



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 23 March 2017

Session 5



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EQUALITIES AND HUMAN RIGHTS COMMITTEE
8th Meeting 2017, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)
*Mary Fee (West Scotland) (Lab)
David Torrance (Kirkcaldy) (SNP)
*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Sean Bell (City of Edinburgh Council)
Alexis Chappell (Dundee Health and Social Care Partnership)
Annette Finnan (South Lanarkshire Council)
Alan McKeown (Angus Council)
Rachel Morley (NHS Greater Glasgow and Clyde)
Andrew Morrison (Convention of Scottish Local Authorities)
Arun Singh (South Lanarkshire Council)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 23 March 2017

[The Convener opened the meeting at 09:20]

Destitution, Asylum and Insecure Immigration Status

The Convener (Christina McKelvie): Good morning and welcome to the eighth meeting in 2017 of the Equalities and Human Rights Committee. I make the usual request that mobile phones be switched to silent or aeroplane mode. We have received apologies from our colleague David Torrance, and our colleague Annie Wells will be joining us imminently.

At 9.33, the committee will halt in order to observe a minute's silence. I will let you know when that is about to happen. I alert you to it now in case you are in mid-flow at the time.

Agenda item 1 is the committee's second oral evidence session in our inquiry into destitution, asylum and insecure immigration status in Scotland. We are joined by a number of witnesses. Andrew Morrison is policy manager for the Convention of Scottish Local Authorities strategic migration partnership. Next week, we will take evidence from Derek Mitchell, who is also from the COSLA team; he will focus specifically on unaccompanied children, so we should keep questions on that subject for him. We can fire any other questions at Andrew today.

Alexis Chappell is the service manager at Dundee city health and social care partnership. Rachel Morley is a consultant clinical psychologist with NHS Greater Glasgow and Clyde psychological trauma services. Annette Finnan is head of area services at South Lanarkshire Council, and Arun Singh is the council's child and family services manager. Sean Bell is acting senior manager of City of Edinburgh Council's children's practice teams. Alan McKeown is strategic director of communities at Angus Council—he has not joined us yet, but we hope that he will soon.

I welcome you all and thank you for the written evidence that you have provided. We have received many excellent submissions, and we have many good avenues for investigation. You will realise what a broad and complicated area this is. Some matters are devolved and some are reserved, and tensions arise because of that. Essentially, the committee is looking at how we

support people in Scotland, focusing mainly on health, social care, advice services and accommodation. We are looking at not just the Syrian resettlement programme and unaccompanied children, but issues that affect anyone who has insecure immigration status. We have considered many aspects of the subject.

I will ask the opening question. Can you give us an insight into the work that you are doing? I come to Andrew Morrison first, because I know about some of the work that COSLA is doing. Can you give us an update on that work, Andrew?

Andrew Morrison (Convention of Scottish Local Authorities): That is no problem. I thank the committee for giving me the opportunity to speak today. As the convener said, I work for COSLA's migration, population and diversity team, which is a small policy team that supports local authorities in the range of work that they do to support their migrant populations and to help to integrate them into Scotland's communities.

We do a huge amount. As well as supporting the integration of migrants as a whole, we have focused in the past couple of years on asylum and refugee issues. We all know about the context for the Syrian resettlement programme, which has shifted the emphasis of our work back to working with refugees.

I would like to make a couple of points at the outset. We listened with great interest to the discussions at last week's meeting. Many of the witnesses said that destitution was an inevitable consequence of the United Kingdom immigration system and the hostile environment that the UK Government seeks to create for those whom it deems not to have a legal right to be in the UK, and we completely agree with all those points.

However, I am here to represent the interests of local authorities, and the biggest issue for us is resources. I will make a couple of points in that regard, the first of which is about the work that councils do to support those who the Government says have no recourse to public funds, but to whom we have a responsibility. Local authorities spend many thousands of pounds every year on supporting those individuals and families, but they do not receive any funding from the UK Government or the Scottish Government to support them in that work. I flag that up as a resourcing issue.

The other issue relates to asylum services. In the past few years since the introduction of the COMPASS—commercial and operating managers procuring asylum support—contracts, millions of pounds have come out of asylum services and communities, and local authorities and third sector partners have been forced to pick up the pieces. That is an unsustainable picture, which is reflected

in the moves that the UK Government is seeking to make on widening asylum dispersal; we may come to discuss that later. We have a Syrian resettlement programme that is adequately funded and gives councils funding over five years—31 out of the 32 councils are signed up to it—and we have a dispersal policy in which Glasgow is still the only dispersal area; that is no accident. That is the key issue for us.

I am happy to discuss any of those matters.

The Convener: Okay. We will interrogate some of those points.

I will come back to Alexis Chappell to talk about specifics at the front end and the support that councils give, which leads on from what Andrew Morrison said. I see that Arun Singh has perked up. Do you want to explain the interface with families and individuals, Arun?

Arun Singh (South Lanarkshire Council): Yes, convener—by the way, my name is pronounced “Arun” rather than “Aroon”.

The Convener: I am sorry.

Arun Singh: That is okay—not to worry.

I have responsibility for social work fieldwork services in South Lanarkshire and I am the partnership lead across health and social care to ensure that we co-ordinate our response to unaccompanied asylum-seeking children and, more broadly, to individuals who present with no recourse to public funds. Currently, we support 12 unaccompanied asylum-seeking children, who have various immigration statuses. They may have temporary refugee status, or their claim may have been rejected. They come to us through a whole host of means, such as through the police or Home Office notification. They may be a spontaneous arrival, or Dungavel, which is the only immigration removal centre in Scotland, may have requested an age assessment for them.

As a local authority and as a partnership, we are involved in work with COSLA on the national framework and looking at the dispersal scheme. We recognise that the Home Office protocol falls far short of what is needed in Scotland. We are actively engaged with the Scottish Government's child protection team in looking at age assessments for unaccompanied asylum-seeking children in particular.

We deal with a number of households that have no recourse to public funds. It is important to recognise that the cohorts of unaccompanied asylum-seeking children and families, and the households that have no recourse to public funds, are very different from the residents of South Lanarkshire whom we deal with day to day. Maybe we will explore that a wee bit more.

Our front-line social work staff deal daily with complex and difficult human stories arising from that cohort of individuals. We do our utmost to uphold our social work values but, as Andrew Morrison said, we work in a system that is not really conducive to maintaining those values.

The Convener: There is a bit of a difference between South Lanarkshire, which is big, and Dundee, which is smaller and tighter. Rural areas may also have different challenges. Alexis Chappell might want to speak about that.

Alexis Chappell (Dundee Health and Social Care Partnership): I thank the committee for the opportunity to speak today.

It has been a privilege to support refugees through the vulnerable persons relocation scheme. We have welcomed refugees in Dundee and taken a local, collaborative approach with our colleagues in the third sector and colleagues across Dundee City Council and in Dundee health and social care partnership and NHS Tayside. That has helped us to work with refugees, to take an approach that is based on their views and wishes, and to enable them to integrate positively in Dundee.

The feedback from refugees on our approach has been very positive. I echo the comments of my colleagues in COSLA and South Lanarkshire Council that a different approach is taken with asylum seekers. In our submission, we suggest that it might be helpful to learn from the approach that is taken with refugees and to look at how that might be adopted for asylum seekers so that we can find a solution and a way forward.

09:30

With regard to the clearly evidenced concerns about destitution and those who have no recourse to public funds, we in Dundee pride ourselves on working collaboratively, in partnership and respectfully with the third sector. A couple of years ago, through that partnership, we identified ways of approaching and supporting—in a consistent, lawful and fair way, based on the principles of human rights, respect and dignity—people who need assistance but who have no recourse to public funds. We brought together a group from Dundee City Council and Dundee health and social care partnership to develop a cross-sector procedure and approach that takes in children and families, health and social care, legal services, welfare rights services and housing services. We did that to ensure that we could meet those principles by taking a consistent, fair and lawful approach based on consideration of human rights and that, through a personalised approach, we could acknowledge the various complexities that we know about and which colleagues have identified today. Having tested and piloted that

approach for the past couple of years, we have found it to be helpful in dealing with people who seek assistance but who have no recourse to public funds.

