



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 14 June 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website -
www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 14 June 2018

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
DESTITUTION, ASYLUM AND INSECURE IMMIGRATION STATUS	2

EQUALITIES AND HUMAN RIGHTS COMMITTEE 18th Meeting 2018, Session 5

CONVENER

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

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Mary Fee (West Scotland) (Lab)

Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Oliver Mundell (Dumfriesshire) (Con)

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jennifer Ang (JustRight Scotland)

Natalia Jane Farmer (Asylum Seeker Housing Project)

Dr Katie Hawkins

Edward Isaacs (Positive Action in Housing)

Fiona MacLeod (British Red Cross)

Eloise Nutbrown (Convention of Scottish Local Authorities)

Graham O'Neill (Scottish Refugee Council)

Jo Ozga (Scottish Women's Aid)

Robina Qureshi (Positive Action in Housing)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 14 June 2018

[The Convener opened the meeting at 09:32]

Decision on Taking Business in Private

The Convener (Christina McKelvie): Good morning and welcome to the 18th meeting in 2018 of the Equalities and Human Rights Committee. I make the usual request that electronic devices be switched to airplane mode and that mobile phones are kept off the table, please. We have apologies from our colleague Fulton MacGregor, who may join us later. Train troubles have put paid to his being here, but we hope that he will get here eventually.

Our first agenda item is a decision on whether to take item 3 in private. Are members content to take item 3 in private?

Members indicated agreement.

Destitution, Asylum and Insecure Immigration Status

09:32

The Convener: Agenda item 2 is an update on our report last year on destitution, asylum and insecure immigration status. We made a commitment that we would do regular follow-ups on what action there has been and the progress that has been made. We are delighted to have a round-table session this morning with just about everyone who gave us evidence last year. We are keen to hear from you. We also have a new witness, Dr Katie Hawkins. I will let her explain why she is interested in the topic and why we are interested in hearing from her.

I will go round the table and let the panel members introduce themselves and give us a wee insight into what they do. We will then go to questions.

Natalia Jane Farmer (Asylum Seeker Housing Project): I am a PhD researcher at Glasgow Caledonian University. My university has looked at the experiences for destitute migrant families with no recourse to public funds and the barriers that they experience when they attempt to access social services support. I have been working in conjunction with the Asylum Seeker Housing Project and my research has been based there. I have been doing my PhD research for nearly two years and I am now in the final stages of writing it up.

I thank the committee for inviting me to provide follow-up evidence. I want to develop some of the concerns that I raised with the committee previously about social services assessments, the way that people are treated during those and inadequate levels of support. I would also like to talk about accommodation issues, financial support, the increasing relationship between the Home Office and social services as well as the challenges in the legal process that people go through.

Fiona MacLeod (British Red Cross): I work for the British Red Cross, covering policy and public affairs for Scotland. I work with my operational colleagues in Glasgow, who offer advice, support and emotional and practical assistance to refugees and asylum seekers who have been dispersed and who are living in Glasgow. We provide numerous services to destitute asylum seekers and other people from the migrant population in Glasgow.

Mary Fee (West Scotland) (Lab): Good morning, everyone. I am an MSP for West Scotland.

Eloise Nutbrown (Convention of Scottish Local Authorities): Good morning. I am based in a small team in the Convention of Scottish Local Authorities—the migration, population and diversity team. Our role is to support local authorities in seeking to integrate migrants and support migrant populations, including asylum seekers and refugees. COSLA is also the representative voice of local government.

I want to contribute a couple of things to the discussion. One is to provide an update on the work that we have been doing to take forward recommendations that the committee made, particularly on the need for guidance. We are working closely with partners that are represented today and the Scottish Government to ensure that the guidance is available and that it supports local authorities in meeting the needs of destitute migrants, particularly those with no recourse to public funds.

More widely, I have been spending time understanding the challenges that local authorities face. I am keen to reflect on some of the future challenges that we see, and particularly the pressures that we are feeling on social services. Although the inquiry last year gave us lots of food for thought and some initial and immediate actions to take, there are a few other issues that we would like to raise about the resourcing of a long-term response and a more joined-up national response. I hope that I will be able to share those issues and get the views of partners on them.

Jennifer Ang (JustRight Scotland): I am a founding director at JustRight Scotland, which provides immigration advice and advice on ancillary issues to migrants across Scotland. I am also here as a representative of the Immigration Law Practitioners Association.

JustRight Scotland runs an innovative legal rights and advice project with the British Red Cross that is called the migrant destitution project. That allows us to provide supervision of front-line casework and to take legal cases in the area of migrant destitution across Scotland.

I would like to update the committee on what we have seen over the past year in the learnings from our casework, and I want to highlight a few areas of concern. One is that we realise that work is under way, but we still see inconsistency across different types of cases and geographically across local authorities. I also have a concern about the wider reach of the hostile environment policy and about our statutory authorities' understanding of information sharing and data protection rights. The committee and the Government have a real role to play in establishing Scotland as a different jurisdiction that has the ability to take a different approach—or perhaps not a different approach but a clearer and more transparent one.

The last point that I want to raise—perhaps later, if there is time—is about the shift in the demographics of who will require assistance in the migrant destitution context. There is a rising number of queries from European Economic Area nationals and a growing understanding across our advice givers, local authorities and, I believe, the Government that a huge body of additional individuals will require advice and may fall into destitution and homelessness because of their immigration status.

Annie Wells (Glasgow) (Con): I am an MSP for the Glasgow region.

Graham O'Neill (Scottish Refugee Council): I am a policy officer at the Scottish Refugee Council. I echo what colleagues have said, particularly Eloise Nutbrown's point about the importance of the Scottish public and third sectors working together consciously and coherently. The Scottish Refugee Council is one of the main refugee rights charities in Scotland, alongside the Red Cross and others. As I think everybody knows, we welcomed the intervention that the committee made in shining a light on a very vulnerable and growing population. Jen Ang alluded to that, and we see it in our work, too.

We want to push on three things. First, we welcome the progress that the Scottish Government has made in giving a positive response to the inquiry recommendations, which reflected the committee's focus on what can be done, as opposed to what cannot be done, with the significant devolved competences that Scotland has. However, if we are really honest and constructive, there now needs to be a real impetus to produce, by early 2019 at the latest, a strategy that is focused on practical actions and which coherently brings the public and third sectors in Scotland together around a shared vision.

There is real merit in getting cross-ministerial sign-off from the Scottish Government in the next few months in relation to that coherent approach. That would bring in the ministers with responsibility for housing, health, justice and children. It cannot sit within one part of the Scottish Government. It will not work if it does because, out in society, the issues cross different aspects of our public services and our communities throughout Scotland.

The second key message, which is related to that, concerns involvement. We are at the committee today, but there is a need for a wider set of actors to be involved in the work. The mainstream homelessness sector—for want of a better way of putting it—has a key role to play in the matter, as have Police Scotland and the health community. I am thankful that we have some colleagues from the health sector at the meeting. It

will be important to consciously broaden the involvement in the agenda.

The third key message is about resourcing. The beauty of a strategy is that, if it is done well, it will give real visibility to a group of people who have been rendered invisible for a long time. I refer to people with insecure immigration status. In so doing, it will recognise the intersection between harsh United Kingdom immigration rules and a Scottish public and third sector that is still learning how to work with that group. In other words, at its best, the strategy will pool resources. There is a real efficiency and preventative spend argument for it. The flipside of that is that there will be a need for additional resources for some interventions. It is best to say that and not shy away from it. We are thinking about services such as advocacy and investment in local authority social work functions.

Those are key things that will need to be put in place. The three messages for us are that there needs to be more of an impetus, that we need to ensure that we involve a wider set of actors in developing the strategic response and that we need to ensure that we do not duck the resources question but think about it as central to the development of the work.

Oliver Mundell (Dumfriesshire) (Con): I am the MSP for Dumfriesshire.

Edward Isaacs (Positive Action in Housing): Good morning. I am a member of the management board for Positive Action in Housing and a member of the sub-committee of that organisation that helps to distribute crisis grants. I am also a past president of the Glasgow Jewish Representative Council.

It is important to say why I became involved with Positive Action in Housing and the plight of asylum seekers and migrants. It is because of my grandparents. They came to this country in the early part of the 20th century to escape pogroms in eastern Europe. They relied on the support of local community groups and charities to survive.

Like the Jewish community, I feel a great deal of sympathy for, and empathy with, the plight that asylum seekers and migrants now face. It is to the shame of all people who are involved in the administration of the process, and the way that it works, that there are people who are out on the street and destitute. The vast majority of them have every right to be here. They have come here to escape humanitarian problems and hardship in their own countries and they are not given the basic human dignity of a roof over their heads and food to eat on their tables.

