

Written Response by the Welsh Government to the report of the Equality, Local Government and Communities Committee entitled “I used to be someone”: Refugees and asylum seekers in Wales

The Welsh Government is committed to ensuring refugees and asylum seekers who have fled war, famine or persecution are able to fulfil their potential in Wales. We welcome the opportunity presented by this Inquiry to highlight the support we offer to some of the most vulnerable people in our communities.

We are grateful for the Committee’s carefully considered report and recommendations, as well as the time and effort given by those working in public services and refugee support organisations to provide good quality evidence to the Committee.

The Welsh Government is proud of Wales’ history of providing a positive welcome and safe haven to refugees and we wish to continue this tradition. During the Inquiry, there were numerous positive stories about the outpouring of support received by newly arrived refugees across Wales. However, we recognise that there is much still to do to ensure those who arrive seeking to rebuild their lives are able to do so.

The report notes that much of the responsibility relating to asylum policy is reserved to the UK Government. There are also substantial challenges to achieving the effective inclusion of refugees and asylum seekers in a climate of reducing resources. However, despite these barriers, significant progress has been made in recent years and there is much more that we hope to achieve to ensure those seeking sanctuary are able to find it in Wales.

Detailed Responses to the report’s recommendations are set out below:

Recommendation 1

The Committee recommends that the Welsh Government should commit to a specific timescale for conducting a speedy but comprehensive consultation on and revision of the Refugee and Asylum Seeker Delivery Plan. The revised Plan should include measurable actions, timescales and resources, and incorporate best practice from Scotland, including standards for service provision and initiatives aimed at improving public perceptions of refugees and asylum seekers.

Response: Accept

During the Cabinet Secretary’s evidence session at the Committee, he committed to revising the Refugee and Asylum Seeker Delivery Plan (‘the Delivery Plan’) during 2017. The review of the Delivery Plan will take account of the Committee’s recommendations, with a consultation expected to take place in late summer and autumn 2017. We will work with the new Asylum Rights Programme, funded by Welsh Government, which is led by the Welsh Refugee Council, to ensure the Delivery Plan is developed in collaboration

with refugees and asylum seekers. The intention is to publish the new plan in January 2018.

Recommendation 2

The Committee recommends that the Welsh Government should commit to quarterly meetings of the Wales Refugee and Asylum Seeker Operations Board, and ensure that the Board has a clear work programme and publishes minutes of its meetings.

Response: Accept

The Wales Refugee and Asylum Seekers Operations Board ('the Board') met on 27 February 2017, prior to the publication of the Committee's report. The extension of the Board's remit to include issues relating to the resettlement of all refugees and asylum seekers, regardless of their route to Wales, was agreed at that meeting. It was also agreed to host quarterly meetings of the Board, although the next meeting has been slightly delayed to avoid the General Election pre-election period. The next meeting of the Board is scheduled for early July 2017 and the future work programme will be discussed at that meeting; the Board will also consider the Committee's report and this response. Minutes of the Board's meetings will be published on the Welsh Government website from now on.

We are keenly aware of concern about a "two tier" system affecting refugees and asylum seekers. The Welsh Government aims to minimise the effect of the UK Government's prioritisation of Syrian refugees, where this can be done within the constraints imposed by programme and funding conditions. The extension of the Board's remit should help us to monitor this more effectively and ensure that all refugees in Wales are treated as consistently and fairly as possible.

Recommendation 3

The Committee recommends that the Welsh Government should undertake an immediate assessment of the impact the UK Immigration Act 2016 will have on Wales. This assessment should include establishing when the Right to Rent check will be commenced in Wales, and the impact the Act will have on the support available to failed asylum seekers and their families. The Welsh Government should discuss its assessment with the Home Office and seek additional funding to cover any extra costs arising from the legislation. The Welsh Government should then ensure that local authorities, landlords and other stakeholders are prepared for the impact of this change in the law, including publishing and disseminating comprehensive guidance.

Response: Accept

Assessment of the impact of the Immigration Act 2016 on Wales has begun and the Welsh Government intends to write to the Welsh Local Government Association and Wales Council for Voluntary Action to request their views on this matter.