In Dundee, we have also invested in our welfare rights services, which we see as a valuable support. Staff have been trained in the Office of the Immigration Services Commissioner to enable them to provide free-of-charge immigration advice. As a result, our welfare rights services are the first port of call for assessments for people with no recourse to public funds.

The Convener: What we have picked up in our inquiry so far is that people seek asylum in many different ways and that the Home Office has many different schemes for processing them. One of the issues that we are looking at is how local services engage with all that and decipher what is going on. The situation is really quite challenging for some of the groups and people whom we have met, given all the different routes that they can go down. If it is complicated for the people who are in the middle of it all, how complicated is it for those who are providing support services?

Before I move on to other questions, I see that we are almost at 9.33, so I halt proceedings to allow us to observe a minute's silence in solidarity with our friends and colleagues at Westminster.

A minute's silence was observed.

The Convener: I thank everyone for observing that silence.

I will come to Sean Bell next, because City of Edinburgh Council's experience and work in this area might be different from that of Glasgow. I will then ask Alan McKeown to talk about Angus and the challenges that are faced by rural areas in Scotland.

Sean Bell (City of Edinburgh Council): I thank you for inviting me—I am pleased to be here and to give evidence to the committee.

In Edinburgh, we have been working for many years with a range of refugees, and families in particular, who have no recourse to public funds. For about 10 years, I have been the strategic and operational lead for working with such families. We have been in touch with councils throughout the country. Colleagues from Dundee came to see us several times; they looked at what we were doing and we helped them to develop their guidance. We have done that with a number of local authorities. At any given time, we are supporting around 40 families that have no recourse to public funds. Over the course of a year, we might support 60 or 70 families. I have just been looking at figures for this year—we have paid out something like £375,000 in rent and maintenance to families.

That is not staff costs, but direct payments to support families.

In the main, those families have a human rights claim to remain in the UK. However, some of them are seeking asylum under article 3 of the European convention on human rights. The UK Government policy keeps shifting, and it is getting more and more difficult for people to get support when they have put a claim in. We support people while their claim is pending. Following a successful claim, it can take some time for people to get that support.

We have seen a number of changes—for example, in what are known as Zambrano cases. I do not know whether the committee is aware of the Zambrano case, which went to the European Court. The judgment in that case said that someone who is the parent of a child who is a European Union citizen has a de facto right to remain in the EU to look after that child until they are 18. We deal with parents—mainly of British citizens—who do not have a legal right to remain in the UK but who are given temporary leave to remain until their child is 18. When the Zambrano judgment was made, the rules changed and many of those parents were given leave to remain but they still had no recourse to public funds. We continue to challenge that, and to support families that have young children and cannot manage to work and provide childcare.

There is often huge pressure on families to prove that they are destitute to get asylum support, but it is very difficult for someone to prove that they do not have an income. Again, we support families through that process. Each week, we get a lot of presentations. We have OISC-trained staff, and we refer families immediately to immigration lawyers to look at their human rights. We support families through that process, too. We support families to a great extent, but we get no financial support from the UK Government or the Scottish Government to do so.

We also get a lot of UASC presentations in the city. We are currently supporting 27 children, including some whom we took directly from France. We will get no support for them once they turn 18, so we continue to support them as children who were formerly in care. So far, we have taken 153 people through the Syrian refugee settlement scheme, and another 50 are coming. We have a huge breadth of experience, and we are often asked to help and support other agencies with policies and to speak at conferences on NRPF status and the impact that it can have on families.

Alan McKeown (Angus Council): I pay tribute to and thank colleagues both in COSLA and in other local authorities. One of the things that was really impressive about the immediate response to

the Syrian refugee crisis was the way that we all pulled together with a common cause. The support that we received from COSLA, the support that Angus and Dundee were able to give each other and the work that we were able to do with colleagues in Aberdeen and Aberdeenshire—some of which was done on the train, it has to be said—was very impressive. That collegiality, which focused on the outcomes for individuals, was key.

For us in Angus, the key was to ensure that we were able to provide a package of accommodation and support in a very low-key way, and we have provided all of that in one of our larger towns. We have done nothing about publicity. Our political message was that we will support as much as we can and we will do it as quietly as we can. At this stage, we have had eight Syrian refugee families all in one area, but we have worked closely with colleagues in Dundee.

The reason why this has been more of a challenge for us is that the cultural, religious and other support is not really present in our communities. That is not to say that we have not had some fantastic volunteer support. We have had that, and it has been integral to the mainstreaming of support. The English language courses have been fantastic and the support that we have managed to get for their financing is important. We have managed to do this sensitively. We have reached out to get support where we can, and the families are supporting themselves as well.

We are starting to see more interest from the UK Government around the dispersal scheme. I have some concern over whether our really small burgh towns are the right place. We will offer support to the UK Government, although I will keep a close eye on it because I am not convinced that coming to some of the places would necessarily be the best outcome for individuals. However, we have seen fantastic outcomes for Syrian refugees. People are engaged in education, their language skills are increasing considerably and they are becoming much more independent more quickly than we had anticipated. That is to their credit and is a result of the efforts that they are putting in.

There is no question that reaching out to use the cultural and religious support in areas such as St Andrews and Dundee and making use of the co-operation of our colleagues have been huge successes, and we hope that that will continue.

The Convener: The committee has seen some pretty destitute people who have been in some dire straits over the past few weeks, and to hear such a positive contribution about integration and education is excellent. It is not just about statutory organisations. It is about engaging local communities as well. We have met some brilliant

volunteers who are putting their heart and soul into this work, and that makes a huge difference in ensuring that independence, resilience and reliability are built in straight away.

Some people are very seriously affected by the experiences that they have had, whether in their journeys to seek asylum or in their experiences of the system. We have met some people during our inquiry who have been very badly damaged—that is the word that I would use—by a very uncaring system of asylum processes. People have sung the praises of all the organisations that are involved, but the challenges of the legal routes remain.

I ask Rachel Morley to give us an insight to supplement her great written evidence. I will then open up the meeting for questions from my colleagues.

Rachel Morley (NHS Greater Glasgow and Clyde): I concur with what the convener has just said.

Thank you for the privilege of contributing to the inquiry. I lead the asylum and refugee part of the Glasgow psychological trauma service. We work with unaccompanied young people and adults who have experienced very severe traumas, which include torture, rape and trafficking, and we help to support psychological healing and recovery.

As a team, we have concerns that aspects of the asylum process are exacerbating people's mental health difficulties and contributing to people being retraumatised. On destitution in particular, the process can systematically erode people's emotional and physical resilience and lead people to be vulnerable to further trauma, revictimisation and experiences of violence.

The Convener: Thank you, Rachel. I think that we will interrogate all those aspects this morning. My colleagues are anxious to get in. We will start with Jeremy Balfour.

Jeremy Balfour (Lothian) (Con): For the record, I note that I am a councillor at the City of Edinburgh Council and I was for a short time part of the relevant working group at COSLA.

I put on the record that I fundamentally disagree with the opening statement by Andrew Morrison. It overpoliticised the issue and showed the fundamental weakness of COSLA as an organisation.

My question is for Alexis Chappell and perhaps Sean Bell. One thing that came out clearly from the evidence that we heard last week was that there is different practice across Scotland and even within cities. That particularly applies, perhaps, to Glasgow, although I appreciate that Alexis Chappell cannot comment on that.