That is why I became involved in Positive Action in Housing and I hope that I have made a contribution to the organisation. It is really

distressing to see that, more than 100 years after my grandparents came here, not much has changed. My grandparents survived because of the support of local Jewish community groups and other charities. The situation is not much different nowadays. Has society not moved on? Can we not treat people with dignity and respect and provide for their basic human needs whether or not they are eventually allowed the right to remain in the UK? Our evidence clearly shows that, if we provide them with assistance and funding, a fair percentage of them are eventually allowed to remain in the UK.

09:45

I would implore this committee and indeed the Scottish Government to get over the fact that powers over immigration and asylum are not devolved and to see what practical steps they can take to ensure that destitution is not a daily fact of life for people who are coming to this country. After all, I am sure that most members of this committee—if not all of them—and those in the Scottish Government got into politics because they wanted to make a difference to people's lives. This is one way that they can make that difference and ensure, as I have said, that human dignity is a fact of life in the Scottish tapestry that we now have in this country.

Immigrants have made immense contributions to this society and will continue to do so. The fact that it is difficult for them to obtain leave to remain status and that, while they are going through that process, a number of them end up on our streets brings shame on us and shame on our society.

Robina Qureshi (Positive Action in Housing): I am director of Positive Action in Housing, which is a refugee and migrant homelessness and human rights charity that is based in Glasgow. We work with and directly support people affected by destitution. In 2017-18, we directly assisted 1,400 refugee families and individuals. By “refugee”, I am referring to refugees, asylum seekers and people who are vulnerable migrants.

We pioneered the room for refugees network in Scotland, which now has 7,000 volunteers. We have also developed an emergency relief fund, and in 2017-18 we distributed £61,000 from that fund. The need for that continues to grow. The fund is accessible to other organisations. There are 400 external caseworkers across Scotland—primarily in Glasgow, Edinburgh and Aberdeen, but there are growing numbers in other parts of Scotland—and they access both the emergency relief fund and information about hosting for people who are without anywhere to live. That includes families, individuals and young unaccompanied asylum seekers. We have placed young unaccompanied asylum seekers in hosted

homes where they have now developed a family relationship. Otherwise, those children would have languished in residential care units. We provided a solution—not just a solution in the long term, but a quick solution.

To echo what Edward Isaacs from the Glasgow Jewish Representative Council, who is on our board, has said, I am very conscious that whereas in the first wave of the refugee crisis after the second world war, we saw human rights protections being enshrined across the globe and being supported and promoted, now we are seeing the dismantling of human rights protections for the most vulnerable. We are in a situation where we have more than 23 million refugees worldwide. Around 65 million people are displaced worldwide. Those numbers are going to explode in the next 20 years: the number of displaced persons will be equivalent to the population of America.

Just like Windrush, the issue of destitution is yet another disgrace and another injustice that has come out of the hostile environment policy. We are very conscious that we are working within that hostile environment context, but that does not mean that racism does not exist in Scotland. Racism is very much alive and kicking and we are concerned about the rise in racism not just against our client groups—refugees and migrants—but against minorities and everybody who is affected by this issue.

You will have seen the headlines last week about 2,000 people protesting in favour of the English Defence League leader who was convicted for contempt of court. There were thousands of them and the police found it difficult to control that. That is very concerning to agencies such as ours because we are seeing a visceral situation. You do not just feel it on the street, face to face. We are witnessing verbal and physical assaults, not just within certain communities. It is happening across the board if you—I say this in quote marks—look foreign. We are concerned about the rise of racism.

That is the context within which we are working, and we are concerned. I was actually wondering whether there was any point in coming to this meeting—without meaning any disrespect to this committee—because, looking through the response from the Scottish Government, I have to be very honest and say that no pressure was being put on to the problem.

In the context of Grenfell—today is the first anniversary of the Grenfell fire—and the recent Windrush issues, there was sufficient momentum to say, “Excuse me, we need to act on the hostile environment.” With the rolling out of the Immigration Act 2016 and of universal credit, we are going to see and feel the brunt of people being

made destitute at our doors. It is not just a few individuals or refused asylum seekers.

The Government response said that one-off support would never resolve the issue, but in fact we are seeing the converse, which is that between 45 and 55 per cent of the 1,400 people whom we support with emergency relief or hosted or proactive casework find their lives stabilised, are able to resolve their crisis and are gaining long-term resolutions and getting their papers eventually. To give an analogy, if someone is in the desert and needs water, should we say, “You’ll not get out the desert,” or should we take the glass of water and give it to them on the off-chance that they will get out?

That is the basis on which we are operating at the moment. We are not getting the funding and we definitely need funding, but that is not why we are here. We are here to highlight that this is an issue for Scotland and that it is not a matter of a few people. We are talking about thousands of people, not just those who are refused asylum seekers. They are eventually getting their status as well, because they are getting the support. There are people who are very desperate.

Jo Ozga (Scottish Women’s Aid): I am from Scottish Women’s Aid, the national organisation campaigning to prevent domestic abuse in Scotland. We are also the affiliated umbrella organisation for women’s aid groups working across the whole of Scotland to provide services to women and children experiencing domestic abuse. Our concerns, which we raised at the committee’s initial inquiry, remain. Unfortunately, we have seen little progress or change in the ability of women and children experiencing domestic abuse who either have no recourse to public funds, are EEA nationals, have uncertain immigration status or are students to access accommodation and support services.

We have serious concerns about what happens to women and children who are unable to access accommodation and support services who have to return to an abusive partner or who are faced with destitution. We have women’s aid groups that are trying to provide services with very limited resources. They are doing considerable amounts of fundraising to support individual women in those circumstances, but they are unable to support all women who require that kind of support and accommodation.

We see inconsistent responses from local authorities across Scotland in how they respond to women and children who are experiencing domestic abuse and who require accommodation and financial support. Some completely refuse to provide that support and some have definite protocols in place through which they assess and accommodate women and children. Others say

that they will provide resources to children but not to their mothers, which does not really help the situation.

We were glad to see the recommendations incorporated in “Equally Safe—A Delivery Plan for Scotland’s strategy to prevent violence against women and girls”, but unfortunately there has been no progress on that work in relation to women experiencing destitution. We were disappointed that the homelessness action group did not take an equality and human rights and children’s rights perspective on developing its recommendations. We felt that it failed to take gender into account in its policy to tackle homelessness, particularly in relation to that group of women and children, as it did not address women’s distinct experiences of homelessness. Those are the key things that we would like to explore today.

Gail Ross (Caithness, Sutherland and Ross) (SNP): I am Gail Ross, the MSP for Caithness, Sutherland and Ross.

Dr Katie Hawkins: Thank you for inviting me. I am Katie Hawkins, a general practitioner working at the Edinburgh access practice. We see patients who are either homeless or vulnerably housed. We often see patients who have insecure immigration status, many of whom are undocumented.

Our patients experience barriers in many areas to accessing basic health and social care. First, they are often unable to register with a GP where they live. Secondly, they are charged for maternity care. Thirdly, they experience fragmented care, where the impact of rejection from housing, for example, can directly impact on their health, public health and consequently the public purse.

We want to see easy, accessible primary care registration for everybody. Our patients are often excluded from primary care due to having no address or photo identification, or they are refused registration due to not having completed or started the asylum process. There is also unfair and unclear charging for healthcare, leading to many people fearing that, if they are charged for their care, they will be reported to the Home Office.

We have been seeing a lady whose visa has expired. She now has a baby. She was too afraid to start the asylum process because she was fearful of being deported and potentially separated from her son. She appears vulnerable and anxious when she has contact with us. She finally managed to register her son successfully with a local GP, but her own registration has been refused on the grounds that she is not claiming asylum. She is now being charged for each consultation, resulting in her neglecting her own healthcare needs, including contraception. Her

registration is completely separate from that of her son’s, which is contrary to best practice

We want to see free maternity services for everybody. Patients who have not started the asylum process are being charged for maternity services. We have had a lady who did not attend many of her maternity appointments due to fears of escalating costs. When we saw her, she was five months pregnant. She was street homeless because, at that time, she was ineligible to access accommodation. We realise that the law has just changed in that regard. She disengaged from services and we have no idea what happened to her and her baby. Unborn babies should not be inequitably impacted.

