Christina McKelvie  
Convener  
Equalities and Human Rights Committee  
T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP  

Our ref: DW/SM/LF  
Your ref:  
Date 2 March 2017  

Dear Ms McKelvie  

CALLS FOR VIEWS ON DESTITUTION AND ASYLUM IN SCOTLAND  

I refer to your letter of 2rd January 2017 regarding the above and would advise that this response relates to Glasgow City Health and Social Care Partnership business as delegated by GGCNHS Board and Glasgow City Council.  

Firstly in relation to support provided to asylum seekers and the barriers to providing support. The HSCP cannot legally specifically address the issue of destitution of asylum seekers. UK Visas & Immigration are responsible for supporting asylum seekers at all stages of the asylum process, immigration legislation prevents local authorities from providing accommodation and financial support to asylum seekers. Guidance supports the provision of full access to health, care and treatment for asylum seekers regardless of stage in the asylum process including failed. The challenge for the individual and health is that the person has no access to funds so is often unable to pay for transport to appointments which essentially limits access to treatment. If the person has no shelter this significantly impacts on the person’s physical and mental health and can lead to hospital admissions and they would then be discharged to no accommodation which reduces the efficacy of the care and treatment received in hospital.

In instances where the person has not come through asylum process then NHS refers to guidance for overseas visitors and this will impact on the service that individual may receive at the receiving service.

However, asylum seekers with care needs other than destitution and homelessness have a right to be referred, assessed and receive social work services in the same way as any Glasgow resident, whether this is for example, support to get a home care service or the assessment of a child with a disability.

This applies to asylum seekers at any stage of the asylum process including those whose appeal rights are exhausted. If an asylum seeker has not cooperated with http://edrms/edrmsav/nodes/9455678/Chief Officer/Corresp/Correspondence 2017/McKelvie 280217.docx
Home Office removal directions more stringent tests apply as per Schedule 3 to the Nationality, Immigration and Asylum Act 1999.

Where an asylum seeker presents with social care needs requiring statutory intervention, or there are child care/child protection concerns these will be referred to the appropriate local team for assessment and provision of services as per usual procedures e.g. community care, child or adult protection, domestic violence, access to addiction services and criminal justice procedures.

Any social work assessment for an asylum seeker should take into account all relevant needs including any need for accommodation and financial support. But GCHSCP would only be able to provide accommodation and financial support in exceptional cases where an asylum seeker has community care needs at a level requiring supported accommodation, residential care or nursing home care. If its normal accommodation that is required, UK Visas & Immigration would need to provide that.

If an asylum seeker in Glasgow is receiving Home Office support and accommodation then they will be offered health screening from our dedicated Asylum Health Bridging Team (AHBT) and provided with access to a GP for immediate treatment if required and will be allocated to a GP practice who will support access to universal health care.

Secondly in terms of how a person’s need for support is assessed and the policies and assessment processes, GCHSCP does not have a No Resource to Public Funds (NRPF) policy or procedure, or a specific human rights assessment process such as the tool developed by the NRPF Network.

Where someone with insecure immigration status presents with social care needs requiring statutory intervention, or there are child care/child protection concerns these will be referred to the appropriate local team for assessment. The assessment should take into account all relevant needs including any need for accommodation and financial support. Where relevant, immigration issues/human rights considerations/European Community Treaty rights are looked at with our Legal Services Department on a case by case basis as part of a holistic assessment, whether that is a community care assessment or a child’s GIRFEC assessment or some other kind of assessment.

Where support is necessary to avoid a breach of someone’s human rights or treaty rights, the case will be kept under review but GCHSCP does not, at this time, use the NRPF Network’s human rights assessment tool.

The human rights assessment tool brings into sharp focus the limit of local authority power to support and Home Office expectations around support being withdrawn e.g. former unaccompanied minor care leavers whose asylum claim is fully refused and there are no barriers to return, the expectation is that support is withdrawn.

Social care legislation is used as flexibly as possible but there are substantial restrictions on the support that can be provided by local authorities to adults and families ‘unlawfully in the UK’.

GCHSCP remain concerned that refused asylum seekers and other unlawfully present migrants will remain in the UK despite being destitute and at risk of harm, and that in most situations it will be unable to provide any assistance at all.

http://edms/edmsdav/nodes/9455678/Chief%20Officer/Corresp/Correspondence%202017/McKelvie%20280217.docx
For those receiving asylum support the AHBT will carry out health needs assessment and support immediate needs and access to specialist services if required i.e. maternity, sexual health, GP, health visiting, mental health and addictions.

For those who are destitute they often present at A&E or our health Homelessness Services and any immediate care needs will be assessed and met. Consideration will also be given to need for specialist services as mentioned above.

I trust this is of use to you, but if you require any further information or clarification, please do not hesitate to contact our senior officer with responsibility for this area of work, Susanne Millar, Chief Officer, Strategy, Planning and Commissioning/CSWO.

Yours sincerely

David Williams
Chief Officer Glasgow City HSCP

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