Dear Christina,

Call for views on destitution and asylum in Scotland

Thank you for your letter of 31st January and subsequent letter of 10th February, 2017 which we have now had the opportunity to consider and prepare comments as detailed below.

From a response perspective, this particular reply has involved wide consultation with Council, NHS and Health and Social Care Partnership staff from across both North and South Lanarkshire Council/Partnership areas.

With reference to the specific questions that the Equalities and Human Rights Committee requested input on, our response is detailed below:

1) As a public service provider, what support are you able to provide to asylum seekers and those with insecure immigration status. Also what are the main barriers to providing support in these circumstances?

As a Partnership, we work together locally to make sure that there is a joined up approach to support people who are asylum seekers and those who do not have a secure immigration status. Similar to our overall approach to engaging with service users, carers and patients, we would work with them to understand their circumstances and needs. Our experience in a South Lanarkshire context is that the number of families we deal with is very small (6-8 per annum). That said, the situations of these families is complex and the legislative framework, which is not clear, further adds to this. For example, the current legislative framework prohibits local public bodies from providing accommodation or support services to households who have no right to public funds under immigration legislation. However, as a Partnership we will provide accommodation and support for families prior to the decision confirming their status and legal rights as we do have duties for the wellbeing of children and vulnerable adults regardless of immigration status:

In terms of the main barriers, there are a number of areas that we would highlight as follows:

- Clearer legislation as current immigration legislation conflicts with our duties of care and supporting the most vulnerable people in society
- Funding – all of our activity to date in supporting these families has been done within existing resources which are already under significant pressure from increasing demands
2) We’d also like to hear about how an asylum seeker or a person with insecure immigration status’ need for support is assessed and what would make this assessment process easier, please make reference to any policies and procedures within your organization?

We work together to assess the needs and risks through our current assessment and care management process. However, we have very limited options for responding to assessed need; and can only really provide assistance under Section 12 of the Social Work (Scotland) Act and Section 22 of the Children (Scotland) Act 1995. These are particularly relevant in circumstances where there are adults with community care needs or children with needs/risks.

With regard to the Human Rights Assessments, our position on this would be that we work practically to support people, particularly those who have specific needs and are vulnerable. However, we would welcome some further guidance and clarity with regards to how and when the issue of human rights assessment applies as we have not had experience of this to date.

3) If your area does not have experience of asylum seekers or dealing with people with insecure immigration status, it would be helpful to know what training, policies, guidance or procedures are in place, or being developed to address support should it need to be provided in the future?

As referred to above, we do have experience of dealing with people with insecure immigration status and asylum seekers. We would also add that NRPF (no recourse to public fund) families have usually been present in Scotland for some time and are already receiving NHS and education services.

Yours sincerely,

Val de Souza
Director, Health and Social Care
South Lanarkshire Health and Social Care Partnership