We want holistic, well co-ordinated health and social care, particularly for complex cases. We have been seeing a lady who has untreated HIV and insecure immigration status. That has meant that accommodation and social work funds have been difficult to access, leading to concerns that she may return to selling sex for money. That is an example of the direct impact of threats to one aspect of care having a direct impact on another. In that case, the threat to housing was impacting on health. A case of complex homelessness costs up to £83,000 a year of public funds, and the public health implications of treating a new case of HIV costs £380,000 to treat over a lifetime. That has a huge impact on the public purse.

We welcome the Scottish Government’s recommendation that people with a communicable disease are suitably housed, but we want those people to have easy access to all services.

We have three main recommendations. First, we welcome the recommendation for clear guidelines for health professionals working with asylum seekers, but there needs to be more than clear guidance in Scotland. We want to see Scotland’s rights-based approach extended to health and backed up with clear legislation so that everyone can access primary care as a human right, regardless their legal status, as well as have the right to appeal decisions.

A start would be something similar to the Public Health England guidance, which I circulated to the committee prior to today. It says:

“all asylum seekers and refugees, overseas visitors ... and those who are homeless ... are eligible to register with a GP practice even if those visitors are not eligible for secondary care”.

As far as I am aware, there is no similar document in Scotland.

Secondly, we want all those with insecure immigration status to be able to access free maternity services. We want them to have holistic, unfragmented health and social care so that their

health needs, as well as public health needs, are taken into consideration as a priority.

Alex Cole-Hamilton (Edinburgh Western) (LD): Hello. I am the Liberal Democrat MSP for Edinburgh Western.

The Convener: And the vice-convener of the committee.

Alex Cole-Hamilton: And the vice convener of the committee.

The Convener: I thank you all so much for your opening remarks this morning. Your insights have already been incredibly helpful.

Members have a number of questions. I will kick off with Gail Ross, who will cover a number of areas that touch on all your portfolios. If you hear something and you want to come in, just catch my eye and I will make sure that I keep a note of who wants to speak. It would be good to try to keep the conversation flowing.

10:00

Gail Ross: I have just set up a cross-party group in the Scottish Parliament on adverse childhood experiences. There is a growing movement that recognises that the trauma that children face in their early years and when they are developing can go on to have even greater impacts when they are adults, which can include physical and mental health issues.

Some of the evidence that we have heard—particularly the evidence from Dr Hawkins—was really quite disturbing, in that it was about children being separated from their parents, people not being able to access healthcare and decent housing, and domestic abuse. It was just horrific. Looking at the report, and at where we are now, it seems that there are different stages of improvement, and places in which there has been perhaps not so much improvement.

When we talk about adverse childhood experiences, the figures cover all our children, including those who come to Scotland as migrants and asylum seekers. How do we help those children? What needs to change?

Graham O'Neill: I will probably focus not so much on children as on the importance of the recognition of trauma among that population. I speak from a background of working with refugees, whom we know, by definition, are a group of people who have been forcibly displaced—often in quite horrendous circumstances—from everything that was of value to them. They have also gone through quite arduous and probably exploitative migratory journeys, before entering a very harsh asylum system that denies them the right to work and puts

them on to the lowest possible amount of financial support. That level of support is below 52 per cent of mainstream social security, and that has been the case for a long time. It also puts people into the worst housing and other situations. Not surprisingly, they suffer social isolation and mental health issues as a result.

That is precisely why we and others have focused on the recognition of not only resilience but trauma among that population, and the fact that our public services need to prioritise advancing that—as does the Scottish Government in its strategy. Otherwise, we will not be providing a human rights-based service to people. Obviously, for children, an additional dimension and additional responsibility will need to be built in. I emphasise that the Scottish Government's NHS trauma-informed framework, including its funding, needs to underpin the strategy very consciously in the practical actions that come from it, otherwise we will shoot ourselves in the foot. There is a good framework there, with resources behind it, which needs to be used—and has been designed—for populations such as those who have insecure immigration status and have suffered quite horrendous circumstances.

Jennifer Ang: Gail Ross asked what needs to change. As a practising lawyer, I am aware that some of our underlying legislation on our obligations towards Scotland's children is robust in the sense that there is no differentiation based on their migration status. Child welfare issues, including the experience of destitution and homelessness, require a response regardless of the status of the family and the children.

An example of the cases that we see from day to day, to which I alluded earlier in talking about uneven or inadequate provision of financial support, looks a little bit like this. As committee members know, a family that does not have lawful status is not entitled to mainstream benefits or to housing. If there is no other entitlement in that period of time, it is the responsibility of local authorities, under the Children (Scotland) Act 1995 and child welfare legislation, to provide some form of housing and financial support. However, the unevenness comes from the fact that there is not yet consistency in how local authorities respond to that.

More importantly, the average standards of financial support are low—I would say possibly unlawfully low. A mother and two or three children who are staying in a hostel or a bed and breakfast might be given £50, £60 or £70 a week in cash, but that is it. Someone might have three children and £70 a week in cash; I assure the committee that that is a very realistic example. Two of those children might be in primary school and one a baby in nappies. If we just do the maths first and

think about the family having £10 a day to spend, we can see how that might impact on what they can eat and on their ability to travel. The nappies and the food will clearly have to be obtained free from some other source, because we all know how much they cost. That is before the family can afford anything that they might want for the children just to be able to go to school and not attract attention to themselves. There are free school meals, and perhaps they could get a grant for the children's clothing. However, we should just think about the day-to-day decisions that such parents will have to make if that is their full financial provision.

What can we do about that? We can fully meet in practice our obligations under child welfare law. It is clear that there needs to be more financial provision than that. I do not think that any of us could manage better on that amount than many of the people I see.

The observation has been made—this is true—that what prohibits people from taking support is a piece of immigration legislation. If someone has no recourse to public funds, it means that certain public funds cannot be used to support them, but that does not apply to all public funds. As we all know, it is possible for the Scottish Government to make available funding to meet that gap. An interesting idea that was put forward recently and which we could and should explore relates to programmes that address child poverty across the spectrum without regard to migration status. There is a precedent for that. For example, the right to primary school education in Scotland is universal. No check is carried out on the migration status of those who want to take up that right; it is simply necessary to be resident here. Along with entitlement to primary school education comes entitlement to free school meals. That is also universal—it is not necessary to inquire.

Given that we have programmes for all of Scotland's children that provide such welfare in the public interest, why can we not create other programmes that would substantially alleviate poverty or bring the children we are talking about up to a reasonable standard? That would not be an interference with immigration control, and it would not require engagement with the Home Office on its NRPF list. I think that that is an equitable proposal that a committee that deals with equalities and human rights could put forward very credibly as part of a human rights-based approach.

The Convener: Alex Cole-Hamilton has a specific line of questioning that he used last year, which he wants to continue.

Alex Cole-Hamilton: Good morning, panel. Thank you for coming to see us. I should remind members that, before I entered Parliament, I

worked for eight years for the Aberlour Child Care Trust, which delivers Scotland's guardianship service to young unaccompanied asylum seekers and victims of child trafficking.

I would like to pick up on what Jennifer Ang said about inconsistency, how things are done differently in different areas and how different social workers attach different thresholds to support. In its initial inquiry, the committee was very concerned about the lack of consistency in how young unaccompanied asylum seekers are dealt with by social work in different parts of the country. Since the Hillingdon judgment in England, there is more consistency in the approach that is taken to the at-risk status of asylum-seeking children. How is that picture developing? Is there greater consistency? Are social workers putting children through section 23 assessments and section 25 assessments as necessary, or is there still a gap?

Jennifer Ang: I am happy to address that. JustRight Scotland runs a collaborative project that is funded by Unbound Philanthropy alongside the Scottish guardianship service. We have a specialist legal unit that provides services to that group of young people, and we have cases across Scotland.

It is fair to say that there remains inconsistency, but the guardianship service, which is an innovative model and one that is looked at favourably across the European Union, has a role to play and has played a role in encouraging more consistent practice. The guardian who goes with the young person, who will have a pooled understanding of best practice, will be able to spend time with social workers and local authorities that might not previously have worked in such areas and will be able to suggest best practice or to support them in coming to the right solutions.

Inconsistencies will exist, because local authority social work teams' experience of migration is still emerging. There will continue to be a need for more training and a greater capacity to understand how to work with unaccompanied asylum-seeking children and migrants generally, particularly in local authorities that do not typically experience, or have not traditionally experienced, migration. There is a training and knowledge gap that causes the inconsistency, but I think that the guardianship service and some of the partnership work that we did five to eight years ago have improved practice.

I have another observation to make, which I know that the Scottish Refugee Council will probably also want to speak to, because it comes out of the learning from the new Scots integration strategy. I say this not just because I am a lawyer,

but because I am a lawyer in a sector that struggles with capacity.

