



Rt. Hon Caroline Nokes MP
Minister of State for Immigration
2 Marsham Street
London
SW1P 4DF

29 October 2018

Dear Caroline,

Thank you for your letter to Cllr David Simmonds on 29 August, further to your meeting with Local Government representatives on 11 July, and Cllr Simmonds follow up letter of 1 August. Given the similar challenges faced by Local Authorities across the UK, and in order to make discussions at our meeting on 1 November productive for all attendees, we felt that it would be appropriate to write to you collectively in relation to ongoing concerns about the contractual arrangements for accommodating and supporting asylum seekers, and to suggest key principles and actions for future engagement.

We look forward to continuing to work in partnership as local and national leaders to find a way forward in terms of addressing the challenges we have previously identified. However, as you are aware, we remain deeply concerned about the pressures that Local Authorities across the UK are facing as they seek to mitigate the impacts of dispersal in their areas. We are also hugely disappointed at the lack of meaningful engagement that has taken place in relation to the introduction of the new asylum contracts. We have sought to articulate these concerns in previous meetings and correspondence with you, as well as in a variety of discussions that have taken place at officer level. While we welcome this ongoing dialogue, Council Leaders across the UK are increasingly concerned that no real progress has been made to ease the pressures that they face at a local level. What is more, we fear that these same pressures are likely to be replicated, or perhaps even accentuated, under the new contractual arrangements.

The new asylum contracts, as far as we are aware, do not set out any significant new requirements for contractors to work with Local Authorities and other key partners, in the delivery of asylum dispersal. Nor do they, in many instances, recognise the particular nuances of delivery within the devolved administrations. Crucially, they do not recognise the financial impact of asylum dispersal on local services either. Indeed, as things stand, councils will not be reimbursed for any additional costs associated with being dispersal areas. This is an unsustainable position which needs to be addressed as a matter of urgency. Councils will not agree to being dispersal areas unless resources are made available to support them in fulfilling these important obligations.

As a means of providing a solutions-focused approach to our discussions on 1 November, and beyond, we set out below a number of specific proposals in order to address the concerns that Local Government across the UK has. It follows that we would anticipate the focus of the discussions when we meet on 1 November to be on what progress can be made on each of these.

The changes which we seek can be summarised as follows:

1. Local Authorities should have equal partner status in the new asylum contracts, with full access to all contractual agreements with the successful bidders for their regions.
2. Local Authorities should have full access to any data and information necessary to support their roles in relation to dispersal and to help planning of services.
3. Local Authorities, together with the Home Office, should have oversight of the contracts, including through both the new joint partnership boards, and the national project board, being established to support the transition to the new contracts.
4. The Home Office should commit to a fair and equitable distribution of asylum seekers – within Local Authority areas, regions, and the UK as a whole. This must recognise the disproportionate impact that dispersal currently has on particular communities and parts of the country, but also be cognisant of the broader role that Local Authorities play in relation to humanitarian protection.
5. Local Authorities, together with the Home Office, should have authority over dispersal levels and ‘cluster limits’ at a council area and ward level, and the ability to make binding decisions around the procurement process (including in relation to community cohesion concerns, local room sharing policies, contingency arrangements, etc). Neither the Home Office nor the accommodation provider should be able to unilaterally overrule decisions that are made locally by those who are democratically best placed to understand the impact that dispersal is having on local communities.
6. Local Authorities must be adequately funded to support the key roles they play in relation to dispersal. This should be based on an assessment of required local authority expenditure, recognising that local and national government have a shared responsibility to effectively support asylum seekers both during and after the asylum process.
7. Funding arrangements should also include additional resources or reimbursement to meet the needs of destitute refused asylum seekers with no recourse to public funds as this creates significant additional burdens for Local Authorities. The unfunded impact on council budgets is unsustainable and arrangements must be made to reimburse these costs in full where the Home Office fails for whatever reason to remove those without legal rights to be in the UK.
8. The contracts should be fully reflective of the devolved context and legislation and any differential requirements upon contractors, local authorities or devolved administrations. In addition, there should be equal access to funding streams made available to support dispersal across all Local Authorities, including those operating in devolved nations.

