

Title: Asylum Seeker Dispersal Scheme
Lead Officer: Lisa Barker
Portfolio Holder: Councillor Matecki
Wards of the District directly affected: Potentially all

Summary

The purpose of this report is for Cabinet to determine the response to be provided to the West Midlands Strategic Migration Partnership (WMSMP) in relation to government proposals in respect of the dispersal of asylum seekers within the district.

Recommendations

- (1) That Cabinet confirms a preference for the WMSMP model rather than the proposed dispersal arrangements preferred by the government and its accommodation agent.
 - (2) That Cabinet notes the previous decision taken by the Chief Executive using his emergency powers in consultation with Group Leaders to support the dispersal plans of the West Midlands Strategic Migration Partnership
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1 Background/Information

National Context – Asylum seekers

- 1.1 The asylum accommodation system is under enormous pressure because of the sustained and significant increase in asylum intake over the last 12 months or so which together with the Covid-19 legacy measures placed unsustainable pressure on a limited number of authorities who were accommodating asylum seekers in their areas. Historically, asylum seekers have been dispersed in cities in Unitary or Metropolitan Councils. More recently some cities have been vocal in suggesting that all Councils should play a part and a small handful commenced legal action against the government. The then Minister for Safe and Legal Migration, Kevin Foster MP wrote to all authorities in April of this year, expressing commitment to move to a fairer distribution of asylum seekers and that with immediate effect, all local authority areas in England, Scotland and Wales are expected to participate in a new system of full dispersal to allow the move from hotels to less expensive and more suitable dispersed accommodation. There are now over 30,000 asylum seekers being housed in temporary contingency accommodation such as hotels at a significant daily cost.

The proposal was to achieve dispersal through three key interventions:

A. To reduce and eliminate the use of hotels for asylum seekers by moving to a full dispersal model for asylum accommodation. This means expanding the existing approach of using private rental sector housing to all local authority areas across England, Scotland and Wales.

B. In May 2022, following the local elections, the Home Office would launch an informal consultation with local government to inform how this model will work

across England, Scotland and Wales and within regions and nations. The consultation was to explore how asylum dispersal can better take account of the other impacts on local authorities, of resettlement and the care of unaccompanied asylum-seeking children.

C. Providing specific funding to recognise the existing contribution of local authorities and for new dispersed accommodation. Government stated that it would continue to work with local government to capture and evaluate data to understand the impact of asylum dispersal on local authorities going forward.

To support the implementation of a full dispersal model, as part of the consultation process, the Home Office has committed to undertaking a new burdens assessment. This is said to be an opportunity to better understand the costs associated with asylum dispersal and engage with the local government sector. Where genuine additional and ongoing costs are identified, these will be addressed in line with the New Burdens Doctrine and subject to a post-implementation review.

1.2 To recognise the existing contribution and longstanding support from local authorities, each local authority in England, Scotland and Wales which was accommodating asylum seekers on 27 March 2022 was to receive a £250 one off payment per asylum seeker. Payments apply only to accommodation under the following categories:

- Dispersed Accommodation (DA)
- Overflow Dispersal Accommodation (OAD)
- Initial Accommodation (IA)
- Contingency Accommodation – Hotels and Other.

Officers are in the process of checking if WDC qualifies for this funding as it is understood that Contingency Accommodation in the form of a hotel was commissioned by SERCO prior to this date.

In addition, further funding has been made available for 2022/2023 to provide £3,500 for each new dispersal bed space occupied, in both new and existing dispersal areas, between 28 March 2022 and 31 March 2023. This funding can be used to implement and/or bolster services in both new and existing areas. The Home Office state that this will alleviate some pressures on local authorities and will ensure every local authority plays its part in this important work.

1.3 SERCO is the Government appointed agency delivering the full dispersal of asylum seekers. It is now actively seeking accommodation in all areas of the country and it has a defined model to do so which is attractive to landlords and property owners. There is an expectation that local authorities will work to support local level plans to support full dispersal. Initial numbers allocated should be delivered by December 2023. It is recognised that the market will be more challenging in some areas if the current Home Office/ SERCO model is used. Over time a place-based approach is proposed but the more immediate aim is to find accommodation urgently to reduce reliance on hotel accommodation.

