, when asylum seekers were dispersed to Glasgow, mainly to disadvantaged neighbourhoods, effective community empowerment (involving capacity building and engagement) meant that the risk of poor community cohesion was avoided. A decade on, the legacy is vibrant communities.