Our experience of the Syrian refugee resettlement programme and of rising levels of migration to other areas of Scotland tells us that there is a serious legal advice gap across Scotland, aside from the central belt. That gap has consequences for individuals, who cannot access legal advice to vindicate their rights, and it has a knock-on impact on statutory authorities, such as local authorities, education authorities and the police, which are trying to service those communities. Those authorities do not have access to enough specialist information and advice about the rights of the groups involved, which also causes the inconsistency that Alex Cole-Hamilton highlighted.

The Convener: Eloise Nutbrown wanted to respond to Gail Ross's question, but maybe she will address Alex Cole-Hamilton's question, too.

Eloise Nutbrown: I will address both questions. In my team, I do not lead on the unaccompanied asylum-seeking children work, but I would be happy to provide a follow-up response. I will make a point that applies to Gail Ross's question, too. In developing practice, we are aware that issues and inconsistencies have been raised but, in the interests of balance, it is important to note that local authorities and social workers operate in really difficult circumstances when offering humanitarian assistance to unaccompanied asylum-seeking children and when assessing destitute families for support, particularly if they have no recourse to public funds.

We do not know of any unaccompanied asylum-seeking children who are not being appropriately supported as looked-after children. Playing that role as a corporate parent is expensive for a local authority and, under the schemes through which local authorities voluntarily participate to support unaccompanied children, the UK Government is substantially underfunding support—to the tune of £100,000 per child under 16. Support has to come from social work budgets that are under strain—adult social care is under strain and there are lots of other pressures.

I completely agree with the point about adverse childhood experiences. When children grow up on social work assistance support, which is in effect a shadow social security system, that has an impact on children and families. I take the point that there is concern about some families not getting assistance, but we have established escalation routes. I cannot comment on individual cases, but I know that local authorities are looking after families and have provided support for a number of years.

The City of Edinburgh Council provided me with figures that might illustrate the work that is going on. Social work in Edinburgh is supporting about 50 families, three quarters of whom have children. Such families cannot access the mainstream benefits system or access work in the same way as others, although the levers that we in Scotland believe are important for tackling child poverty involve enabling families to work and to access benefits.

Social workers face the tough task of almost being an immigration officer by checking a family's immigration status. That is a sensitive and difficult task, which is not what social workers are trained to do. They then assess a family's need on the basis of whether they can afford to feed and clothe their child and keep a roof over their heads. If need is identified through the getting it right for every child assessment, the council has to pay the family weekly or monthly amounts from the social work budget. In the past three years, the City of Edinburgh Council has had a £1.3 million bill for doing that. As I said, three quarters of the families have children, and the other quarter are vulnerable adults.

At the UK level, the NRPF network has collated figures and looked at the patterns in the outcomes for the cases that have local authority support. The network has said that three quarters of local authority-assisted cases have a legal right to be in the UK from the Home Office's point of view, because they end up getting a positive decision—leave to remain with recourse to public funds.

Wherever possible and with limited resources, local authorities have to try to offer what is in effect social security while the Home Office gets the paperwork that it needs or reaches the decision that it needs to make to let families back into the system so that they can live and integrate in the way that we all want them to.

Social workers have rightly raised with me time and again the fact that we do not know the full impact on the children, who are living in severe poverty and cannot be effectively included in how we currently set up our child poverty strategies.

I hope that that provided some colour. I would be happy to follow up with additional evidence, if that was useful.

10:15

The Convener: I think that it would be.

Jo Ozga: As far as we are concerned, it is vital that children who are experiencing domestic abuse get access, with their mothers, to accommodation and support services. That is a key issue in beginning to address children's traumatic experiences. I take the point that Eloise

Nutbrown made. We know that Edinburgh has a domestic abuse and no recourse to public funds protocol, which means that women and children are assessed immediately and provided with accommodation and support services, but that is one of the few good examples that we are aware of throughout Scotland. Even where there are children who should be assessed under the Children (Scotland) Act 1995, that is not happening, and children and their mothers are then not getting accommodation and support services and are having to return to the abusive partner, which is a critical adverse childhood experience.

Natalia Jane Farmer: We can see the tensions that are playing out in this situation. My concern, from what I have witnessed, is about the practical realities with regard to how section 22 of the 1995 act plays out in a social work capacity. There is a direct conflict between Westminster immigration control and the social work duty to safeguard children, and that battleground plays out in terms of section 22.

When I have witnessed cases, I have asked social workers, "Why have this family been in a B and B for nearly seven months now?" In one case, I asked why a family had received only £25 over the course of eight months for a mum and baby, and why it was a huge battle to get even £25. Social workers say that their hands are tied. They have to go to senior management every time. It is not just a case of poor or inconsistent practice; they always have to liaise with senior management when making decisions. That is a big issue that needs raising.

Accommodation is a huge issue. The families that I have been dealing with have been in inappropriate bed and breakfast accommodation, with no cooking or laundry facilities, for lengthy periods of time. That is meant to be emergency accommodation, so I recommend that there needs to be a set time limit on B and B accommodation for those families.

A mum had to explain the situation to a little girl who asked, "Why are we living in a hotel here? Why were we living in a hotel before? Why do we not have our own house?" As she got older, it became more and more difficult to explain to her satisfaction the answer to those questions. She was asking, "Why do I not have my own room and my own bed? Why are we not like other people?" She often expressed a desire to be able to live in her own house. It was difficult for her to deal with and for me to explain. That little girl was six years old. She had spent six years of her life in bed and breakfast accommodation, four years in England and two years in Glasgow, and she was moved into temporary accommodation only after the

threat of judicial review. That is the impact on families in regard to accommodation.

Financial support is another issue. The problem is that there is no set amount, not even in line with asylum accommodation, so people go into a social work meeting having to negotiate money. Service users should not have to do that. That is when people are pushed into exploitative conditions where they have to get money from churches, friends and networks. There needs to be a set amount. It is not good enough to say that we will assess on a case-by-case basis, because that puts families in really vulnerable situations.

There are a couple of issues that I would like to raise on the relationship between the Home Office and social work. I went on training with the NRPF network in Islington and there was a Home Office-embedded officer on that training course. That affects service user and social work relationships. If the service user knows from the offset that social work will be communicating with the Home Office, and that information is being shared, that affects trust and engagement.

I hope that Jen Ang can touch on the issue of the NRPF connect tool that Glasgow, Edinburgh and North Lanarkshire are currently signed up to. It is a database that shares information, and it concerns me because it is drawing social workers into the role of immigration border guards. I do not know whether there will be a legal challenge—Jen might be able to add some information—but the Home Office connection concerns me.

My final point is on the legal process. All the cases that I have dealt with have needed judicial review. One case took seven months to go to the Court of Session, and during that time the family was in bed and breakfast accommodation. The legal process is lengthy, confusing and complicated, and with the legal system as it is at the moment it is very difficult to hold the local authority to account. Those are the concerns that I think need to be addressed.

Dr Hawkins: Gail Ross asked how we can help children, in particular, and what Jennifer Ang said about the small amount of money that people have per week is really valid. The possibility that people will also have to pay for healthcare is a deterrent to seeking it in the first place. It is important to remember that healthcare is a basic human right and to keep that fact at the centre of decision making.

From first-hand experience, we see uncoordinated access for patients directly impacting on children, particularly for people who are undocumented and have not even started the asylum process. It directly impacts schooling as well as health. For example, we have seen a family traipsing round GP practices for two days

on end, trying to get registered. In addition to them not getting their health needs addressed immediately, they were trying to get the children into school and facing the multiple other factors that everyone has been describing. That seems unnecessary.

Natalia Jane Farmer spoke about information sharing. We see people who are afraid that their information may be shared, which makes them fearful of accessing healthcare. They fear escalating charges and potentially being reported to the Home Office. It might even stop them from accessing healthcare for basic contraception. Again, it is unnecessary.

Fiona MacLeod: I will echo some of the previous points. The level of destitution that we see at British Red Cross has not changed substantially between last year and this year. From the perspective of impact, the numbers of people who present to us as destitute are still high. In the first quarter of 2018, 303 people presented as destitute—516 when their dependents were included. Through the whole of 2017, we saw 833 destitute people—1,553 if their dependents were included.

One of the biggest concerns is that the process—asylum law and any kind of vulnerable migrants process—is damaging to individuals. Taking a trauma-informed approach to health from the outset, and applying the approach more broadly to education, housing and all the interacting public services that people might come across, could provide more holistic support and would, I hope, limit the damage that is caused by the trauma that people experience.