We have several times asked the UK Government to clarify the schedule for the rollout of the Right to Rent checks in Wales but without success to date. The Cabinet Secretary for Communities and Children has also written to the Home Secretary requesting that evaluation of the scheme in England be undertaken prior to its rollout in Wales in light of discrimination concerns highlighted in a Joint Council for the Welfare of Immigrants report.

If additional guidance for local authorities, landlords or other stakeholders is required after the assessment is complete, we will discuss this with the UK Government and consider how it is best provided.

Recommendation 4

The Committee recommends that the Welsh Government should work with partners to review the Community Cohesion National Delivery Plan 2016-17. The subsequently improved Plan should include a communications strategy that emphasises the benefits of immigration to Welsh society and dispels myths and inaccuracies about refugees and asylum seekers. It should also include a Wales-wide publicity campaign similar to the one already undertaken in Scotland.

Response: Accept

The Community Cohesion National Delivery Plan ('the Plan') is in the process of being updated. The new Plan will be published in summer 2017 and will include specific actions aimed at developing a more positive narrative in relation to refugees and asylum seekers resettled to Welsh communities. The Plan will also include a range of actions to publicise and promote the Welsh Government's commitment to community cohesion, taking account of the approach taken in Scotland and elsewhere.

As part of this we will work with the Communications sub-group of the Wales Refugee and Asylum Seekers Operations Board to develop a joint communications strategy closely linked to the wider Community Cohesion National Delivery Plan. Through delivery of the Plan we will work in partnership with relevant organisations in Wales and with the Welsh media to promote positive messages and counter unhelpful narratives.

We have also funded the Asylum Rights Programme, through the Equality & Inclusion Programme, to work with refugees and asylum seekers to co-produce media reports which challenge negative stereotypes. Refugees and asylum seekers will be given the opportunity to tell their stories to media organisations with the aim of increasing mutual understanding, fostering good relations between communities and enhancing community cohesion.

Recommendation 5

The Committee recommends that the Welsh Government should expand the role of the community cohesion co-ordinators beyond the SVPRP to all

refugees and asylum seekers to support the delivery of the revised Community Cohesion National Delivery Plan.

Response: Accept

The Welsh Government-funded Regional Community Cohesion Coordinators ('CCCs') already support refugee and asylum seeker integration in a variety of ways which are not limited to the Syrian Resettlement Programme. For example, in the dispersal areas of Cardiff, Swansea, Newport and Wrexham, CCCs have supported communications strategies and myth busting, as well as strategic planning for additional dispersal areas/accommodation and discussions with the asylum accommodation provider. In other areas, CCCs have led on the local response to the Community Sponsorship scheme and Afghan Interpreters Programme implementation.

The draft Community Cohesion National Plan 2017/18 formalises the intention for CCCs to work to support effective resettlement of refugees and asylum seekers in their areas, not just those arriving under the Syrian scheme. Nevertheless, the role of CCCs is to support sustainable integration within the local authority rather than to play a permanent operational role in supporting refugees and asylum seekers.

Recommendation 6

The Committee recommends that the Welsh Government should consider extending concessionary transport schemes to refugees and asylum seekers, including children, to enable them to have greater access to education, employment, and volunteering opportunities.

Response: Reject

Refugees can already access benefits support, including for travel, on the same basis as other Welsh residents. The Welsh Government would not be able to mandate concessionary travel for asylum seekers without legislative change. The Home Office provides asylum seekers with financial support of £36.95 per week, which includes a very small amount for transport costs. Any concessionary transport funding should be provided by the UK Government.

Recommendation 7

The Committee recommends that the Welsh Government should publish a detailed analysis of the current provision of ESOL courses and its assessment of future demand. It should then work with local authorities to join up skills and capacity within both Further Education colleges and Higher Education institutions as part of a new action plan to be published before the start of the 2017/18 academic year. The action plan should:

- fill gaps in provision;
- ensure that refugees are offered appropriate classes as soon as possible following their arrival in Wales; and
- address barriers to accessing classes.