1.4 Key dates for the move to a full dispersal system

- Ministerial instruction received on the 13th of April with LA funding agreed for 2022/23 financial year
- May: Regional workshops & online informal consultation

- May/June: 121 meetings with all new areas. SERCO progressing with procurement with procurement for the first property in Leamington started
- August/September: The Home Office asked all Strategic Migration Partnerships to work with local authorities and the accommodation provider (SERCO) to agree localised plans on how the regional percentage would be divided. The request was for the agreement to be signed off at Leader level and for these plans to be returned to the Home Officer by the 7th September. Regional allocations proposals produced by WMSMP showing potential allocations by Local Authority. The Chief Executive Officer used his emergency powers under delegation CE (4), in consultation with the Group Leaders to provide a decision endorsing the approach of WMSMP
- September/October: Home Office ask the accommodation providers to prepare a separate plan
- October: Home Office share the accommodation provider version and version analysis. In all regions there has been variance between the provider and SMP/LA plans. Home Office now requests Local Authority leader agreement but also states that such agreement is not necessary. The implication is that work will progress whatever the local determination. The Home Office then asked all SMP's to reach back out to LA's and obtain agreement by the end of the month. The Home Office has reiterated that should we not be able to align the plans then the backstop position could be implemented either by local authority or regionally. It is still not clear what the backstop position is. Warwick District Council (WDC) is amongst those authorities who have advised that the matter needs to go before Cabinet for a decision to be reached. The Home Office had anticipated finalising regional/national plans by the end of October – with backstop implemented if required.
- December 2022: Asylum Dispersal scheme proposals to be considered at the WDC Cabinet meeting.
- December 2023: The date timeline for SERCO to procure the initial bedspaces in Warwick District. Further detail is provided in paragraph 3 below and specifically, in the confidential appendices.

1.5 Over and above the challenges being presented through these new asylum dispersal arrangements, there remain other active pathways for migrants as follows:

1.5.1 New arrangements are in place for refugees from Afghanistan. They will be made 2 reasonable offers of accommodation by the Home Office. If these are refused, they will be expected to find their own accommodation or seek assistance from a housing authority.

The Government has sought an increased commitment from local authorities to provide accommodation for refugees from Afghanistan.

1.5.2 Arrangements for refugees from Ukraine are by way of sponsorship. Sponsors were asked to commit to provide accommodation and support for 6 months. Refugees from Ukraine who have arrived with a visa as part of the Homes for Ukraine Scheme have permission to stay for 3 years and have full recourse to public funds. At the end of 6 months, they will stay with the sponsor, find their own accommodation or seek housing from a Local Authority. A national exit housing strategy for these households is not in place.

- 1.5.3 In addition to these groups Councils are being asked to continue to support refugees from Syria and, where required, from Hong Kong.
- 1.5.4 Whilst there are nationally prescribed arrangements in place for these groups there is an impact/pressure on
- 1.5.5 There is a county wide arrangement in place to help support migrants.
- 1.6 Currently, asylum seekers in Warwickshire are being accommodated in hotels in Rugby, Warwick & Stratford. In addition, a hotel is being used to accommodate unaccompanied children.
- 1.7 The impacts/pressures of asylum/migration on Local Authorities and partners are numerous and include impacts on all local services including Voluntary and Community services, primary and secondary health care, family support services, education and the housing market. Although SERCO, the accommodation provider is responsible for management of the property and support for the asylum seeker this ends once their immigration status is confirmed and Leave to Remain is granted. Once this takes place, the asylum seeker is referred to the local authority homeless team and a 28-day notice is served. In practice it transpires that some will migrate elsewhere in the country to reunite with already settled friends and/or family however, many remain in the host area.
- 1.8 It should be noted that although government in April 2018 increased the timeline for statutory homeless interventions to commence from 28 days to 56, the Home Office is standing firm with just 28 days' notice. Once leave to remain is granted, the asylum seeker receives full entitlement to public services and becomes able to work or claim benefits. This in turn releases the bedspace for a new asylum seeker to occupy. Inevitably this means that over time the Council will be faced with finding accommodation for an increasing number of former asylum seekers. The successful claimant will receive a letter confirming the exact date that asylum support will end. It can take time to move on from asylum support however the Home Office will be unable to extend support beyond 28 days
- 1.9 In addition, the Council uses private sector accommodation to discharge its homeless functions. SERCO will be in competition with the Council for properties at the lower end of the rental market. This could over time, as SERCO develops its portfolio, impact on the ability of the Council and homeless applicants to secure low rent value property in the private sector.