How do we share best practice? You said that you have undertaken a scheme in Dundee that has worked really well. How do you then share that with Edinburgh, Aberdeen or other cities? We are quite a small country, but we are in danger of having lots of different models, some of which will be good and some less good. Given your experience, do you think that we need to have lots of train journeys so that we can discuss these things? How can we do it in a more structured way?

09:45

Sean Bell: We share best practice very effectively in a number of ways. There is a UK-wide NRPF network that is run out of Islington London Borough Council that allows local authorities to share information, and it employs officers who constantly update us on things such as changes in legislation and best practice. They publish a lot on best practice. COSLA has a similar set-up because some of what comes out of London is focused on UK or English and Welsh legislation. There are a lot of complexities in this area of work, so COSLA has pulled together an NRPF network for Scotland that does not duplicate what goes on down south but enhances it and looks at it in a Scottish way.

We also have really good networks and we will pick up the phone and speak to each other about issues as they come up. What my colleagues from Angus and Dundee have described is similar to what we have in Edinburgh. We have a close relationship with Fife Council, Midlothian Council and East Lothian Council and we have regular meetings and network discussions. For example, we help each other with things such as age assessments and age assessment training. We will cover for each other and support each other in such areas.

In practical terms, we have a UK network, a Scottish network through COSLA and the local connections, which I believe are working particularly well.

Alexis Chappell: I echo my colleague Sean Bell's comments. There are a range of good local networks and there is good local collaboration, particularly across the local partnerships in Tayside. We find that sharing good practice locally and nationally through COSLA helps us to learn from each other. On the refugee scheme, the vulnerable persons relocation scheme has been particularly helpful because we have been able to share practice at a national level and learn from each other about what is working well in different areas.

For me, it is about building on the focus on local and national collaboration. Mr Balfour's point

about maintaining and striving towards supporting individuals who are experiencing difficulty was well made. We need to continue to build good structures around local and national collaboration so that we can learn from each other and continue to develop and improve what we do.

The Convener: We are interested in knowing how the NRPF network works. We have heard how two councils work with it, but we have not heard about it at a strategic level. Andrew, can you give us some information on that?

Andrew Morrison: Yes. As Sean Bell said, there is a UK-wide NRPF network and there are also regional networks. COSLA hosts the Scottish NRPF network and its discussions, and we try to disentangle some of the complexities that are particular to Scotland.

The City of Edinburgh Council and Glasgow City Council are also involved in NRPF connect, which is for those local authorities that have a large number of cases of people with no recourse to public funds. Sean Bell is more of an expert on that than I am, but it also feeds into the Home Office and allows local authorities to focus on trying to resolve cases more timeously.

The Convener: We might come back to that. Alex Cole-Hamilton is next.

Alex Cole-Hamilton (Edinburgh Western) (LD): Good morning, everybody, and thank you for coming to see us today. I will start by picking up on something that Rachel Morley said.

I declare that, before I became a member of the Scottish Parliament, I worked for Aberlour Child Care Trust, which manages the Scottish guardianship service in partnership with the Scottish Refugee Council. That service is for unaccompanied asylum-seeking children. Rachel, you gave us a clear description of the important work that you do with some very vulnerable children who have come to these shores looking for sanctuary, some of whom have been trafficked and some of whom have been victims of torture or other atrocities in the countries from which they have come. While I was working at Aberlour, I was aware of the lack of differentiation between the ways in which the UK Border Agency worked with children and with adults in assessing claims and so on.

Sometimes, in order to get any extension to prepare a case for a child, we would have to evidence historic subjection to torture, and it was really not a child-friendly process. In extreme cases, it led to some children being re-trafficked because they absconded and went back into the clutches of their handlers. Do you see any progress in that area? What do we need to do—and what can we do—to make things better for those children?

Rachel Morley: There has been progress in relation to the Scottish guardianship service, which has been a very important programme and one on which Scotland has led the way, and that has helped young people to navigate their way through the asylum process. As you say, however, there are still real concerns about the ways in which young people are interviewed. Often, they are interviewed in adversarial ways that can be distressing. Young people are still going through huge delays with their claims being processed, which leads to lots of fear about the future and a lot of difficulty in settling and feeling that they can belong in Scotland.

Lots of aspects of the asylum process and the way it operates are still detrimental to young people, but progress has been made. The Scottish guardianship model has been really helpful. In some ways, it would be great if we could have a similar scheme—an advocacy and support project—for some of the adults who are going through the asylum process, because there is a lack of support and advocacy for adults.

Alex Cole-Hamilton: Thank you. My next question is for Rachel Morley and the wider panel. Last week, we discussed with our panel the application of orders under sections 22 and 25 of the Children (Scotland) Act 1995 in respect of young unaccompanied asylum-seeking children. It should be clear from the legislation that we must regard such children and victims of trafficking as looked-after children and offer them all the comforts and rights that that affords, particularly with the enhanced protections under the Children and Young People (Scotland) Act 2014. However, we got the picture that that approach is not applied in the same way across the country.

Perhaps Rachel Morley will give us her reflections on that and then we can open it up for the wider panel to talk about how their individual local authorities handle such applications.

Rachel Morley: What you say is true. There has been some confusion, particularly for young people who arrive when they are 16 or 17. However, the picture is improving and it should be clear across Scotland that unaccompanied young people who are seeking asylum should be considered to be looked-after children and should receive all the support and benefits that are attached to that status. There is probably still a need for further clarity and guidance, but that is absolutely the picture across Scotland. I do not know whether my colleagues who work directly in local authorities would concur with that.

The Convener: Arun Singh talked about young people still needing age assessments and South Lanarkshire Council being the referral point for that from Dungavel. Is that a particular issue? Given that Dungavel is in South Lanarkshire, do

you get only the cases in which there are disputed age assessments? We heard last week about the dubiety where 16, 17 and 18-year-olds are assessed in England as being adults and then they come to Scotland, where the staff at Dungavel or in local authorities realise that the person is a child and they have to go through the process of reassessment. You mentioned that you had taken part in some of that. Will you elaborate on how your council handles that and how information and good practice are then shared?

Arun Singh: As we have just discussed, it is a complex issue. Some of the young people who have been exploited have been age assessed in England, where they have said that they are 19 years old. They have then come up to Dungavel, felt a wee bit more safe and secure and been able to tell their real life stories. At that point, Dungavel will usually contact us to do an age assessment if the young person has advised that they are under 18.

We have a pragmatic approach to that, which is that, if the young person is obviously under 18, we will not do an age assessment but will take it as agreed that the young person is a child according to the legislation, and we will accommodate them under section 25 of the 1995 act. If there is an age dispute, we will undertake an age assessment—for example, if the young person said in England that they were 23 and at Dungavel that they are actually 17 and a half, and our staff have gone out but there is still a question mark in that there are no obvious signs that the person is a child.

However, we will do that at the young person's pace. We do not go in and make a decision straight away. As I think I wrote in our submission, trust is a really important element for these young people. If they have been trafficked, come through a number of continents to get here or been through a number of hands, they will be extremely resistant and cagey about what they can say and how it will be taken, so we are always clear that we need to work at the young person's pace and provide them with a safe space to allow them to tell their stories.

There can be a danger that we see these young people as being quite resilient. In many ways, they are resilient, often because they have been on autopilot to get from A to B. A lot of the evidence from down south, particularly from Kent, has shown that it might not be until three, six or nine months after the young person feels safe and settled and has a trusting relationship that some of the trauma that they experienced in their own country comes to the surface. That point in time can be really difficult, and that is when we link in with our health colleagues around a health assessment.

We are clear about the picture that the young people present. If it is obvious, we follow the guidance on not traumatising them throughout the process. Where there is a question mark, we have a duty to explore it further.