Response: Accept in principle

We recognise the importance of English for Speakers of Other Languages ('ESOL') to a diverse and inclusive Wales. However, it is too late in the planning process for 2017/18 provision to be able to make the requested changes before the start of the academic year. We will update the ESOL Policy for Wales by March 2018, taking into account the increased demand for ESOL and the requirements of refugees and asylum seekers. Where appropriate, ESOL learners are encouraged to access the Welsh for Adults provision funded by the Welsh Government in order to learn Welsh.

We will work with colleagues across Local Government, the Third Sector and the UK Government to ensure that people settled in Wales have access to appropriate language provision. We will also consider any improvements that we can make to enable greater access to existing provision.

The Wales Strategic Migration Partnership is currently mapping formal and informal ESOL provision in Wales, as well as the language learning needs of those arriving under the Syrian Resettlement Programme and Vulnerable Children's Resettlement Scheme. We hope to capture the learning and good practice from this work to improve ESOL provision for refugees and asylum seekers across Wales.

Recommendation 8

The Committee recommends that the Welsh Government should convene regular meetings of all partners in the asylum accommodation process to review complaints procedures, guidance and dissemination, and monitor how live complaints cases are being addressed. These meetings should be appropriately advertised so that asylum seekers and those supporting them are aware of the discussions and the outcomes, and are engaged in the process.

Response: Accept in principle

We recognise the value of the meetings proposed by this recommendation but accepting it would duplicate very useful meetings already established by the Wales Strategic Migration Partnership, through their NGO COMPASS Forum meetings. The Welsh Government will continue to attend these meetings to

monitor issues arising from the asylum accommodation system and will discuss these with the UK Government where appropriate.

We will also fund advocacy forums in Cardiff and Swansea through our Asylum Rights Programme to ensure asylum seekers are able to have their voices heard and supported to address issues with their accommodation.

Recommendation 9

The Committee recommends that the Welsh Government should undertake urgent negotiations with the Home Office to reform the asylum accommodation system in advance of the contract renewal process in 2019. The reforms should include:

- the full involvement of delivery partners in the development, awarding and monitoring of the contract;
- an independent complaints process for asylum seekers in Wales, including a central register of complaints, systematic monitoring of progress in resolving them and communication of timescales to tenants; and
- equalities training for contractors' staff.

Recommendation 10

The Committee recommends that the Welsh Government should ensure that asylum seekers' landlords are covered by a registration scheme, either as an extension of or complement to Rent Smart Wales. The scheme should include an obligation on local authorities to conduct in-depth inspections of properties accommodating asylum seekers and report regularly on standards of accommodation.

Response: Accept recommendations 9 and 10

The Welsh Government is already engaged in the Asylum Accommodation and Support Transformation ('AASST') consultation on changes to the asylum accommodation system. In December 2016, we wrote to the UK Government seeking changes to the Commercial and Operational Managers Procuring Asylum Support Services ('COMPASS') contracts after 2019. The changes requested included:

- That the quality of asylum housing in Wales is scrutinised by Welsh Government or local authorities in Wales on a regular basis;
- That the new contract should include clear performance indicators to enable break clauses where the standard of accommodation or quality of service received by tenants is consistently poor;
- The new contract should be on a non-profit basis, via housing associations, third sector organisations or local authorities.
- The new contract should require the operator to support community cohesion through membership of local partnership forums and supporting initiatives which assist integration.
- An independent complaints process should be put in place and asylum seekers should be made aware that complaints about the landlord will not jeopardise their asylum claim.

It should be noted that any increased responsibilities on the Welsh Government or Welsh local authorities to inspect properties would have funding implications, which we would expect to be met by the UK Government.

The Welsh Government will continue to engage with the AAST consultation to ensure the Committee's recommendations, including with regard to training for contractors' staff, are considered by the UK Government when designing the new asylum accommodation contracts.