2 Asylum Seeker Regional Allocations

- 2.1 Following a delay on the part of the Home Office, the West Midlands Strategic Migration Partnership received the regional asylum allocations at the beginning of August 2022. The information shared with the Council is contained in confidential appendix 1.
- 2.3 Following meetings of the WMSMP and discussions with the Home Office a model was proposed for the distribution of asylum seekers across the region.

3 The Models and impact across Warwickshire

- 3.1 The model for the region proposed by WMSMP and shown at confidential Appendix 2, uses data modelling based upon the following key principles.
 - An upper limit for each local authority of no more than 1 asylum seeker per 200 of the host population. The 1:200 rule is recognised by the Home Office, and this would be an upper limit per Local authority regardless of the bedspace requests.

- A weighting was added so that any local authority that was at 75% of its 1:200 limit would see procurement stop in that area.
- Local authorities with contingency/hotel accommodation would have those bedspaces included as part of the 1:200 figure.
- Finally, an additional weighting has been added to those local authorities who have been dispersal areas since 1999. The weighting reduces the amount of procurement by half in these areas.

3.2 The allocation of the projected required bed spaces was established using each local authority's percentage of the 'remaining' regional capacity, established after the above weightings. It is understood that the model was widely supported by authorities although their individual responses to the Home Office may not have expressed this view. The implicated numbers for Warwickshire authorities are shown in Confidential Appendix 3.

3.3 The model for the region proposed by the accommodation provider is shown at Confidential Appendix 4. It is based on the levels of accommodation across the west midlands that the provider believes that the market can provide. They do not believe that they can secure accommodation that is equally distributed as identified within the WMSMP model. It should be noted that the WMSMP numbers included within Appendix 2 vary considerably from the WMSMP numbers included within Appendix 4. This is due to that model identified a figure net of numbers in hotels, and at the times when the data was captured, there were fluctuations in numbers accommodated in hotels.

Authorities have been asked to indicate if the local authority agrees with the accommodation provider figure

3.3 There are well established governance arrangements on a countywide level to support the various migration channels.

4 Alternative Options available to Cabinet

4.1 The Cabinet could decide not to offer a view on the model.

Pros: The public might conclude that the Council is not working with the government in respect of the proposed dispersal plans.

Cons: The risk of doing this is that the Home Office could determine that WDC is ambivalent about numbers and therefore increase the bedspaces commissioned locally. Alternatively, they could apply the backstop position though there is no information to suggest what any backstop might look like.

The public might conclude that the Council should take a strong view on the proposals, either for or against.

4.2 The Cabinet could decide to express a preference for the WMSMP model

Pros: This would be supportive of the regional approach. The number of bedspaces to be procured in WDC would be fewer which in turn, would reduce the number subsequently turning to the Council for help with housing once leave to remain is granted.

The public may conclude that the Council is playing its part in helping vulnerable people

Cons: The accommodation provider has already indicated that the WMSMP model is unachievable.

It is likely to lead to increased homelessness over time and therefore increase officer workload and costs to the authority.

The public may conclude that the Council should not offer support and that Cities/other places are better placed with infrastructure to accommodate people claiming asylum.

- 4.3 The Cabinet could decide to endorse the Accommodation Providers proposed model.

Pros: Would garner favour with the Home Office

The public may conclude that the Council is playing its part in helping vulnerable people

Cons: Will lead to increased homelessness over time and therefore increase officer workload and costs to the authority.

The public may conclude that the Council should not offer support and that Cities/other places are better placed with infrastructure to accommodate people claiming asylum.

5 Consultation and Member's comments

- 5.1 Officers discussed the matter with, and sought the views of the Leadership Co-ordination Group in relation to the required response and the proposal for the Chief Executive to use emergency power
- 5.2 The Portfolio holder for Housing and Assets has been consulted in the preparation of this report and is keen for Cabinet to have the available facts in order to debate and form a decision in respect of the required feedback to the Home Office.