Alex Cole-Hamilton: Human trafficking goes wider than the children and young people who have been trafficked; it includes adults, and destitution can sometimes present them with a dichotomy in which they think that they were better off with their handlers, which leads to re-trafficking. We cannot really measure that, because we do not know what happens to people when they abscond and drop off the radar. What resources and services are available to intervene in that and how much has the Human Trafficking and Exploitation (Scotland) Act 2015 helped?

The Convener: Alexis Chappell was nodding away, so I will pick on her.

Alexis Chappell: That is a good point about how we support the victims of violence and make sure that we have robust local measures to do that. In Dundee, we have a violence against women partnership, which has considered exactly the type of question we are asking today. We have good partnership arrangements with our local third sector that allow us, through using the partnership approach of the health and social care partnership, Dundee City Council and the third sector, to support people who have been trafficked.

We consider those people's human rights among all that. The focus is on people who are going through difficult circumstances, and we need to make sure that our support and processes are robust enough to enable us to support people through a difficult time in their lives in the most sensitive and measured way that we can.

I agree with my colleague Arun Singh that any approach needs to be taken over a period, because the trauma might not become clear until later, when we know the person. That is why it is important to have good local networks, collaboration and support, so that people can be supported and safe at a time when they most need to be.

Sean Bell: There are several points to make. There was a question about what happens when people go missing. In the past four years, we have only ever lost one young person who disappeared; he was subsequently found on a cannabis farm down in England and charged, which is usual—people are usually held accountable and responsible, despite not having any language or resources. We managed to get him out of custody in England and got him back up here through the system.

Currently, nobody is missing and we have not lost anybody for a number of years. I spoke to colleagues in Glasgow recently and they have no missing young people. We in Scotland have a different record from south-east England on young people going missing—that is a rarity and we tend to get such people back quickly.

10:00

The presumption about age shows exactly how we work. Our colleagues in the east of Scotland work in the same way. If someone is obviously under 18, or if there is any doubt, we take them and work with them while we do the assessment. We have a fantastic relationship with Border Force, which covers Edinburgh airport and Rosyth. Under the memorandum of understanding that we have with it, if it comes across anybody who it thinks might be a vulnerable young person, it will contact us immediately and we will meet that young person and get involved. It is incredibly good at picking up, for example, young Albanian women who appear with false passports. People sometimes lump every part of the Home Office into one entity. However, it is a huge and complex organisation, and we have a good relationship with Border Force.

For a long time, we have applied section 25 of the 1995 act to anybody under 18 who turns up unaccompanied. We have continued to support many of them for a good number of years after the age of 18. I am aware that most colleagues are doing that locally.

A few years ago, when the first young person came off a container ship in Fife, it was the middle of the night and the Fife out-of-hours team was called out. It said, "This person is 16 years old, so they're nothing to do with us." At that point, Border Force quickly called Edinburgh, and we phoned Fife and said, "No, this is your case." We helped Fife to do the age assessment and so on. The bottom line is that Fife learned from that.

Sometimes, people tell apocryphal stories that are assumed to be stories about what is happening here and now. However, people have learned a great deal in the past few years and the situation has moved on. I now often hear stories of people solving problems, reaching positive outcomes and learning lessons.

The Convener: There has been a bit of confusion about sections 22 and 25. We are not sure whether the confusion is council-wide or affects only local offices. We are attempting to interrogate the issue to find out whether it relates to council policy or to inexperienced staff in local offices who are not taking the correct decisions according to the legislation.

Time is moving on, so I ask Mary Fee to ask the next question.

Mary Fee (West Scotland) (Lab): Good morning, everyone. My question is initially directed at Andrew Morrison, and it follows on from evidence that we heard last week from the Scottish Refugee Council. It submitted freedom of information requests to all local authorities to ask for three specific pieces of information: a copy of the policy or procedure for people who have no recourse to public funds; a copy of the policy or procedure for conducting human rights assessments; and statistics on numbers of applications made and decisions reached.

Of the 30 local authorities that responded—only two did not respond—none had a dedicated policy or procedure on NRPF, although four mentioned NRPF; only one mentioned the Convention of Scottish Local Authorities strategic migration partnership; none had operational human rights assessment tools, although one stated that it embedded human rights assessments; and 10 said that they had received applications from individuals with no recourse to public funds. The statistics that were provided were incomplete, and it was difficult to draw any conclusions from them. I would be interested to hear your comments and thoughts on those responses.

Andrew Morrison: To be honest, we were a bit disappointed in the route that the Scottish Refugee Council went down. We work closely with it on a daily basis and felt that it would have been better if it had come and discussed the issue with us, so that we could have worked with it to identify any gaps that exist.

Another issue is that freedom of information requests are a bit of a blunt tool, as they go into a central pot of requests that councils have to deal with, which perhaps means that they do not result in the nuanced feedback that would have been delivered if the SRC had gone down the route of contacting us.

As I have said, we have a no recourse to public funds network in Scotland. I am sorry to mention resources again, but another challenge that we have had is that only one officer in our small team runs that network and, over the past year, she has been working solely on unaccompanied asylum-seeking children, given all the issues that have emerged in that respect.

These are the issues that we are facing. Colleagues around the table have talked about the work that they are doing collaboratively not just with us but between local authorities to untangle the complexities in all this. We are supporting that work. We are not saying that the network is perfect and that every local authority is completely up to

speed—work still needs to be done—but a lot of good practice is going on across Scotland.

Mary Fee: Thirty local authorities said that they have no dedicated policy on or procedure for people with no recourse to public funds. Is that accurate? Has the wrong person just been asked the wrong question?

Andrew Morrison: I think so. In a lot of councils, welfare rights officers will, as colleagues around the table have said, be carrying out assessments all the time. Someone might classify themselves as a no recourse to public funds officer or whatever, but that might not be the case in some local authorities. I do not remember the exact statistics, but a lot more local authorities have a resource that is dedicated to and focused on no recourse to public funds issues, so I do not think that what you have cited is a balanced reflection of the picture across Scotland.

Mary Fee: In evidence sessions, we often hear one answer from those at the top level and something different from those on the ground. I am keen to find out where the truth lies, because for 30 local authorities to say that they have no dedicated policy or procedure is, to be frank, shocking.

Andrew Morrison: It surprises me, too, because I know that we have a no recourse to public funds network that has welfare rights officers and people such as Sean Bell coming along to its meetings. The figure does not add up.

Mary Fee: Are we talking about a breakdown in communication somewhere or a mismatch in information?

Alan McKeown: There is a difference between having a policy and having professional practice that follows good-practice guidelines. I suspect that every local authority in Scotland has good-practice approaches through welfare rights work and assessments. An authority might not have a dedicated written policy, but that does not mean that individuals are not getting good professional assistance and support.

We are at the point of that sort of thing becoming professionalised, and I suspect that the committee will tease out where the gaps are and where improvements can be made. My authority has written human rights guidance, and we worked with NHS Tayside on a common platform for a leaflet on diversity, human rights policy, and race and equality. In our submission, we identify a need to get together and tighten up no recourse to public funds procedures to ensure a consistent platform across Scotland. As we get more experience in that and as other parts of Scotland are exposed to experience that they have not had previously, it will be a good call to say, "Let's pause for reflection and see whether we're doing a

good job.” We probably are doing a good job, but can we do a better job? Absolutely. Do we want to? Yes.

Giving evidence to the committee and working with COSLA and partners are probably the right way to go, but the issue is the pace at which the work gets done. I am getting the sense that we should pick up that pace, and one of the things that we will take back from this session and take up with Andrew Morrison is how we do that. It is certainly something that we should action now without you having to tell us, “You need to close this gap quickly.”

Mary Fee: So your view is that the work is being done, but people are not being assigned a particular position. Councils just do the work automatically.