Recommendation 11

The Committee recommends that the Welsh Government should ensure through the new Refugee, Asylum Seeker and Migrant Inclusion Service, that there is sufficient provision of legal advice; regular reminders about the importance of health screenings as well as help for people to attend them; and mental health support, overseen by a 'Freedom From Torture' mental health professionals group. The Service should be underpinned by a robust monitoring and evaluation framework.

Recommendation 18

The Committee recommends that the Welsh Government should ensure minimum standards of mental health support for unaccompanied asylum-seeking children with trauma, in line with the British Psychological Society's recommendations.

Response: Accept in principle recommendations 11 and 18

The Welsh Government has funded the Asylum Rights Programme to provide advice and advocacy support to refugees and asylum seekers. The service will be delivered by a coalition of seven organisations, each of which has a strong track record of supporting these individuals in Wales. The Welsh Refugee Council (WRC) will lead the coalition, supported by the Ethnic Youth Support Team (EYST), Bawso, Asylum Justice, Tros Gynnal Plant, Displaced People in Action and City of Sanctuary.

The WRC, EYST and BAWSO will provide caseworkers in Swansea, Cardiff, Newport and Wrexham to offer specialist knowledge on asylum support, housing, health, social services, education, employment, bullying, hate crime, discrimination and destitution. BAWSO will also support those experiencing or at risk of gender based violence or Modern Day Slavery.

Tros Gynnal Plant will provide advocacy support to Unaccompanied Asylum Seeking Children (UASC), supporting them through the age assessment process and assisting them to access appropriate support.

Asylum Justice will provide a legal caseworker to provide specialist legal advice and representation in relation to their asylum application. A Swansea drop-in centre will be provided in addition to the existing Cardiff drop-in and outreach services will be available via the internet for the rest of Wales.

City of Sanctuary and Displaced People in Action will host an advocacy forum to provide opportunities for people to identify issues of concern and make the case for positive changes. They will also support Sanctuary Speaker Groups to share experiences of sanctuary with public audiences and the media.

All partners will offer volunteering opportunities and seek to foster good relations between refugees and asylum seekers and the wider community. The Programme will be underpinned by quarterly monitoring by the Equality team at the Welsh Government.

The consortium will also work closely with the wider Welsh Refugee Coalition, which comprises approximately thirty organisations (including the consortium members themselves), to ensure that the Asylum Rights Programme is dovetailed as closely as possible with other, existing support for refugees and asylum seekers in Wales.

We recognise the need for support in relation to physical and mental health but the Asylum Rights Programme is not the most appropriate means of providing this. We will work with the Cardiff Health Access Practice (CHAP), the UK Government and the asylum accommodation provider to ensure asylum seekers receive appropriate health appointment reminders.

The Welsh Government has recently published a mental health care pathway through Welsh Health Circular (2007) 009. We have recently made £40,000 available to support local health boards to train child and adolescent and adult mental health clinicians in treating PTSD in child and adult refugees and asylum seekers and have published a mental health care pathway to support more efficient and effective diagnosis and treatment.

The UK Government has recently indicated that it wishes to invest in training around these issues for front line staff in local authorities, aiming to develop a consistent UK-wide approach. We are in discussion with the Home Office, Wales Strategic Migration Partnership and Welsh Local Government Association, regarding what would be appropriate for Wales.

Recommendation 12

The Committee recommends that the Welsh Government should include specific actions to help asylum seekers and refused asylum seekers avoid destitution in its revised Refugee and Asylum Seeker Delivery Plan, including creating a small grants fund for asylum seekers and people with no recourse to public funds, through the Discretionary Assistance Fund.

Response: Accept in principle

Refugees are already able to access the Discretionary Assistance Fund ('DAF'), but asylum seekers and those with no recourse to public funds are not eligible to apply. DAF is reliant on verification through the Department for Work and Pensions ('DWP') Customer Information System, with National Insurance numbers used to verify identity. We are aware that some people who have been newly granted refugee status experience delays in receiving

National Insurance numbers from DWP, which may increase the likelihood of their experiencing destitution. The Welsh Government will make representations about problems caused by administration during the 'Move On' period (see response to recommendation 14). Better administration (or a longer period) may reduce the likelihood of destitution and make more refugees eligible for the DAF.

The contract for DAF is in place until 2020 and it would be very difficult to make changes to the way the Fund is operated to include asylum seekers and refused asylum seekers. Nevertheless, we will work with the DAF delivery partner – Northgate – to explore whether any flexibility could be incorporated into the system to ensure that delays experienced by refugees do not prevent their eligibility for funding.

The new Asylum Rights Programme can provide advice and advocacy for refugees and asylum seekers, regardless of their immigration status, and will be working closely with existing services which provide destitution support by promoting their services and developing an evidence base to help us to understand the causes of destitution.

We will consider, in the light of experience in other parts of the UK, whether a small grants fund for asylum seekers and those with no recourse to public funds is achievable or desirable.

Recommendation 13

The Committee recommends that the Welsh Government should do more to help people awarded refugee status to find suitable accommodation in Wales. It should check that local authorities are informed when asylum seekers in their areas are awarded refugee status, and ask local authorities to consider whether a new refugee is vulnerable and therefore regarded as in priority need for housing alongside other vulnerable groups.

Response: Accept in principle

The Welsh Government already funds the Welsh Refugee Council ('WRC') to deliver the Refugee Well Housing Project through our Homelessness Prevention Grant. This project provides crucial support to newly granted refugees to help them to find suitable accommodation and rebuild their lives in Wales.

Whilst the Welsh Government has no formal role in the process of granting refugee status and is not notified by the UK Government when this has taken place, we will consider if there are ways in which the Refugee Well Housing Project could help the current system to work more effectively and discuss this with the UK Government.

Part 2 of the Housing (Wales) Act 2014 makes provision for local authorities to help people who are homeless or threatened with homelessness. The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 ('the 2014 Regulations') make provision for persons from abroad who

are eligible for an allocation of housing accommodation pursuant to Part 2 of the Housing (Wales) Act 2014. This includes individuals awarded refugee status pursuant to the Refugee Convention as defined within the 2014 Regulations. We will consider whether additional guidance is required for local authorities to assist with the application of these provisions.

Recommendation 14

The Committee recommends that the Welsh Government should make representations to the Home Office about extending the 28-day move-on period to 56 days.

Response: Accept

The Housing (Wales) Act 2014 obliges local authorities to provide support to eligible individuals who are expected to become homeless within 56 days. However, the UK Government 'Move On' period for new refugees is currently only 28 days. The Welsh Government is aware of delays during this 28 day period which prevents refugees from finding suitable alternative accommodation, such as late issuance of national insurance numbers which are required to access essential services.

The Welsh Government believes that integration should start on day one after arrival in Wales. However, if a refugee is unable to make a smooth transition to alternative accommodation at the end of the 'Move On' period, there are significant risks of destitution for those involved. To minimise the risks of destitution and to propose closer alignment with the responsibilities which Welsh local authorities have to other citizens, we will make representations to the UK Government regarding the 'Move On' period.

Recommendation 15

The Committee recommends that the Welsh Government should do more to help refugees and asylum seekers access education and employment by:

- promoting the Credit and Qualifications Framework for Wales as widely as possible, both to refugees and asylum seekers and service providers;
- requiring Welsh universities to treat refugees as home students; and
- creating more opportunities for public sector internships and volunteering opportunities designed for refugees and asylum seekers.

Response: Accept in principle

The Welsh Government recognises the importance of education and employment for effective integration into society. The Credit and Qualifications Framework for Wales ('CQFW') is now managed by a strategic operational partnership comprising the Welsh Government, Higher Education Funding Council for Wales ('HEFCW') and Qualifications Wales. Operational objectives are agreed and set annually by members of the CQFW Advisory Group.

We have proposed, as part of a CQFW Communications Plan, additional key promotional messages targeted at refugees and asylum seekers and service providers.

Under the Education (Student Support) (Wales) Regulations 2017, refugees who meet the residency requirements and who are ordinarily resident in Wales are eligible for student support funding from Student Finance Wales.