6 Implications of the proposal

6.1 Legal/Human Rights Implications

- 6.1.1 Government is requiring all Local Authorities to play their part in the dispersal of asylum seekers. It is for the Home Office to determine the status of applications made by people seeking asylum. Once applicants have a positive decision, they are provided with a notice to leave that accommodation within 28 days. If they require settled housing in the area, applicants can approach the Council and apply for Housing under the provisions of the Homeless Legislation.

6.2 Financial

- 6.2.1 WDC will receive £3,500 for every bedspace procured by SERCO up to the end of March 2023. If all bedspaces are procured by this time, the Council should receive £563,500. It is likely that the income would be ringfenced to support the additional cost of this scheme.
- 6.2.2 There are possible revenue costs associated with the proposals. So far, these have been contained within existing resources however, the situation will be monitored and kept under review

6.3 External impacts of the proposal

People - Health, Homes, Communities

The proposal will see that Asylum seekers who receive settled status then are considered for a home where a family life can be achieved. Existing applicants may however feel aggrieved if they perceive former asylum seekers to be 'queue jumping' when securing affordable housing in the district.

Money- Infrastructure, Enterprise, Employment

Skilled former asylum seekers will contribute towards local jobs, health services and the local economy.

6.4 Internal impacts of the proposal

People - Effective Staff, Services

There is the potential for further pressure to be placed on the homeless team who are already experiencing high levels of service presentations.

6.5 Environmental/Climate Change Implications

There are no direct environmental/climate change implications associated with the proposals within this report

6.6 Analysis of the effects on Equality

The proposals positively impact one of the most disadvantaged and marginalised populations in our society. Achieving settled status and obtaining secure housing will greatly contribute to providing a stable base from which to rebuild lives. The new communities will add a rich diverseness to the district.

6.7 Data Protection

There are no data protection implications associated with the proposals in this report.

6.8 Health and Wellbeing

This impacts positively on health and wellbeing for those seeking asylum and for those who have settled status.

6.8 Risk Assessment

6.9.1 We have not seen a hotel exit plan and additional bedspaces do not automatically result in the closure of local hotels. The Council does not receive an additional funding for households in hotel accommodation. This could lead to there being increased pressures on local services, particularly health and the voluntary and community sector.

6.9.2 The Council uses private sector accommodation to discharge its homeless functions. Serco will be in competition with the Council for properties at the lower end of the rental market. This could over time, as Serco develops its portfolio, impact on the ability of the Council and homeless applicants to secure low rent value property in the private sector

6.9.3 There could be additional pressures placed on the Homeless Team should the rate of case resolution increase.

6.9.4 Waiting times for one-bedroomed secure accommodation in the social sector could increase as could the number of applicants waiting on the housing register. There could be a knock-on increase in the use of temporary accommodation provided as a homeless relief duty as a consequence of longer wait times for secure accommodation.

6.9.5 The additional funding of £3,500 per additional bedspace ends in March 2023 and there is no indication that it will be rolled forward to 2023/2024 financial year. The timeline for SERCO to procure the bedspaces in WDC is December 2023 and therefore, Warwick may miss out on vital funding to support new communities.

6.9.6 Those who do not receive leave to remain may stay in the district and sleep rough once the appeal process has been exhausted. Crisis consider that the costs to the public purse of a person sleeping rough for 12 months are £12,128.

Report Information Sheet

Please complete and submit to Democratic Services with draft report

Committee/Date	7 th December	
Title of report	Asylum Seeker Dispersal Scheme	
Consultations undertaken		
Consultee *required	Date	Details of consultation /comments received
Ward Member(s)		
Portfolio Holder WDC & SDC *	17.11.22	Cllr Jan Matecki
Financial Services *	16.11.22	Victoria Bamber
Legal Services *		
Other Services		
Chief Executive(s)	13.11.22	Chris Elliott
Head of Service(s)	Author	
Section 151 Officer	16.11.22	Andrew Rollins
Monitoring Officer	14.11.22	Andrew Jones
CMT (WDC)		
Leadership Co-ordination Group (WDC)		
Other organisations		
Final decision by this Committee or rec to another Ctte/Council?		Final
Contrary to Policy/Budget framework		No
Does this report contain exempt info/Confidential? If so, which paragraph(s)?		Confidential Appendices 1 to 4
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?		Yes, Forward Plan item – scheduled for 21 September 2022
Accessibility Checked?		File/Info/Inspect Document/Check Accessibility