Alan McKeown: That is right. When someone comes to us for assistance, we will, as we have said, treat them as an individual and provide a bespoke set of diagnostics that we will work through according to our guidance. When specific guidance does not exist, we will work out the best fit with what we have and we will then say, “We’ve got a gap here. What do we need to do to make things better?”

At the start of the meeting, we talked about our willingness to pick up the phone and speak to colleagues whom we would not previously have worked with. That network is now significantly greater—for example, we get in touch with people at the City of Edinburgh Council. Through COSLA’s work, many authorities have been in contact with Glasgow City Council and both Lanarkshire councils, which have more experience in the subject, to ask for help. The extent to which the local government family has come together has been impressive. However, that is not to say that we do not recognise that gaps remain. We would not be averse to identifying those gaps in any self-assessment and looking to close them.

Mary Fee: Last week, the Scottish Refugee Council said that there is an urgent need for the guidance that is available to local authorities to be updated and that, while that update is being done, local authorities must work with third sector organisations and all the partnerships that work together on the subject. Do you agree?

Alan McKeown: Yes.

Sean Bell: We have a written NRPF policy—I know that for certain because I wrote it, in collaboration with others. I first wrote it about 10 years ago and I have updated it several times. Every day, many FOI requests come across my desk, and I am pretty certain that I saw the request in question. I do not reply to such requests; I pass them on to the person who replies. I am surprised

that the fact that we have an NRPF policy has not come out.

I have shared our policy in detail with colleagues in Dundee. We operate a system that involves a panel that reviews all our NRPF cases. Our Dundee colleagues came to watch that system in operation and sent me drafts of the guidance that they were writing. I did the same with colleagues in West Lothian and I saw drafts of their policy, although they did not share the final document with me. Councils have different departments and respond in different ways, but I was surprised to hear that a number of local authorities do not have such policies.

My name is on the inside page of the COSLA guidance, because I helped Sarah Kyambi when she was doing some of her research. That guidance runs to more than 100 pages, because this is such a complex area. There are 60 pages of guidance on the UK Government’s website about what constitutes public funds. I keep saying to people that it is possible to have all the guidance in the world, but the issue is so complex that it is necessary to refer people to solicitors. That is what we do.

I have frequently been asked to speak at conferences. I have twice been asked to speak at Shakti Women’s Aid’s national conference about the impact of domestic abuse and the issue of NRPF when people are destitute. I have twice shared a platform with Pragna Patel from Southall Black Sisters. I have shared our guidance and our policies and procedures with Southall Black Sisters. It commended us and told us that it sees the way in which we are doing things in Scotland as an exemplar.

We work hand in glove with Shakti and lots of other third sector organisations in Edinburgh. Given that we have been commended by Southall Black Sisters, which is not an organisation that is known for its love of local authorities down south, it concerns me that some third sector organisations here do not recognise the good work that we are doing. There is no doubt that we can always get better.

The Convener: We have heard about all the great policies that exist and we have visited Shakti Women’s Aid—the housing support scheme for people who are destitute in Glasgow—the Scottish Refugee Council and the Red Cross. We have met many people who have gone down all the various avenues of the Home Office system and who have told us about all the impacts that that has had on them. All of them have said that the support that they have received has been excellent. However, we have still seen evidence of those great policies and procedures not being implemented on the front line, and I suspect that that is where our concern lies.

You guys will know that you can have the best written policies and procedures in place, but if they are not translated into quality output on the front line, they will not be effective. They will not help the person who walks into an area team office one morning and says, "I'm destitute," or, "I've made a fresh claim," or, "I've had to leave my partner because of domestic violence," or, "I have a sick child and I have no recourse to public funds." It is the interface between policy and practice that concerns us. Families who are affected still tell us that, in some cases, it is not working. How do we fix that?

10:15

Alexis Chappell: Your point about procedures is well made. If you develop a procedure around people who have no recourse to public funds, as we did in Dundee, you have to think about how to implement it in a way that enables the workforce, across health and social care, housing, welfare rights and all the different areas, to understand what it means in practice. That is always key. You can develop a procedure and a policy, but you need to ensure that you have robust learning and workforce development so that people can translate that into practice. In Dundee, we deliberately went through a process of working with a cross-sector approach in developing a no recourse to public funds procedure across Dundee City Council's health and social care partnership and with the third sector. We are now developing a learning and workforce development programme, so that the procedure can be robustly implemented and, no matter where they present, people get the same fair and consistent approach.

The Convener: How do you audit that?

Alexis Chappell: That will be the next part of the implementation process. We have tried to take a continuous improvement approach, so we have been learning as we go. Ultimately, the outcome that we want to achieve is that people who are affected by the issue receive a good service, have a positive experience and feel supported, and that we give them consistent, lawful and fair advice and support. It is partly about working robustly with the third sector and with our colleagues and learning from people and from individual circumstances as we go.

You are right to point out that we can develop a process and a procedure, but that we have to follow through with implementation. To accompany our procedure, we have developed a two-page leaflet that gives an overview of what the term "no recourse to public funds" means, what principles we work to in Dundee and how to access help.

The Convener: In addition to what we have heard in evidence from you and Rachel Morley,

we have also heard of cases in which people walk into the social work area team office, speak to whoever is on duty that day, have a bad experience and walk out saying, "I'm just going to go and jump off the bridge." A difference in how they are supported at that very early stage could be a life saver. That concerns us greatly.

Annette Finnan (South Lanarkshire Council):

I am the head of service for a housing and homeless service, not a social work service. We work hand in glove with our colleagues in social work, welfare rights and health and social care, so there is collaboration to try to get the best outcome for those who are in need. There are probably similarities between clients who are homeless and clients who are destitute for other reasons, and between the ways in which we monitor whether we are making a difference. You could look at how we do that if there is a need to demonstrate that we are getting good outcomes for people, because there is a robust system of monitoring outcomes for homeless people.

Compared with the big cities, we have limited presentations of individuals and households who have no recourse to public funds, but through our joint working we try to get the best outcome. The guidance might need to be refreshed, but we work closely with our colleagues to ensure that we support them where we can. We also take legal advice to ensure that the individual gets access to advocacy services, which are also really important. As others have said, we work together to get the best outcomes, and there might be lessons to be learned about monitoring and managing the process from other experiences of supporting vulnerable individuals.

Mary Fee: Guidance needs to be live and embedded into people's daily work. We quite often hear from witnesses—and not just for this inquiry—that organisations have shelf loads of dusty guidance books that are taken down only when they are updated, and then they are put back on the shelf to gather dust again.

With an issue that is as important as this one is, we need to get to a place where the guidance is a live document and people are aware of it every single day. If it needs to be updated weekly, that must happen, and it must be embedded into people's working lives. However, I do not know how we get there.

The Convener: I suspect that, in the health service, guidance for life or death situations are live documents. Perhaps we can learn from Rachel Morely about that.

Rachel Morley: In some ways, our guidance is more straightforward, because we treat and help people whatever stage in the process they have reached, whether they have been refused or have

an on-going claim. For health services, the guidance is very clear and we work with it, but we respond to and pick up the effects of lots of the issues that we have talked about this morning.

With the new Scots process, there are opportunities for us to share training and best practice in support across different parts of Scotland, particularly if more local authorities end up taking asylum seekers under the dispersal scheme. We need to think about how we can make the most of such forums, and we must be up for sharing good practice. We need to help all the health and social care partnerships think about trauma-informed practice with that population, because we know that such a huge proportion of them have experienced trauma.

Mary Fee: Do we overcomplicate guidance? Perhaps the method should be to have, say, six bullet points on the front page so that, when a person presents, we see what is wrong and what we need to do. Once the initial supporting and assessing work is done, the rest of the guidance can then kick in.

Alan McKeown: That is largely what we do in any case. We try to make it as simple as possible, so that the diagnostic is almost a flowchart that leads into a fuller process.