Red Cross also has concerns about information sharing, which we think is having an impact on people's willingness to seek help and support when they need it. It is not an area in which I specialise, so I hope that Jen Ang, who is the lawyer in the room, might pick up the point. However, I believe that there are issues about people's ability to ask questions about data sharing and to give proper informed consent. I guess that with the new data regulation that is in place that is more of an issue now than it was previously.

The last point that I want to make is on the back of what Eloise Nutbrown said. I appreciate that from a local authority perspective resources are very tight. However, if the assessment process is about looking at the person's immigration status first and their needs second, there is an imbalance. I appreciate the tightness of resources and the fact that some public funds cannot be accessed, but we have to identify needs first and then look at the resources.

Robina Qureshi: I want to follow up on points that have been made. In respect of families who are referred to our service for hosting in people's homes, and for crisis grants, we have had social workers trying to bypass their own systems so that they can approach our emergency relief fund for crisis grants. We have also had the British Red Cross making referrals for thousands of pounds worth of crisis grants to our small charity. We run on a budget of about £500,000 a year; we are not the British Red Cross. Many such agencies make referrals to us. I mentioned a figure of 400 caseworkers. They come from about 300 organisations that make referrals—not all at the same time, obviously, but throughout the year.

We have a significant number of cases of families with children who are not exactly afraid to go to social work, but who are being deterred from doing so because they are being told that their children can be housed but they themselves cannot—which would have the effect of taking their children away. Such families are being sheltered through the room for refugees network—not just for weeks, but for months and years at a time. The committee's excellent report "Hidden Lives—New Beginnings: Destitution, asylum and insecure immigration status in Scotland", which is a good record and an important document, highlights a lady named Olivia. For the best part of two years and three months, we helped her through her pregnancy and the early part of her child's life—not just with shelter but with crisis grants. She now has leave to remain, with refugee status.

There is another issue regarding the perception elsewhere—perhaps in the Scottish Government and local authorities—that the situation is all about refused asylum seekers who are going nowhere. That is not what is happening. We are talking about people whose cases might have been unjustly fast tracked into failure. There are also cases in which there is no doubt that the Home Office's hostile environment policy is profiteering through giving people who have insecure immigration status limited leave to remain. At the end of that limited leave, they might have a window of six weeks from its expiry in which to apply for an extension. They might have a job and a house, and be claiming housing benefit while they are working, but such an application costs thousands of pounds per family member.

A recent client of ours has two children, and her daughter has British citizenship. Our client's leave to remain expired while she was working in a care home. We highlighted her story. After two years of working there, having a home and standing on her own two feet, after we had very carefully helped her and her family to rebuild their lives and overcome a lot of crisis situations, her employer said that she had to leave immediately. She was

helping an elderly lady into the dining hall at the time. She had built up a relationship with all the residents. She was called in and told that she had to leave the building within the hour because her employer could not allow her to continue working there. Only after a campaign in which we put pressure on the Home Office and the Home Secretary—such campaigns are themselves a form of protection—did they, when they realised that the case had come to light, come back and say that they would give her six months in which she could continue to work there.

The situation is just rubbish. We have many people applying under our scheme. We ask the organisations how they propose to resolve the client's crisis. We are not just handing out money; we want to know what the long-term resolution for the client will be. In some cases, we have external caseworkers asking why we are not taking their clients. Our answer is that we cannot see a resolution, and so we cannot see what support we can give. We ask them to tell us that they are proactively working with lawyers and caseworkers to resolve the situation, and to consider where they are.

10:30

We make very harsh decisions. In effect, we provide—on our own—a safety net. Charities and faith groups are picking up the pieces. Just two weeks ago, we received a donation from the Jewish community, and we have received donations from the Muslim community and members of the Iona Community towards crisis grants. They want us to be able to provide that service, because they recognise that the people concerned are in desperate situations.

Only yesterday, my colleagues and I discussed a client, whom we will call Linda. She has two children. By chance, she was passing and came in to thank us for what we had done for her. The receptionist came through to tell us what Linda had said. She said that she now has accommodation—she is renting—and is looking to study and to build up her future prospects by getting a job. She also said that when she came to see us, she was on the point of putting herself and her children in the river. That was really telling, as it happened when we were preparing for today's meeting.

That is an example of the cases that are being referred to us: we are sheltering families with children. The Home Office is making money by telling people again and again to apply for limited leave to remain. People are being left in crisis and at risk of losing so much. Housing associations are now turning to us for help with rent in order to prevent people incurring arrears as a result of their immigration status lapsing temporarily or through

losing their jobs. With the roll-out of universal credit in Glasgow, that problem will be multiplied: housing associations will experience increasing rent arrears as a result.

The Convener: It is all incredibly harrowing. If Gail Ross does not mind, I will bring Mary Fee in now, because she has some questions that will continue the conversation about where we have been and where we are going.

Mary Fee: I would like to get a fuller update from Eloise Nutbrown on the work that COSLA is doing, because when the committee was carrying out its inquiry last year, I and other members were concerned about the disjointed nature of support across local authorities and the role of COSLA in that. We found that provision was patchy: some local authorities were very active and some were not. Only some local authorities were aware of the no recourse to public funds network, how often it meets and the work that it does.

There are also issues about COSLA's guidance for local authorities. I appreciate that an update was provided in January, but I would like a bit more information on what concrete steps COSLA has taken and what tangible progress it has made in the work that it has done. It seems that COSLA almost fits in the middle—it can play a strategic role in supporting local authorities and linking in to other partner agencies.

On the back of that question, I would be interested to hear whether the other members of the panel think that there have been any improvements in the support that COSLA provides or any changes across local authorities.

Eloise Nutbrown: I started at COSLA in June, shortly after the committee's inquiry. Part of my remit has been to look at the recommendation on guidance. Initially, we worked with the Scottish Government to understand the different options for updating the national guidance, what the costs would be and, more specifically, what the updated guidance ought to deliver.

Mary Fee raised points about how guidance impacts on practice and what we need to achieve. Conversations took place over the summer and towards the end of last year with social workers, front-line housing officers and welfare advisers in an effort to understand what we need to deliver. The conclusion is that we need more than just a piece of written guidance: we need an accessible digital tool that it is easy for local authorities to get hold of, because the cases that social workers and others deal with are extremely complex and the existing guidance is necessarily huge.

We recognised that it needed to have a dissemination strategy attached, and the Scottish Government agreed to fund a piece of work. We successfully commissioned JustRight—Jennifer

Ang—and the NRPF network at UK level to collaborate on producing a piece of work that will clarify the legal framework as it stands and what the lawful ways in which local authorities can operate and provide assistance look like. We will look in particular at vulnerable groups and their different immigration statuses.

In the commission, we have also asked that they support us in identifying best practice and what it needs to look like. From a local authority protocol and assessment point of view, some local authorities were keen that we set out some of the components of a robust and systematic approach. Other local authorities that felt that they already had such an approach were more interested in learning about the ways in which other authorities approach the issue and, in particular, about how they can work effectively with third sector partners in a multiagency way. Hopefully, the work, which is on-going, will deliver that—we are hoping to have it ready by the end of the year.

In the meantime, I have been meeting chief social work officers at their meetings through Social Work Scotland to highlight the findings of the inquiry and some of the concerns that were raised. Those discussions have been on-going and I am confident that we are moving in the right direction. However, there are still challenges in making sure that local authorities wait for the national guidance so that they have strong guidance. Staff at Glasgow City Council have been working really hard and engaging with their third sector contacts to ensure that they have guidance to support their staff.

We have also been developing the NRPF network as far as we can, which will be an even bigger priority next year. At the minute, it is a local authority officers network and we have been talking to them about what they need from COSLA. Our resources are still fairly limited, but the officers think that, beyond looking at guidance, they would find it really useful and valuable to be able to have second-tier casework advice, talk through decisions that they are trying to make and make sure that they are reaching the right conclusions. We are really keen that the Scottish Government looks at that. We have met three or four times this year and we have also been engaging with the multiagency third sector network—others might want to speak to that. We are looking at how we can connect the two networks effectively.

To jump back a second while I am on the microphone, I would like to clarify a couple of points. In case I gave the wrong impression, the best practice that is advocated and that local authorities commit to is that needs assessments are done first, and an immigration status check is a requirement under the law. It has to be done and

there has to be some form of communication with the Home Office for it to know that the local authority is acting lawfully. However, we do not suggest that an immigration status check should be the first part of that process.

I am happy to follow up with more details about the NFPR connect tool, which is a data management system, and how it is used. We are aware that there are concerns about the impact on people who approach social services knowing that immigration status checks have to take place, and that there are concerns about how to best do that in an informed way. We also know that that is a live area—data sharing and relationships with the Home Office that are required under the law. That is a changing beast at the moment and we are live to it. Those authorities use that system, which is general data protection regulation compliant. There are different ways that they use it to manage their case loads systematically and to make sure that the Home Office is aware that they are supporting cases that need a resolution. I will not go into more detail, but I wanted to make sure that there was balance to that point.