We believe that these proposals are fair, reasonable, and achievable, and indeed are required to create a stronger and more successful asylum system. They will result in the smoother delivery of the asylum contracts locally and will ensure that, where issues arise in relation to dispersal, these will be resolved more quickly. In addition, pressures on already overstretched council budgets will be reduced and conversations about involving more Local Authorities as dispersal areas will have a far greater chance of bearing fruit, thus reducing impacts on areas that are already involved. The refugee resettlement efforts up and down the country have shown that when councils are adequately funded, they are able, ready and willing to play their part in supporting people who seek protection on our shores. This can be the case for asylum too, but only if the appropriate building blocks are put in place and if statutory agencies work together as joint strategic partners.

We also believe that their implementation will create a genuine and workable partnership between central and local government, and will deliver on the aspiration that we all share to have place-based approaches which underpin our humanitarian protection work at both a local and national level. The attached appendix provides additional detail regarding our proposals and the rationale behind each of them.

We would like to reiterate the point made at our previous meeting, and in subsequent correspondence, that failure to implement an immediate change to joint working, and a failure to attempt to mitigate the impact on the communities which councils represent, is likely to reduce councils' participation in the asylum dispersal scheme and local support for other schemes.

Whilst we would very much like the main focus of the meeting to be on these practical proposals for next steps in relation to dispersal, we will also be seeking confirmation of your leadership of cross government solutions for sustainable levels of funding for unaccompanied asylum seeking children and those leaving care and recognising councils' crucial and unfunded role in the integration of all new arrivals and for creating cohesive communities. We would also appreciate early communication on the future of the current resettlement schemes.

We very much look forward to meeting with you on 1 November, hearing your views on our proposals and your commitment to taking them forward as a matter of urgency.

Yours sincerely



Cllr David Simmonds CBE
Chairman of LGA Asylum, Refugee and Migration Task Group



Cllr Elena Whitham
COSLA Community Wellbeing Spokesperson

A handwritten signature in black ink, appearing to read 'D Curran'.

Cllr Dermot Curran,
Chair of NILGA

A handwritten signature in black ink, appearing to read 'S Elsmore'.

Cllr Susan Elsmore
WLGA Joint Spokesperson for Equality

Appendix One: Asylum accommodation and support briefing paper

Purpose

This note follows on from a meeting between the Immigration Minister Caroline Nokes MP and Members on the 11th July to specifically address concerns affecting local councils in the asylum dispersal programme. The current dispersal contract (COMPASS) is currently up for renewal with new providers being announced imminently. It is anticipated that new contracts (AASC) with a contract value of £4 billion pounds will be operational by September 2019 and will run for a period of 10 years to 2029.

Local Government has supported the asylum dispersal programme since its inception in 1999 and wishes to continue working together with Central Government in supporting an ongoing asylum dispersal scheme. However a number of urgent points remain inadequately addressed and, without substantial and immediate change, puts this partnership approach at risk.

The Local Government associations from across the UK have written to the Immigration Minister in advance of the Task Group meeting due to take place on 1 November. This paper sets out the specific calls from Local Government that are outlined in that letter.

1. Local Government is a strategic partner in the delivery of the AASC contracts.

- We call for Local Authorities to have equal partner status in the new asylum contracts, with full access to all contractual agreements with the successful bidder for their regions. The contracts should be fully reflective of devolved legislation and the differential requirements upon contractors as a result.
- The Statement of Requirements does not currently set out significant new requirements for housing contractors to engage with local authorities or other key stakeholders in the delivery of the scheme. Under the new contracts, housing providers and the Home Office are able to veto decisions where a Local Authority has refused procurement of new property. In addition to this, the scheme does not recognise local nuances of delivery or the financial or local community impacts of dispersal over a number of years.
- Local Authorities should also have full access to any data and information necessary to support the role that they play in relation to dispersal and to help planning of services. Local Authorities should partner alongside the Home Office in order to provide joint strategic and operational agreements in order to ensure the successful running of the contract.
- Local Authorities, together with the Home Office, should have oversight of the contracts, including through the new joint partnership boards, and the national project board, that are being established to support the successful transition to the new contracts.
- Support for asylum seekers, both during and after the asylum process is a joint responsibility between local and national government. It is important that the nationally directed asylum system is both compatible and respectful of the local area and policies. An example where this currently is not the case is the move-on period for new refugees. The 28 days for asylum seekers to leave their asylum housing is incompatible with other legislation, including new duties relating to the Homelessness Reduction Act, as well as the timeframes associated with the mainstream benefits system. The move-on period for refugees should therefore be extended to align with the wider policy and legislative context.