The Convener: Would councils be able to provide an example of that so that the committee can visualise it?

Alan McKeown: Yes.

Alexis Chappell: Yes.

The Convener: Does that answer your question, Mary?

Mary Fee: Yes.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Before I ask my question, I would like to go back to something that Sean Bell said. You said that you lost a person, who was subsequently charged. Could you tell us what offence they were charged with? Has a whole set of offences been created around asylum seekers and what they may or may not be able to do?

Sean Bell: I was referring to a young person whose traffickers found him. He ended up being found in a cannabis farm—it was a flat that had been taken over and cannabis was being grown in it. It is common practice for a young person who is found tending cannabis plants and who does not speak English to be arrested. In Scotland, the police have changed how they handle those situations, but, at that point—and the incident happened in England—the young person would have been asked if he had been trafficked. If you ask young people that question, most of them will say no, because the last thing that they want to do

is name and put up people who might hurt their mother or their families. In the case that I mentioned, the young man said no, so he was charged with being responsible for growing drugs. While he was being held in custody on remand, we found out where he was and we were able to intervene in the process and, eventually, had him returned to us as a child in care.

In years gone by, we picked up children in Scottish prisons who were in exactly the same position. I can remember speaking to the convener at a meeting of the cross-party group on human trafficking a few years back about such scenarios. The situation has moved on now and the police are more likely to hand young people over to us in those circumstances, rather than charge them and hold them accountable, despite their having been trafficked, abused and, basically, held as slaves to tend plants.

The Convener: The Lord Advocate's guide—in fact, it is not guidance; it is the Lord Advocate's instruction—is that there is a presumption against criminality if the person has been trafficked. Is that only the case in Scotland?

Sean Bell: It is the same in England, but the difference in England is that there are so many different police forces. However, that was where we found the young person in that particular case. That was a couple of years ago, and I hope that things have moved on.

People who are trafficked are often found in the context of some sort of criminality; whether they are adults or children, that is another reality for them. We work very hard to help them through that position and we make sure that they get legal representation.

Willie Coffey: Last week, we heard from a number of agencies that the UK Immigration Act 2016 is directly causing and exacerbating destitution among asylum seekers. We have heard a number of examples, such as people being forced to return to Croydon to re-enter the asylum process, which has made them vulnerable to all sorts of interventions, including abuse and exploitation. Andrew Morrison gave us his views on the matter in his opening remarks. I wonder whether we can test that with some evidence from the ground. In your view, Andrew, is the 2016 act causing or exacerbating destitution, and can you support that with some evidence from your own experience?

Andrew Morrison: For us, the 2016 act is not really the issue. Changes that have yet to be implemented as a result of the act will, we think, exacerbate things, but, as I was trying to get across earlier, the nature of the asylum system is such that the UK Government sees people as subject to removal if it is determined that they do

not have a legitimate asylum claim. At that point, the UK Government does not see them as people who should be supported. Obviously, there are protections under the Children (Scotland) Act 1995 that allow people to be supported if their families are vulnerable or whatever, but the tenets of the asylum system are such that it creates destitution as a matter of course. The situation was created not by the 2016 act but by immigration policy over many years.

However, there is another challenge, which I was trying to get across earlier. When Glasgow City Council ran the asylum contract for the Home Office, it was funded to provide asylum services for people and it reinvested that funding in the wraparound services that provide the asylum support that exists in Glasgow. The Scottish Refugee Council was funded by the Home Office, too. All of the funding has been taken away from local authorities, and the Scottish Refugee Council has lost a huge amount of the funding that it needs to provide advocacy or whatever. We now have a system that needs investment to make it work, and local authorities and third sector partners need funding to support not just those who are going through the process but those at the end of it, whether they have been given a positive decision or a negative decision.

The Convener: How much funding was withdrawn by the Home Office?

Andrew Morrison: There are commercial sensitivities around it—

The Convener: Is that because housing providers are involved?

Andrew Morrison: Yes. The contract is now delivered by Serco, but our understanding is that it receives roughly half per person per night of what Glasgow received when it ran the contract. Serco is on record as saying that it makes a loss on the contract. If supposedly efficient, private sector, multinational companies cannot run it, I am not sure who can.

When the new COMPASS contracts were introduced, a reverse auction e-bidding process was used. Frankly, that was a shocking move, and local authorities and the Scottish Government agreed that that was not an appropriate way to procure services for the most vulnerable people in society. As a result of that process, the price of the contract was driven down to a level that was just not sustainable. That is my view with regard to resources.

The Convener: But you have no figures.

Andrew Morrison: The evidence that Serco and others submitted to the Home Affairs Select Committee included figures, and that gave us a sense of the resource involved. However, we do

not have an actual figure; perhaps we could look into that.

The Convener: Does Willie Coffey have another question?

Willie Coffey: I was going to ask about the issue that you have just raised, convener.

The Convener: Sorry.

Willie Coffey: Instead, I will probe the point that has been made in evidence that, even historically, the policy has created and exacerbated destitution. I ask the witnesses to share with the committee any examples to illustrate the problem.

Sean Bell: I am quite happy to give you a number of examples. The rules have now changed so that, as I have said, people have to prove that they are destitute. People who turn up destitute usually come to housing colleagues; they are immediately referred to social work, and we carry out an assessment, provide support and engage a lawyer who works with them. We have had people who have made an asylum claim under article 3, but when their claim—I am not talking about the outcome—has been accepted as valid and we have tried to get them support, they have had to go through a very complicated system.

For example, we had one family recently whose Experian report showed that when they had filled in their form, they had not made mention of a credit card. They were refused support on the basis that they had not declared a credit card, which was seen as a source of income—I have to say that, to me, a credit card is a source of debt, not a source of income. We had to continue to support that family, who remained destitute while they went through the process. At the end of the day, it turned out there had been a mistake and they had never had the card in the first place.

10:30

It takes months to help people through the process of even getting support. If we were not coming in behind that and supporting people, they would be destitute. They would be on the streets—they would be homeless. You have to remember that we in local authorities are doing that and that we get no financial support from anybody for it. We regularly support families through such situations.

Mr Coffey talked about sending people to Croydon. Once upon a time it was very simple for us to send people to Glasgow, but it was then decided that they could not present there. We had one woman with three children who was given an appointment in Croydon that she could not possibly get to. The City of Edinburgh Council put her on an overnight sleeper train, so that she could arrive in London in time to get a train to

Croydon to be able to present there, only for Croydon to say, “We will accept your asylum claim, but we do not believe that you are destitute, because how could you have possibly got the sleeper here?” They kicked her straight back out the door. We then had to transport her back from London to Edinburgh and go back to the Home Office to try to prove that she was destitute.

We have more and more examples every week of how people are being treated. We are picking up the pieces as best we can, but as you can appreciate, at a time of shrinking budgets, that is incredibly difficult for local authorities to do. We see a set of rules being made that are designed to make it more and more difficult for people and which, in effect, drive them into destitution, leaving local authorities responsible for coping with and managing them, because we will not have people on the streets in those circumstances. However, it is very difficult for us.

Andrew Morrison: I would like to come back in and talk about something positive that we are doing to inform the situation. The current asylum contracts come to an end in 2019. The Home Office has an on-going asylum transformation project that we—both through COSLA and through the new Scots strategy—are trying to inform.

Another positive for us is a recent reorganisation in the Home Office that has brought asylum and refugee support together, whereas previously they were separate. There is a new directorship, and the person who runs the Syrian vulnerable persons relocation scheme is now in charge of asylum services as well. To us, that is a positive, because we can say, “Listen to us. This is what works.” Local authorities have stepped up to the plate around the Syrian relocation scheme, they are funded over a period of time to do so, and positive outcomes ensue, as my colleagues have said.