Mary Fee: I am grateful for that update. It would be good if you could keep the committee updated when the report that you have commissioned is published, or on any other findings. Have any interim measures been put in place to support local authorities and other agencies while the work is going on?

Eloise Nutbrown: Interim work to support—

Mary Fee: Interim measures to support local authorities.

Eloise Nutbrown: There are key measures in place, but each local authority has its own approach and needs to take its own legal advice. As I said, we raised the issues with chief social work officers who are accountable in their local authorities, and I know that various local authorities have reviewed their policies and procedures, have spoken to their staff about what the communication needs to be and have made sure that their staff are confident. However, that is the extent of COSLA's role. We represent and support local authorities, but we are not able to take any further step in that sense.

We have been strengthening the officers network and making sure that regular information goes to front-line staff, and we are trying to increase the number of officers who are able to engage, but that work is at an early stage.

Local authorities are huge. Glasgow City Council has 9,000 social workers, and the guidance will be made available to all of them. We cannot have everybody along to our networks, so we are trying to identify who, in addition to the dedicated staff who attend regularly, the local

authorities would find it most useful to come along and what tiers of management need to be involved.

The key step that we are taking in the management and governance of the guidance work is in having a steering group, which will include representatives not only from local authorities but from the third sector and the Scottish Government, that will be able to advise us on its content. We also have a wider reference group and a system of reference groups, so we will continually be sharing the key messages.

There is work to do on the detail of the guidance, but the issue is also the communication of it and having clarity on rights and entitlements. We are looking at a strategy that will embed all that.

The Convener: I want to bring in Katie Hopkins—Oh my goodness! I meant to say Katie Hawkins.

Alex Cole-Hamilton: I am sorry, convener. I put that thought in your head before the meeting started.

The Convener: He put that thought in my head—he is to blame. Sorry.

I want to hear from Dr Hawkins first and then from Graham O'Neill. After that, we will hear from Jennifer Ang and Jo Ozga. Have I missed anybody? I see that Natalia Jane Farmer is keen to come in, too.

Dr Hawkins: I have a question about the guidance that Eloise Nutbrown mentioned. It seems as though the people to whom you are speaking do not include health professionals or anyone else from the health sector. What is the reason behind that? I am aware that there are huge challenges and that guidance is needed urgently to cover the social work, housing, welfare and legal aspects. However, alongside the provision of that advice, we need to know urgently what we can do to enable the increasing number of people who are seeking asylum or who remain undocumented to access basic healthcare safely. We are seeing a direct impact on public health and people's personal health, which impacts the public purse directly, too. Healthcare is a basic human right, but, given what you are saying, it seems as though that is being neglected.

Eloise Nutbrown: Jen Ang and I had a conversation about the content and scope of the guidance, and I defer to her knowledge on that issue.

Jennifer Ang: I am glad that you have raised that issue. The purpose of COSLA's guidance is to provide local authorities with information on the broad rights and entitlements of migrants. There is scope to include in guidance to social workers

what healthcare migrants are entitled to access. Within the context of the COSLA guidance, that would possibly be a helpful piece of work, bearing in mind that we are explaining quite a lot about entitlements across the spectrum.

You raise an important point that we have started to discuss. The NHS and the Scottish Government also have a role to play. I am aware that there is Scottish guidance—although it is a little bit old—on access to primary and secondary healthcare and how that entitlement runs alongside someone's leave to remain. Indeed, I referred to that guidance when I was in practice. When the guidance was drafted, Scotland was leading the way in its provision and in allowing individuals who had claimed asylum but did not have a live claim access to primary and secondary healthcare. The position is still progressive.

We started from a good point. However, because of the legislative changes that have been wrought by the Immigration Act 2014 and the Immigration Act 2016, and because of the impact of the hostile environment, which we have talked about, there is a perception of confusion among front-line NHS staff—because of everything else that is happening in England and Wales, not all of which is applicable here—and of people being denied their right of access. With the powers that we have and in the interests of public health and access to human rights, the Scottish Government and the NHS can and probably should not only refresh the guidance but launch a clear campaign for GPs and front-line staff, especially primary care professionals.

As you have noted, there are good precedents in England and Wales for how that can be done, and I do not see why we cannot do that. We could also make clear the areas in which we have taken more progressive decisions in Scotland.

10:45

Graham O'Neill: The theme that Jen Ang has articulated goes back to what we said a year ago and what we said at the start of the discussion about what we can do in Scotland with devolved competence. For me, one of the things to have come out of the work that we have done over the past few years is a deep frustration and concern about the symptoms that are being caused by the problems. I know that we are limited for time just now, but I want to take a step back and ask what we can do practically.

The guidance issue is important, but there are many other important issues. There has been progress on the development of guidance, as Eloise Nutbrown and Jen Ang have articulated. I see it as an essential capacity-building measure that should have been in place for part of our

public sector but primarily for local authorities. It is about the contribution that they can make through their responsibilities under certain legislation. Nevertheless, many more public sector and third sector bodies are involved, with health being a pivotal area.

Before I came here today, I promised myself that I would talk about accommodation options in plain English and not jargonistically. Any person with insecure immigration status who is homeless or at risk of being homeless or roofless needs shelter. That is a human right, and it is pivotal—in the true sense of the word—in mitigating or preventing further issues. Accommodation options must be at the heart of the Scottish Government's strategy. We have told the Government and will continue to tell it that accommodation options need to be a priority.

The Government has asked what the accommodation options are in relation to that group. One option is people's existing statutory entitlements to assessment and support. However, many people, especially Natalia Jane Farmer, have articulated the unevenness and inconsistency of accommodation support and financial help that people with insecure immigration status get through the statutory route of the Children (Scotland) Act 1995 and the Social Work (Scotland) Act 1968.

We can also ask about community hosting. There has been a lot of talk about community hosting in the ending homelessness together agenda. I look at the room for refugees scheme and see in practice the potential for real community hosting. That is the kind of scheme that might need to be resourced if we are serious about making a real dent in relation to the insecure immigration status population.

Then there is the role of shelters, which are very contentious and rightly so. In an ideal world, nobody would want to have shelters, even short-term emergency ones. However, our experience of working with people who have been rendered homeless through the asylum system is that shelters are, de facto, needed. The issue is then about how they are designed, whether they are safe, whom they are accessible to and what wraparound services are provided. Are shelters a viable model? Too often, they have not been. Still, we need to move towards that model as one of the accommodation options.

Housing associations also have a role. We need to think practically about what they can do to provide some of the accommodation that is required. There is also a role for private donations in the provision of accommodation.

Work on accommodation options is one of the clear, practical things that we can do for people

with no recourse to public funds. As Jen Ang said, it is not that there is a general prohibition of public funds; there is a list of prohibited benefits in the immigration rules. We must always bear that in mind and cut through people saying that they cannot do anything because of NRPF. We can use accommodation options, but there needs to be a different mindset. For example, Liverpool City Council is using Home Office funds to provide accommodation, including to some people who have no recourse to public funds, because it is about preventing and alleviating destitution. We need to do more of that in Scotland, especially in Glasgow.

I do not want to go on too much, but I want to mention other practical measures that the strategy will need to be comprised of and that I hope the committee can articulate to the Scottish Government.

There is a role for specialist advocacy provision, not in setting up separate agencies to provide advocacy for people with insecure immigration status but in going with the grain of where the expertise is. We have Shelter Scotland and others such as JustRight Scotland and Streetwork, which is doing good work in Edinburgh in which we are involved a bit as well. They are going with the grain and bringing homelessness expertise to bear for those with insecure immigration status. We do not want that population to get a different type of provision or accommodation; we want them to be treated equally in terms of human rights, which means mainstreaming their services. The work that Scottish Women's Aid does is another example of the impulse to mainstream advocacy provision. The Scottish Refugee Council, the Red Cross and ASH Scotland work with refugee populations.

We also really need to think about protection pathways. I talked about the intersection that involves the growing number of people who have insecure immigration status. There is no dedicated protection pathway for that group, but we need such pathways, which bring together—locally and nationally—health services, the third sector, local government and others.

I know that I am going on. I will stop in a moment.