2. Central government ensures equity in the distribution of asylum seekers

- The Home Office should commit to a fair and equitable distribution of asylum seekers – within Local Authority areas, regions, and the UK as a whole. This must recognise the disproportionate impact that dispersal currently has on particular communities and parts of the country, but also be cognisant of the broader role that Local Authorities play in relation to humanitarian protection.
- Areas disproportionately affected by dispersal should have a rebalancing of numbers to allow for the 1:200 rule to be adopted at ward as well as local authority boundary level. This is essential in ensuring that local areas do not become overburdened and that communities are able to provide adequate support services.
- Local Authorities, together with the Home Office, should have authority over dispersal levels and ‘cluster limits’ at a council area and ward level, and the ability to make binding decisions around the procurement process (including in relation to community cohesion concerns, local room sharing policies, contingency arrangements, etc). Neither the Home Office nor the accommodation provider should be able to unilaterally overrule decisions that are made locally by those who are best placed to understand the impact that dispersal is having on local communities.

3. Local Authorities receive the funding necessary to support the role that they play

- Local Authorities must be adequately funded to support the role that they play in relation to dispersal. This should be based on an assessment of required local authority expenditure, recognising that local and national government have a shared responsibility to effectively support asylum seekers both during and after the asylum process.
- Funding arrangements should also include additional resources or reimbursement to meet the needs of destitute refused asylum seekers with no recourse to public funds as this creates a significant additional burdens for Local Authorities. The unfunded impact on council budgets is unsustainable and arrangements must be made to reimburse these costs in full where the Home Office fails for whatever reason to remove those without legal rights to be in the UK.

4. The devolved context is fully recognised in the new contractual arrangements

- The new contracts should be fully reflective of the devolved context and legislation and the differential requirements upon contractors as a result. There should also be equal access to funding streams made available to support dispersal across all Local Authorities, including those operating in devolved nations.
- While responsibility for immigration and asylum lie with the UK Government, responsibility for Local Government is devolved in Northern Ireland, Scotland and Wales. Unfortunately, full consideration is often not given as to how changes in practice, policy or legislation at a UK level might affect Local Authorities operating in a devolved context. The new contractual arrangements must be fully reflective of this devolved context.
- While Local Authorities across the UK receive the same ‘asks’ from the Home Office in relation to asylum, the level of support that is provided is not always the same. For instance, funding which has recently been made available to English Local Authorities through the Controlling Migration Fund to either directly or indirectly deal with the impacts of dispersal on local communities, is not open to Local Authorities in the devolved administrations. This has acted as a further impediment to participation. Future funding arrangements must ensure that all Local Authorities have access to the resources that are necessary to support the vital role that they play.

Background

On the 11th July, invited Members met with the Minister to discuss specific and urgent concerns around asylum. Collective issues were raised around the cumulative impacts of dispersal since 1999, inequity in the placement of asylum seekers, lack of progress around widening dispersal, the lack of engagement around AASC procurement, and differences in migration strand funding. The Minister responded to concerns in writing on the 7th September and acknowledged the support of local government in dispersal. However specific issues were not addressed in the Minister's letter.

Following the above meeting there has been press interest around dispersal highlighting that some regions are seeking to either withdraw or pause their involvement in dispersal. In addition to this, Asylum Matters and the Scottish Refugee Council launched a campaign urging the Government to hear concerns, while a Westminster Hall Debate took place on 10th October to discuss concerns around the asylum accommodation contracts. Members from across the Country repeated the challenges under the current COMPASS contracts, including poor housing standards, ineffective processes and lack of Local Government oversight.

The calls outlined in this briefing and associated letter are essential to enable Local Government to play an ongoing positive role in the asylum dispersal processes. Local Government is keen to work with the Home Office and forge new and meaningful partnerships. Local Authorities across the UK have contributed enormously to the UK's protection programmes for asylum seekers and refugees. It is therefore essential that the above concerns are responded to in a timely manner, and in advance of any new c