The asylum system that we have is one that we believe is fundamentally broken. Dispersal per se is not the issue; there is general agreement that dispersal is a good thing. It sets the UK apart from many other countries that basically warehouse people when they are seeking asylum. In Scotland, we believe that integration begins on day 1, and we work towards that through the new Scots strategy.

Informing that asylum transformation project is really important for us at the moment. Maybe I am naive, but I hope that there will be a better system post-2019.

Willie Coffey: Rachel Morley mentioned that some of the people she works with are suffering trauma, and often their experiences are exacerbating the situations in which they find

themselves. Can you share any examples of that with the committee?

Rachel Morley: Destitution often comes at the end of a very long process, in which people have been trying to establish their safety and security in this country in the context of a lot of fear and terror that they might be returned to experience again the traumas that they have tried to escape. It is a very long process and people are often just ground down. They feel that they have no hope left. It is very difficult to help people to maintain their mood and their hopefulness, because they feel that there are no alternatives for them. People have described feeling on the outside of society—that they have no sense that they are part of the community here.

We definitely have people who have been vulnerable to further incidents of violence and exploitation, which complicates and leads to further responses to cumulative trauma. It becomes very difficult to work in a situation where we often have to go into safety mode—trying to manage suicide risk and helping people to be as empowered as possible so that they do not end up in risky situations where they are taken advantage of by others. That becomes very difficult work. We are having to change some of what we hoped to do with people in terms of psychological therapy, because we have to be firefighting, doing advocacy, practical problem solving and safety planning.

Willie Coffey: The convener referred to the housing element, which is mentioned in Andrew Morrison’s submission from COSLA. Andrew, in paragraph 14 you wrote that sometimes “substandard accommodation” is offered to asylum seekers. You connected that with the resource issue, which you explained. Why would the accommodation that is offered to asylum seekers be different from what is offered to anyone else?

Andrew Morrison: A lot of discussion in the press and the media, which everybody has seen, has been around substandard accommodation. We might not have direct evidence of people having it; it is more what we are seeing out there, and people talking about it.

Serco is required to work to a contract for the Home Office as opposed to meeting Scottish housing standards. Its obligations are tied to the Home Office contract.

We run a property procurement protocol that tries to allow statutory services in Glasgow to inform the procurement of houses in the city. Before Serco procures any houses in the city, it has to share the information about them with us. We pass that to the statutory services, such as Glasgow City Council, the police and the NHS, to comment on whether Serco can use that housing.

Because we are not directly involved in the contract and are not funded to do so, we cannot comment on the standard and quality of the housing. The police, for instance, can say, "We do not think that that accommodation is appropriate". They do not say why; they just say that it is inappropriate, but there might be a sex offender or a Scottish Defence League representative living in that close. We go back to Serco and say, "You are not permitted to use that property". That is our only tool, because Glasgow City Council is no longer directly involved in the contract.

We are just trying our best to inform practice. We want local authorities to be more involved in the delivery of asylum contracts and to be funded to be able to do so.

Willie Coffey: Who ultimately makes the decision about allocating a particular house, which might not be quite up to scratch, if it is not the local authority?

Andrew Morrison: Ultimately, Serco presents the properties to us for an overarching view. If we say "We are not aware of any community cohesion issues in that neighbourhood, and we have no reason to say that you cannot utilise that property", the Home Office ultimately decides whether to approve the use of the property.

The Home Office has various standards that the accommodation provider has to meet, and the Home Office inspects roughly a quarter of the properties every month. There are details around that in the statement of requirements. Inspection does go on.

However, we are sitting outwith that whole process, just looking in and doing our best in the circumstances.

Annette Finnan: Given that my area is housing, I feel that I can add something. First, to be clear, under the Syrian resettlement scheme, particularly in South Lanarkshire but in most other areas too, the council has full control of where refugees are placed.

We have provided council housing and housing association housing for all the refugees who we have settled in South Lanarkshire, which is more than 20 families. That is mirrored across most local authorities; some use the private sector, but our practice has been to use the public sector. It allows us to ensure that the housing is of the required standard and quality, that there is security of tenure and that it is in an appropriate area with links to support networks and so on.

We have real concerns in South Lanarkshire about the dispersal expansion because it would mean that we would not have control. That is the core of the concerns that have been raised across local authorities regarding involvement in the

dispersal programme: it is about the control that we would have over the volume of placements and where they are. I am well aware that COSLA has a protocol, but it would not necessarily give a local authority the necessary control. We have already had contact from Serco about the potential accommodation in South Lanarkshire because of its close proximity to Glasgow. However, Serco was talking about rural areas, where we would not necessarily place refugees, and areas where there is high deprivation, which do not necessarily have the best networks.

There are concerns that, if the dispersal expansion is going to work, it will have to echo and mirror some of the successes that the Syrian refugee scheme has had, where councils can control and provide great services in great areas that get great outcomes. However, that is not what the current dispersal scheme offers.

Sean Bell: At any one time, we can be supporting 40 or 50 families. Public housing comes from public funds, so one of the things that we can definitely not do is use our own housing for people with no recourse to public funds—we are barred from doing that. At one point, though, we thought that we had got round that, so I was signing the leases for a number of council houses in order to use them to house people with no recourse to public funds. However, we were told that that was, de facto, still breaking the law. We are therefore in a position where we cannot house people ourselves. Basically, for all the families that we support, we have great networks and some of our colleagues who are registered social landlords in housing associations will help us out. However, there are huge complexities in that regard, so the reality is that we are often forced to go out into a market that is very difficult to control. That is one area that makes things very difficult for us.

Alan McKeown: We are at the beginning of the Serco scheme, and I echo Annette Finnan's concerns about it. My feeling is that it is about throughputting numbers and not about quality. What I see coming from it are questions such as "Where are your private sector houses available and what's the rent?" It seems to me that there is a risk that we could perceive that Serco is looking for the cheapest option rather than the best outcome.

With regard to Willie Coffey's earlier question, I fear that whenever our ability to provide support reaches the end of the law, the only option that we have is to say to people "We can't help you any more," which means destitution for them. The widening of the dispersal scheme increases the risk of that with regard to the limited choice that local government has. We will then be forced to make those destitution decisions, because that is what the law says we have to do. As Sean Bell

has said, if we try to do anything else, we will be accused of breaking the law, which is not something that we can do as statutory bodies.

Willie Coffey: That is very helpful. Thank you.

Andrew Morrison: I echo what Alan McKeown said. He hit the nail on the head, because the asylum system at the moment is a numbers game. Serco is forced to go down that route because it does not have the resources to provide anything else. The Syrian refugee scheme is about integrating people into Scotland's communities, but the asylum system does not facilitate that at the moment.

The Convener: We can see the clear difference in the outcomes for the families and the people affected.

Andrew Morrison: Absolutely.

The Convener: Alex Cole-Hamilton has a supplementary question.

Alex Cole-Hamilton: In the past, the Scottish system has failed unaccompanied children. The evidence that we just heard reminded me of two 15-year-old boys who were arrested in Glasgow about two and a half years ago for tending a cannabis farm. They ended up in Polmont young offenders institution because they did not admit that they were victims of trafficking, and section 25 of the 1995 act was not applied to them. The charity that I worked for fought for a while to get them out of Polmont and that led to the Lord Advocate changing the guidance to an instruction about the presumption of innocence. They were released from Polmont, but section 25 of the 1995 act was again not applied, they absconded and were re-trafficked.

That happened recently, so I want to reinterrogate the idea that the Scottish system is fine now. Sean Bell might be absolutely right that some of the stories are apocryphal or have been brought up time and again to evidence a problem in the system. Can you reassure the Parliament, however, that that could that not happen again?

10:45

Sean Bell: If that happened in my authority, it would be my head that would roll for letting it happen.