HEFCW encourages universities to take account of the Supporting Professionalism in Admissions good practice briefing to Higher Education Institutions on refugees and asylum seekers. The guidance note provides information on the issues and principles of fair admissions for refugees and asylum seekers of all ages, including providing advice to universities on issues such as transition and support arrangements, qualifications, overcoming language barriers, tuition fee status and financial support available.

The Welsh Government's Strategic Equality Plan 2016-2020 includes the aim for the Welsh Government itself to become an exemplar of diversity and inclusion by 2020. One of the key aspects of this is to attract a more diverse field of applicants to the Civil Service in Wales. We will use our Outreach programme, detailing educational, cultural and community groups we will engage with when recruiting to the Welsh Government. This will include refugee and asylum seeker support groups. We hope to use this programme to encourage other public sector bodies to take a similar approach.

We will also work with the Third sector to assess the value of volunteering by refugees and asylum seekers to their organisations and to Welsh society as a whole. The Asylum Rights Programme will offer increased volunteering opportunities for refugees and asylum seekers as part of that service.

Recommendation 16

The Committee recommends that the Welsh Government should establish a Guardianship service for Wales, supported by peer networks, as part of reaffirming Wales' commitment to welcome unaccompanied asylum seeking children.

Response: Accept in principle

The evidence collected by the Committee showed strong support for the Scottish Guardianship service, citing it as a model of good practice in providing wrap around support to Unaccompanied Asylum Seeking Children ('UASC'). Work is underway to explore how such a service could be developed in Wales whilst also recognising that there are existing legal duties to provide advocacy support to these children. These duties are contained within Part 10 of the Social Services and Well-being (Wales) Act 2014 and, if the child has been identified as having been trafficked, via the Independent Child Trafficking Advocacy ('ICTA') Service. The ICTA service is funded by the Home Office and is being piloted in Wales from the beginning of 2017.

The development of any 'Guardianship Service' for Wales would have to take account of this existing provision and consideration is being given to how these and other advice and advocacy services – such as the Asylum Rights Programme – can be built upon to provide a service appropriate to the needs of UASC.

Recommendation 17

The Committee recommends that the Welsh Government should ensure that there is a designated and suitably trained person in each local authority to undertake age assessments of asylum-seeking children.

Response: Accept in principle

The Welsh Government has already made available £350,000 to be managed by the Welsh Local Government Association ('WLGA') and allocated to the social services regions. The purpose of the grant is to provide pump-priming financial support to alleviate pressures on local authorities arising from the need to accommodate and care for unaccompanied asylum seeking children. Local authorities will use the funds flexibly to meet the capacity needs of their organisations and the unaccompanied refugee children they serve. If local authorities deem it necessary, they can utilise this money to ensure that suitably trained professionals in age assessments are available in their area.

In addition, one strand of the Asylum Rights Programme will provide support to children if they are disputing their age assessment. Tros Gynnal Plant will compile information about the age assessment process to help the Welsh Government and local authorities to identify changes which can be implemented to improve the process.

Recommendation 19

The Committee recommends that the Welsh Government should take the Seven Steps to make Wales a Nation of Sanctuary.

Response: Accept in principle

The Welsh Government strongly supports the principles underlying the Nation of Sanctuary movement and we are keen to explore this recommendation further with refugees and asylum seekers, the City of Sanctuary movement and the Welsh Refugee Coalition.

Some aspects of the 'Seven Steps to Sanctuary', as detailed in the Coalition's manifesto, may be difficult to achieve due to the reserved nature of asylum policy. For example, without control over immigration policy or asylum decisions it would not be possible to commit to "end destitution in Wales." Nevertheless, the Welsh Government considers that there is scope to make significant progress in relation to each of the seven steps and the key issues they highlight.

Financial Implications – The financial implications of each of the Committee’s recommendations have been considered individually but any additional costs of firm commitments in this response will be drawn from existing programme budgets. As noted above, additional work will be undertaken to explore options to meet some of the Committee’s recommendations. Costs associated with exploring options will be drawn from existing programme budgets.

Carl Sargeant
Cabinet Secretary for Communities and Children
25 May 2017