My next point is about the context of the pre-Brexit phase, which we are in, and the post-Brexit phase. In the labour market in Scotland, the groups of EU nationals who are in the lower-paid and less well-regulated sectors are Poles, Lithuanians, Latvians, Romanians and Bulgarians—such people are not from France or Spain. We need to keep in mind the fact that those people could have been trafficked or in the grey area of exploitable situations and the fact that they

could have had breaks in their employment patterns.

The Home Office talks about its settled status programme, and immigration ministers have made positive statements at Westminster in the past few months, but we cannot focus on ministerial statements—we must focus on what the agreement between the UK and the EU says, which is that people will have to document five years' evidence of being in the labour market. Many such people will not be able to do that, so they will be vulnerable to destitution, among other things.

That is an issue not just for Glasgow, Edinburgh and Aberdeen but for Forfar, Angus, Aberdeenshire and Peterhead, because that is precisely where the more vulnerable labour markets are. I cannot say more clearly that that is a national strategic issue that must be prioritised in the next few months. As I said at the start, the committee did a job for the Scottish Government in emphasising the situation, and I urge the committee to raise it constructively with the Scottish Government—as I know it will—to ensure that it is on the radar in a practical sense.

The Convener: Earlier, I wrote down for myself the question whether, in the future, EU nationals who do not register with the Home Office will be treated as undocumented. That is for my reference, so that I will try to find out what will happen.

Jo Ozga: I very much hope that the COSLA guidance will be gendered and that the experiences of women and their children will be considered. We have not yet been involved in the development of the guidance. I am glad that it is going to look at migrants more broadly, because our concern is about what happens to women from EEA countries who have no access to funding, and their children, if they cannot access refuge accommodation or get into local authority or housing association accommodation.

I reiterate Graham O'Neill's point. In addition to financial support, housing is the key barrier to a woman being able to leave an abusive partner. The responses from local authorities across Scotland are inconsistent, even when women have children, let alone when they do not have children.

The Scottish Government could look at its homelessness strategy in a framework that is much more about equality, human rights and children's rights than the present approach is. We have raised with the action group the point that women's homelessness is not visible in the strategy. We will continue to raise that point, because there is an important opportunity to address the recommendations in "Hidden Lives"

more broadly in other sectors of the Scottish Government.

One positive thing that has happened in the past year is that Southall Black Sisters has accessed the tampon tax fund to support women with no recourse to public funds to stay in refuges for 12 weeks. Subsistence amounts of £30 a week for a woman and £10 a week for a child are attached to that. We have a case of a woman who has accessed accommodation in rural Stirlingshire with her child. She has £40 a week to live on and she spends £20 a week on travel. Without Women's Aid fundraising for her to provide food and clothing so that her child can go to school, that woman would be much more destitute than she is.

It is important that third sector and local government resources are joined up so that they can make the most of them and so that we do not have small third sector organisations trying to fundraise for individual women and children on a daily basis and using their resources—which are really there to support women and children—to get individuals' basic needs met.

The Convener: I am minded to allow the committee to run a wee bit later this morning, if members of the panel are okay with that. I am talking about only another 10 or 15 minutes, but it will allow the last two panel members to speak and Oliver Mundell to ask his specific question. We are up against a time barrier, so if we could tighten things up a wee bit, that would be really helpful.

Natalia Jane Farmer: What we have heard today has shown that there are numerous tensions, which are live and are not going anywhere.

The first serious case review on NRPF was in January this year, and it related to Wolverhampton safeguarding children board. It found that practitioners did not have an extensive understanding of the lived experience of NRPF and reiterated that there was inconsistent practice. It is a national issue that is not going anywhere.

My concern, which relates to the Home Office, is that implicated in that is a culture of disbelief. I am really sceptical that updated guidance will sort anything out. In the cases that I have seen, clear channels of accountability have been really important. The only forms of accountability that I have seen in my research have been legal representation or media involvement, and legal representation has been really problematic.

There have been no test cases here in Scotland for NRPF. Why is that? What is going on with the legal process that is making it difficult to hold the local authorities to account? There have been a lot of test cases in England, where—Jen Ang might be able to explain this—there are what are called community care lawyers, meaning that a judicial

review can be raised quickly and does not take as long; therefore the local authority is held to account sooner. That is a really important point. I would like a spotlight to be shone on the legal process here.

My final point touches on what Jo Ozga said. My researchers looked at people with children, but there is a dire need to look at people in adult social care who do not have children and who are trying to access social services support through community care assessments. That is a critical area, and it needs to be looked at.

Robina Qureshi: We are here to look at the Scottish Government's response to the recommendations. We have provided and arranged 83,000 nights of shelter so far through the network of 300 or so casework organisations with their 400 caseworkers. We have an online system called refer, which distributes crisis grants through the emergency relief fund and through community hosting, to which Graham O'Neill referred.

That is a good basis on which to address the whole issue of destitution. It is also a place to gather data. Because the data is online, we can extrapolate information from it very quickly to show what is happening across Scotland. We are now receiving referrals of destitute clients from Aberdeen, which we are looking into. Work is being done in Glasgow, Edinburgh and Aberdeen, and there are small pockets elsewhere, but it is being done primarily in Glasgow and Edinburgh at the moment.

At any one time, we shelter 80 to 120 families or individuals who we think have the chance to resolve their crisis and move on—not just to stabilise their lives for the sake of themselves and their children but to become future taxpayers. They become part of your tax base, so those 83,000 nights of shelter have actually saved the UK Government and charities who refer to us around £4 million to £5 million so far. That is a big impact on the part of a small charity.

NRPF applies to individuals, not organisations, as Graham O'Neill said, so we want the Scottish Government to proactively support the relevant charities—particularly ourselves, obviously—for the good reason that we have dealt with 1,400 destitute people—families and individuals—and unaccompanied asylum seekers, for whom we can document and prove the outcomes. Those people were in difficult situations. Not just children and women who were about to have children but people with terminal liver cancer, HIV/AIDS or other communicable diseases were sheltered in people's homes.

11:00

Those 83,000 nights of shelter were also about pastoral support. People and communities stepped in. When we accommodated a mother and three children in Dunbar, the whole community came together. It was not just about someone putting somebody up in their house; it was about the community coming together and asking what else the mother needed and how else they could help with the children. That family is now stable, which is a good outcome, and the mother is working, so she is contributing to the tax base.

Surely, if only for the sake of Scottish taxes, the Scottish Government should establish a strong, proactive response that supports the work that is being done instead of leaving us to pick up the pieces alongside other charities and faith groups. That response should back the support that is given in the absence of public funds. It is difficult for us to say that, because we support people with no recourse to public funds, we should be given funding. However, the Scottish Government can recognise that need and give a strong—I was going to say “stable”—response to the hostile environment policy. That policy is having an impact in Scotland, and people having no recourse to public funds is just one of the disgraces of it.

We really want to know what is happening, following the recommendations.

The Convener: Of course.

Oliver Mundell: I was pleased to hear Graham O'Neill mention rural areas. A couple of other people have picked up on the point, too. It is clear from what we hear today and what we heard a year ago that people who have no recourse to public funds face severe consequences. That is particularly the case with issues that are already challenging, such as housing. In the area that I represent, thousands of people are waiting on the housing list and it is not uncommon for all applicants to be offered temporary bed-and-breakfast accommodation, which can cease to be temporary, with people facing long stays and all the difficulties that are attached to that.

On COSLA's approach, has there been progress on ensuring that all local authorities in Scotland are geared up to cope with the challenges? I am thinking in particular of the additional challenges in rural communities, where third sector organisations are not active and where, despite their good intentions, council officers do not deal with the number of cases that would give them the experience to address the problems.

Eloise Nutbrown: There are two key things to flag. One is that local authorities are not equipped to accommodate and support everybody who is in

need. There is a group to whom local authority assistance cannot be given under the current immigration system, and we really need there to be a change in policy at the UK level on the application of the NRPF rule and how local authorities can step in to assist when destitution occurs.

Housing is an area of acute pressure for all local authorities. Rural authorities are struggling because they cannot draw on and work with the third sector, which can provide something for some of the groups in relation to whom local authorities have their hands tied. In NRPF cases, we cannot offer a local authority house, so when social workers assess that a family or a vulnerable adult is at risk of homelessness and that they need to provide assistance, they need to pay private landlords for temporary accommodation. Bed and breakfasts are used because the housing market is under huge strain, which obviously comes at a high cost. It would be more affordable, although still incredibly difficult, if there was a local authority option.

We want change in policy at the UK level because that is where the pressures come from. Although we welcome the support that the Scottish Government has provided to us so far to build capacity in the system for training and guidance, the issue is the long-term funding of our social services and the third sector as well as the need to bring us all together to think more strategically.