That should not happen. Young people who are under 18 and unaccompanied should be looked after by the local authority under section 25 of the 1995 act. The Government has made that very clear. You are absolutely right that there has been confusion in the past, but I hope that the position has moved and that, if that happened again, people would be held accountable.

The Convener: Arun Singh, I am aware that there was a similar situation in South Lanarkshire a few years ago that involved two young men in a cannabis farm at the top end of Hamilton—perhaps Annette Finnan remembers that. They, too, ended up in Polmont. If my memory serves me right, that situation was retrieved very quickly. I do not know whether your memory serves better than mine.

Arun Singh: Yes. Both of those young people were looked after, so we brought them back.

As Sean Bell said, it is really a moving feast. As local authorities get more experience, knowledge and understanding, they will be in a better position to respond. A couple of years ago, there was confusion around the question. If a young person of 17 who had always been resident in South Lanarkshire presented as destitute, would we give them looked-after and accommodated status? We would not. The question then is, what is different about this cohort of unaccompanied asylum-seeking children? It is really important to make the distinction that they have additional needs and we have additional responsibilities and it is about ensuring that our staff and partners are well aware of that distinction. I think that that is where the confusion came from. The work that we have done with COSLA and partners over the past couple of years has helped people to gain a better understanding of our responsibilities.

The Convener: We have heard evidence on whether human rights assessments would take place alongside initial social work assessments. In some cases, we heard that the human rights assessment would be done after the initial social work assessment, which would mean that elements of a good case could be lost. What is the process across local authorities?

I have a social work background, and I suspect that it would be much easier to do an initial social work assessment and almost piggyback a human rights assessment on to that, because quite a lot of the same information is involved. We could not get a clear answer from some of the organisations that we have spoken to on whether that is a council-wide issue or whether it is to do with local offices not understanding that the two assessments could be done at the same time. Do you have any experience that could help?

Sean Bell: To be honest, there is a lot of mystification out there about what a human rights assessment is. Basically, it asks whether the person's rights, such as the right to family life, will be affected. We say to social workers that, if there is any doubt about that and they are not sure, they should say that they do not know and send the person to a lawyer. In the meantime, we will support them.

It is difficult for social workers to get into the complexities of what, in law, means that somebody's human rights have been affected. I have often been surprised by things that do and do not affect somebody's human rights. We would not want to get into training social workers to do in-depth assessments of people's human rights.

It can be very simple. For example, the NRPF network in London has produced a format for us that is a social work report that asks all the questions that we would ask. At the end, it asks whether refusing to support the person would affect their human rights under articles 3 and 8, and spells out what those articles are. There is not a lot of detail in that, but it is intrinsic to what social workers do, although they often do not realise that that is what they are doing. A social worker is saying, "If we don't support this person, they will be on the street" or, "If we don't support this family, the children and parents are going to be separated." Those things mean that their human rights will be affected and that is why social workers support those people.

The Convener: There is a whole area around people feeling that they will be separated from their children, which is very disturbing.

Sean Bell: I will add to that. Some of us in Scotland—and certainly through COSLA—are concerned that human rights assessments in other parts of the UK are almost used in a negative way. I am not sure that I would want local authority staff to go down a path on which they become the decision makers on human rights; that belongs in the hands of lawyers.

The Convener: Would you say that it is a matter of consistency and partnership, then?

Sean Bell: Yes, exactly.

Arun Singh: It is important to recognise that social work assessment is based on the getting it right for every child framework. To be honest, we assess wellbeing on a day-to-day basis and that forms some of the decisions and complexities around which we try to navigate our way through the system. It is important to say that we have a very sound base on which we operate. I agree on the matter of human rights complexities. We are always very keen, in supporting families, to access legal representation to give them the definitive position around that.

The Convener: It is about consistency and partnership again.

Arun Singh: Absolutely.

The Convener: As it is her birthday, I will let Mary Fee come in on the supplementary point that she wanted to make, then I will let in Rachel Morley. Mary is being indulged because it is her—

Mary Fee: It is because I have a sore throat. Thank you so much.

As a committee, one of the things that we are determined to do is come up with a clear report with good recommendations that will actually make a difference. If we set aside the issue of resourcing—and the message about that has come across loud and clear from all of you this morning—is there one thing that we could recommend that would make a practical difference to the clients that you deal with on a day-to-day basis? The panel has been stunned into silence. *[Laughter.]*

Alan McKeown: I encourage the committee to look at NRPF, and particularly the dispersal scheme. My experience has been that the Syrian dispersal scheme has been really well handled. Of course, there will be lessons to learn, but the other one leaves me worried and cold that the good practice that we have built up over time will not even be counted or looked at in regard to the NRPF scheme, which I think is a numbers and cost game. That is not where we want to be.

Mary Fee: Thank you.

Rachel Morley: I echo what lots of people who work in this field feel, which is that it is not always clear that people's human rights are respected as they go through the asylum process. It feels really important that, in Scotland, we have a very confident understanding about the interface between the Home Office immigration system and the devolved responsibilities and what standards we are setting for best practice around human rights to be upheld.

I have been working in this field for the past 10 years, and I agree that things have got worse. That is partly because of immigration policy and partly because of lack of funding for asylum and support services. In Glasgow, previously, when somebody got their refugee status, they might well be able to stay on in their accommodation because they were in a Glasgow City Council flat, whereas, now, that is another point at which people are often destitute. Again, there is no real reason for that. It is not an emergency situation; it should be a planned situation between the Home Office and local authorities here. There are lots of points where we could do better. If I had to say one, it would probably be that some destitution could be prevented if, right from the beginning, there were a stronger advocacy and support service for people to know their rights and for their rights to be upheld all the way through the process.

Mary Fee: That is certainly something that we have picked up.

The Convener: Are you agreeing, Alexis?

Alexis Chappell: At Dundee city health and social care partnership, we suggested that consideration be given to updating the guidance. That would go across not only COSLA, but NHS Scotland, the UK Government and the Home Office. There must be an integrated approach, because it is about health and social care. We must always think about the individual's health needs—perhaps they have psychological trauma—as well as accommodation and support. Recognising the complexity of the landscape in which we work, we suggested that overarching guidance might be a way of helping to achieve a consistent approach and a consistent set of principles and standards in how we work across Scotland.

Along with the guidance, we should embed a clear learning and workforce development programme. I very much agree with the convener's earlier point that the issue is about how we enable practitioners, across a range of settings, to understand the nature of the problem. How do we support people in a positive way that enables a focus on outcomes and that gets away from a focus on the negativity that is around just now? For me, it is about not just developing the guidance but rolling out a consistent approach to learning and workforce development across the range of professionals who will support people who experience destitution or asylum.

The Convener: Thank you. Sean Bell wants to come in.

Sean Bell: NRPF is a scourge that treats people as second-class citizens and pushes them into situations that affect every single part of their lives, including where they can stay and what they can do. We get involved in child protection investigations and in so many of those cases NRPF complicates and make people's lives an absolute misery. Unfortunately, there is not a lot that we around this table can do about it, but that is the burning issue.

The Convener: We will continue with this inquiry next week, when we will hear evidence on situations when Home Office support stops, people are locked out of accommodation and lose their possessions, the impact that that has, and how that leads to destitution.

We will also hear from health and care professionals about the incidence of tuberculosis and other transmitted infections and the impact that those have on underlying and long-term health conditions when people are stressed, unwell, not getting the right support or nutrition and are out in the cold as well.

I thank all our witnesses for their evidence, which has been extremely helpful to our work. As I always say, we cannot make recommendations to

our Government or to the UK Government on areas such as this unless we are well informed and you have helped us in that process. We really appreciate your written and oral evidence. I make my usual plea that, if you go away and think that you should have said something more, please let us know. We want to hear it, because it means that we can include it in our work. We thank you for the work that you are doing and we wish you well in continuing it. Thank you very much.

10:56

Meeting continued in private until 11:28.

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