30 October 2019

Dear Ruth,

**Re. Destitution, asylum and insecure immigration status in Scotland**

I am writing in response to your request for an update on COSLA’s progress in implementing recommendations made by the Equalities and Human Rights Committee.

The issue of destitution amongst people with insecure immigration status continues to be a priority for Local Government. As your letter acknowledged, COSLA has worked with Scottish Government to produce new national guidance, which was published in February this year. The guidance supports local authorities to interpret their statutory duties towards migrants with no recourse to public funds (NRPF) and to strengthen practice when assisting people in these circumstances who are destitute. The Scottish Government has committed to funding an update to the content on an annual basis.

Your letter also noted that we have delivered five events to promote the use of the guidance and to better support staff. These were held in Edinburgh, Inverness, Aberdeen and Glasgow and attended by over 200 delegates. We are now working with the Scottish Government to consider options for further awareness raising events in 2020 and any other dissemination work that can be taken forward to strengthen its implementation. As part of this, we are contributing to an upcoming seminar organised by Unison which aims to promote further awareness of the guidance amongst social workers and to highlight good practice in working with people who have NRPF.

We have sought feedback from the initial events and from our NRPF Network of local authority staff on how the guidance is being used in practice, and we are developing plans to review the guidance in 2020. This initial feedback has been positive and has indicated that that users find the content helpful in supporting their work. However, it has also highlighted a range of areas where local authorities continue to require further assistance; in particular, specialist legal advice on complex immigration cases and on areas where the guidance is only able to provide general principles. COSLA is not able to provide technical or legal support of this nature and there are limited sources of external advice available. This is an area of concern that we have raised with Scottish Government in our ongoing discussions with them.
Local authorities are also increasingly concerned about their capacity to meet the needs of destitute migrants who are eligible for local authority assistance. As you will be aware, Local Government has safeguarding duties and in some cases are required to provide ongoing financial and housing support to protect the human rights of families with children and adults with care needs who have NRPF. However, local authorities do not receive any additional resources from the UK or Scottish Governments to fund or administer this crucial safety net. With Local Government budgets under increasing strain, COSLA is deeply concerned about the ability of services to effectively meet urgent needs and alleviate destitution.

Your letter asked specifically whether work recently undertaken for the Home Office adequately covers the recommendations on cost calculating (Recommendations 16 and 17 at paragraphs 118 and 125). The work you refer to has provided us with the most reliable source of information we have about the costs to local authorities of asylum dispersal, and is supporting discussions with the Home Office about funding pressures on dispersal areas across the UK. These costs continue to create particular pressures for Glasgow City Council as the only dispersal area in Scotland, while the lack of any funding for Local Government remains a fundamental barrier to other local authorities participating in asylum dispersal.

In addition to this, we have undertaken work to specifically understand the costs to local authorities of supporting destitute people with NRPF, including asylum seekers but also other migrants with NRPF conditions as a result of their immigration status. The NRPF Network’s UK wide data is the most reliable data source available to support our understanding of the cost implications of NRPF policy for Local Government and is gathered from 59 local authorities (including four in Scotland). Their latest analysis has shown that local authorities are supporting 2658 households with accommodation and financial support at a cost of £47.5 million/year. They conclude that councils are facing an increasing number of requests for support and that the average time that households were provided with assistance has increased to 820 days throughout the year, creating significant financial pressures.

COSLA has sought to supplement this data by collecting information from Scottish local authorities on the support they have provided during 2017/18 and 2018/19. We have also requested information on the challenges experienced by local authorities in seeking to meet needs. This has provided an insight into the wider costs and emerging concerns for Local Government, but does not fully capture all of the resources currently allocated – or needed – to support destitute people with NRPF in Scotland. Officers are currently undertaking further analysis which we would be happy to discuss with the Committee in due course.

An emerging finding from our work and ongoing discussions with local authorities, is that councils are seeing increased numbers of EEA nationals requiring support because they are destitute and excluded from some mainstream benefits (or have lost previous entitlements) because they cannot demonstrate a right to reside. Local authorities are often having to discharge their duties to safeguard some the most vulnerable people in these circumstances; for example in meeting the costs of accommodation for families with children who are no longer able to pay their rent following a loss of Housing Benefit. This is an issue which requires urgent attention.

After the UK leaves the European Union, we are concerned that there will also be a rise in destitution amongst people who are eligible but do not apply for the EU Settlement Scheme on time or who are not granted status through the scheme. Our current understanding is that EU nationals in these circumstances will lose legal rights and will no longer be able to access public funds. In addition to these new concerns, councils are also having to provide crisis support to destitute people with no recourse to public funds over longer periods of time, often for several months or even years. This is often due to errors and delays in UK Government procedures and decision-making and creates significant wellbeing risks for people receiving assistance, as well as substantial cost pressures.
All of these issues are currently being explored with Scottish Government in our joint work to produce a national anti-destitution strategy. Local Government wants to see the strategy establish a joined-up approach to tackling destitution, and better support in place to enable local authorities and the third sector to meet urgent needs. We particularly want to see actions in the strategy that help local authorities to provide adequate support to destitute people who are entitled to local authority assistance. We also want to see the strategy working to meet the wider information and advice needs for those working within Local Government, including specialist and legal advice to navigate complex cases, along with initiatives that can support stronger multiagency working with the third sector. We are currently co-delivering engagement sessions with stakeholders to inform the development of the strategy, with a view to publishing it in 2020.

In addition, COSLA is working with Local Government colleagues across the UK to challenge NRPF policy and to secure necessary changes at a UK level. At their meeting in May this year, Council Leaders agreed that COSLA should lobby the Home Office to remove NRPF conditions, particularly in the cases of families with children and vulnerable adults. They also agreed that COSLA should continue to lobby the UK Government for costs to be fully funded to support Local Authorities’ roles in relation to migrants and that this funding should recognise the requirement to meet the needs of those who currently have NRPF. As you may know, similar recommendations regarding the removal of NRPF conditions have been made in a report by the UK Parliament’s APPG on Ending Homelessness, while the UK Parliament’s Housing, Communities and Local Government Committee has published a series of recommendations for Government following an inquiry into the funding of children’s services. The Committee recognised the challenges councils face in delivering support to people with NRPF and recommended that the UK Government should provide funding to councils proportionate to the number of children within NRPF families that they support.

I would appreciate the assistance of the Committee in considering these issues and in highlighting the need for both policy change and more support for Local Government in your continued work and scrutiny in this area. I would be very happy to meet with yourself and colleagues on the Committee to discuss these matters further. COSLA officers would also be happy to provide any further information or background that you might require on our ongoing work.

Yours sincerely,

Councillor Kelly Parry
COSLA Community Well-being Spokesperson