One of the big strategic questions that needs more consideration is a fundamental one about the amount of resource that will need to be put into the system, recognising that need might grow over the coming years. That will be particularly relevant post-Brexit, as Graham O'Neill pointed out. Jen Ang mentioned EU migrants as a group who are at risk of destitution. What level of resource will be put into the system to ensure that they do not have the challenges that we are describing? Secondly, what are we going to do to address the needs of the group of people—it may be only a small group—who, in the eyes of the Home Office, will not be allowed to stay at the end of the asylum process? They will not be granted leave to stay in the UK, and they may not be willing or able to go for various reasons. Who will have responsibility for that group of people in a Scotland that does not want to see people living on the street or destitute? I do not think that the third sector wants to be a formal part of the humanitarian response in the long term, but if not the third sector, what is the alternative and how will we co-ordinate that?

Those are two key issues, if that answers your question.

Oliver Mundell: Are local authorities imaginative enough in how they approach the issue and work with the third sector, or are there

some individuals in authorities who still have entrenched views and do not see that as their responsibility?

Eloise Nutbrown: On local authorities not seeing that as their responsibility, COSLA's community wellbeing board approved a paper in November mandating me to work on the issue and stating clearly that it is local authorities' responsibility. I appreciate what you say about the challenges that we have raised today and your questions about whether we have got there yet in terms of delivery, but there is innovation. I certainly know that local authorities benefit from innovation and from their partnerships with a number of the partners around the room, but that is often centralised around Edinburgh, Glasgow and the central belt. There is more that we can do, and more that we need to do.

We have requested a couple of things from the Scottish Government. One is to do with what happens if we take forward a strategy. In other areas of innovation and service development, pots of seed funding are available to test and evaluate different ways of working and changing, but the social services system is, necessarily, under too much strain to always be able to go into partnerships with the third sector that may lead to better outcomes. We would be keen to explore whether there is funding for multi-agency models to be tested. I am thinking of the models that are already happening in Edinburgh and Glasgow that funnel public funds through the third sector to deliver accommodation or advocacy services by partnering up with the local authority to resolve cases. We would also be keen to explore whether there is funding to test models and work with rural authorities to identify what needs to happen in rural areas. That may involve building capacity in their community sectors or church or other faith groups, or it might be about looking at how we draw on the resources that exist in other parts of the system or in other parts of Scotland. However, there is definitely room to improve there, and we are keen to work in partnership to look at how we do that.

The Convener: I believe that Mary Fee has a quick supplementary on that point.

Mary Fee: As the convener said at the start of the meeting, she and I have both visited the ASH project. I wonder whether Natalia Jane Farmer could comment on this; Graham O'Neill and Fiona MacLeod may also wish to respond. When I last visited the ASH project, a number of concerns were raised about the accommodation that is provided through the UK contract with Serco. Those concerns were about the quality of the housing and about the support that people employed through Serco give to the people who are being housed. I was given assurances that

changes would be made in relation to how people were dealt with, entry into houses, and the quality and standard of repairs to properties. Could you comment on whether any changes have been made?

Natalia Jane Farmer: My research looked at NRPF families, but it did not specifically consider the side of ASH that looks at people in the asylum system who are in Serco housing. However, from what I gather from ASH, I understand that there are still huge concerns about the way in which people are being treated in Serco. Robina Qureshi will have a lot of information about that as well, but the quality of the accommodation that Serco provides and the way that the staff treat people in asylum accommodation—especially vulnerable people with mental health issues—give rise to huge concern. Robina Qureshi has been dealing with a number of on-going cases.

Robina Qureshi: A few months back, we did a campaign to highlight what was going on in Serco. There was subtle—sometimes, not-so-subtle—harassment. People were being forced out and threats to call the police were being made. Serco residents asked whether they were allowed to call the police. They wanted to know whether being told to get out of their flats was an immigration matter, with the result that they could not call the police. In other words, they thought that the issue of their being harassed was reserved to Westminster, too—that was the implication. Surely people in that situation can call the police.

We made contact with senior police officers—I am talking about chief inspectors—who had differing views on whether they would step in if a resident contacted the police and said that they were being illegally harassed out of their accommodation. In an email, Rupert Soames said that notices would be issued. Notices cost thousands of pounds. That is excellent news, because it means that Serco will have to spend more money if it wants to force people out. Why should people have to walk out? We are telling Serco to issue its notices, which will be challenged by housing solicitors in court. That is the way forward. I think that Serco is very nervous about being exposed in that way. We uncovered that through the communications that we had and through the *Sunday Herald* article.

The Convener: We are going to continue the conversations that we had last year with the police. It comes back to how we ensure that front-line workers receive the right advice, and the same goes for police officers. We will do some follow-up work on that.

Fiona, would you like to come in on the Serco issue? On our visit last year, you said that some people who had been in Serco housing had been locked out and had not been able to get access to

their documents or even their clothing and medication. They went to the British Red Cross or the Scottish Refugee Council to seek help.

Fiona MacLeod: I understand that there are still cases in which people are being misled into leaving their property. While they have been out of their property, things have happened to locks. I point out that I am not a front-line practitioner and that I have not had direct oversight of such cases. We still have concerns about some of those processes.

The Convener: We received evidence to that effect last year.

Graham O'Neill: Earlier, I talked about some of the structural factors that affect people, one of which is the lack of choice of accommodation. We are talking about accommodation that is in some of the poorest wards and streets in the country, in areas such as the north of England, south Wales, Glasgow and the midlands. Many of the things that we see are symptoms of extremely bad properties that have been poorly invested in, but there is also the unaccountable delivery of the public service of housing to people seeking refugee protection who have been dispersed—in this case, to Glasgow. For example, no report has ever been submitted to any local authority committee of any complexion by Serco, G4S or Clearsprings. That is evidence of the provision of a parallel public service of housing to a minimum of 40,000 vulnerable people across some of the poorest parts of the country. If that is not democratically outrageous, I do not know what is.

I make it clear that the Home Office is running a parallel service. When it comes to destitution, it is letting everybody else pick up the pieces and react to that. It is walking away without taking any responsibility, which is unacceptable. To its credit, the Scottish Government has persistently reminded the Home Office of that, and it must continue to do so, because we are about to move to a 10-year contract, from September 2019 to September 2029. Materially, from a funding point of view, and from the point of view of a lack of any accountability to national or local bodies, we will be in the same position.

My point is that what Mary Fee and ASH have said is true. We see it, too. Poor-quality accommodation is being provided to a vulnerable group of people and, at times, there is inappropriate conduct towards them. Those are symptoms of deeper issues, such as the fact there is a lack of accountability in this space. There is active interest from the legal and the housing law community in bringing Scottish housing law standards to bear in relation to how that public service is delivered. At the moment, that is one of the main pinchpoints. In the next year, we want to make progress on how we can get Scottish

housing eviction law to apply to this area so that rights are provided to a group of people who at present do not have rights in relation to being removed from their accommodation.

The Convener: We are almost out of time. I will take quick comments from Robina Qureshi and Jo Ozga, after which we will need to finish, because we need to decide what we are going to do.

Robina Qureshi: I felt that the Police Scotland response—that there was nothing to go on—was shocking. I think that Police Scotland should be asked about the situation of Serco residents. I spoke to the chief inspector in an area where there are many asylum seekers, and I asked him whether his officers would come out if asylum seekers called the police. He said that they might be using that as an excuse, even though they were genuinely being harassed. I asked him directly whether his officers would come out, or whether they would do so only when Serco called them out. Serco was saying to people, “We’ll call the police—you have to leave.” In fact, the proper procedure has to be used to secure an eviction, which involves going through the sheriff court. There were also reports of Serco staff rifling through people’s papers. They said that they were trying to check whether people were supposed to leave. All those things were challenged. Housing associations often rent their accommodation to Serco; they have a role to play in imposing their standards on Serco.

In an email to me, Rupert Soames said, “Your client didn’t say thank you for us giving her free accommodation.” I said that she did not want his free accommodation; that is not why she was staying there. She would rather have her status. That gives you an idea of his tone in our dealings with him.

The Convener: Jo Ozga will have the final word.

Jo Ozga: The Home Office was due to publish guidance on domestic abuse in the asylum system and the provision of funding to enable women in the asylum process to access refuges. That has not happened yet, so perhaps the committee could bring that up with the Home Office.

The Convener: We have completely run out of time. You will realise that we could have spoken to you for a lot longer. We thank you for your participation. You can take heart from the fact that we have not finished looking at the issue. If you realise that there is something else that you should have said, please let us know. We will get back in touch with you on further work that we intend to do on the matter.

11:16

Meeting continued in private until 11:34.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba