

LOCAL GOVERNMENT COMMITTEE

Tuesday 11 February 2003
(*Afternoon*)

Session 1

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LOCAL GOVERNMENT COMMITTEE

6th Meeting 2003, Session 1

CONVENER

*Trish Godman (West Renfrew shire) (Lab)

DEPUTY CONVENER

*Dr Sylvia Jackson (Stirling) (Lab)

COMMITTEE MEMBERS

Mr Keith Harding (Mid Scotland and Fife) (Con)

*Tricia Marwick (Mid Scotland and Fife) (SNP)

*Dr Richard Simpson (Ochil) (Lab)

*Iain Smith (North-East Fife) (LD)

*Ms Sandra White (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)

Angus MacKay (Edinburgh South) (Lab)

*John Young (West of Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Des McNulty (Deputy Minister for Social Justice)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Ruth Cooper

ASSISTANT CLERK

Neil Stewart

LOCATION

Committee Room 3

Scottish Parliament

Local Government Committee

Tuesday 11 February 2003

(Afternoon)

[THE CONVENER *opened the meeting at 14:02*]

Item in Private

The Convener (Trish Godman): Okay comrades, it is 2 minutes past 2, so we can start. Do we agree to take item 3, which is consideration of a draft report, in private?

Members *indicated agreement.*

Subordinate Legislation

Special Grant Report No 1: Special Grant for Scotland Asylum Seeker Assistance (SE 2003/15)

The Convener: For agenda item 2, we welcome the Deputy Minister for Social Justice, Des McNulty. This is the minister's first time at the Local Government Committee and I assure him that he has got an easy time today. I hope so anyway—I have said that previously, but it has not quite turned out like that.

Members have before them a Scottish statutory instrument, which is the Special Grant Report No 1: Special Grant for Scotland Asylum Seeker Assistance. Members have dealt with SSIs of this type previously, but I will just run through the way that I intend to handle this one. I will invite the minister to make an opening statement. I will then allow a short period for questions of clarification only, during which the minister may answer or, indeed, allow his officials to answer, if that is appropriate. I will then open the debate by asking the minister to move the motion formally. I will invite members to speak, if they wish, then I will put the question. Members should remember that the period after the minister's opening remarks is for clarification questions only. The debate will follow later.

I invite the minister to make his opening statement.

The Deputy Minister for Social Justice (Des McNulty): I am accompanied by Yvonne Strachan, the head of the equality unit, and Fiona Campbell, who is the equality unit policy officer.

The committee has dealt with special grant reports before. The report that we are considering this afternoon deals with asylum seeker assistance in terms of provision of support and accommodation services. New arrangements for the support of asylum seekers came into effect in April 2000, under which the new asylum seekers were supported by the national asylum support service. They were given housing on a no-choice basis and limited financial support.

Changes to the asylum and immigration system that were brought in under the Nationality, Immigration and Asylum Act 2002 are beyond the scope of the report, which concerns asylum seekers who were here before April 2000. Historically, those asylum seekers have been supported by local authorities and they are still being supported by local authorities under the old system. At the end of November 2002, the numbers concerned were around 332 asylum seekers and 71 asylum seeker families,

concentrated principally in Edinburgh and Glasgow. A further 17 local authorities have supported asylum seekers at some time during 2002-03.

During 1999-2000, the number of asylum seekers rose steadily until it reached the January 2000 figure of 610. That number is reducing as decisions are being taken on asylum applications, but that is perhaps not happening as quickly as we would like.

The asylum seekers in question have applied to the local authority for support, given under powers in the Social Work (Scotland) Act 1968 to provide assistance to people in need. Children of asylum seekers are also supported under the Children (Scotland) Act 1995. The expenditure that local authorities incur in that way has been reimbursed in previous years by the Scottish Executive using these same special grant powers.

In practice, we are operating in exactly the same way for 2002-03. However, the levels of support are different. Unaccompanied child asylum seekers receive support at a maximum of £220 a week if they are aged 16 or 17, and £420 if they are aged under 16. Lone adults and families receive support based on their authority's audited weekly cost of support last year plus 2.5 per cent to reflect increased costs. An additional £30 a week is also available to larger families of five or more.

The funds to pay grant under the special grant report have been transferred by the Home Office to the Scottish assigned budget. We expect the transfer to be sufficient to pay grant claims in full.

The Convener: I have a question that I did not think I would have until I heard what the minister said.

You said that you are using a section of the Social Work (Scotland) Act 1968 to provide money. Is it section 10 or section 12? I understand that, some time ago, the part of section 12 that had been added to cover children of asylum seekers and refugees was repealed. If it is section 10, that is a different matter.

Tricia Marwick (Mid Scotland and Fife) (SNP): My question is similar. I understood that the Immigration and Asylum Act 1999 removed section 12 of the Social Work (Scotland) Act 1968 as well as sections 22 and 25 of the Children (Scotland) Act 1995. Those are the sections under which the minister is now proposing that grants will be paid. Will he clarify that position?

Ms Sandra White (Glasgow) (SNP): I seek a slightly different clarification. The minister explained that the moneys are being paid retrospectively, because they have already been spent. What are those moneys being spent on? I

know that it is social work, but will the minister be more specific? Is it for the education of asylum seekers or their children, health, council tax, heating bills, travel—that type of thing? The minister explained that the grant has agreement from the Treasury. Will he clarify whether the grant is over and above the block grant that Scotland already receives from Westminster?

Dr Richard Simpson (Ochil) (Lab): My first question is similar to Sandra White's. How have the payment levels of £420 and £220 been arrived at? Will payments be in any way dependent on certain actions being taken by local authorities? For example, will payments be dependent on the provision of appropriate, integrated schooling? Are there protocols between the Executive and local authorities? Has the Executive at any time considered providing start-up funding to encourage new local authorities to join in provision, or is all the funding on the basis of families who have arrived? What consideration has been given to proactive funding to encourage new authorities to join in? Are any of the funds designed to be used—in terms of any protocols—to help communications with local people prior to a decision being reached on the placement of new asylum seekers?

John Young (West of Scotland) (Con): Section 1 of annexe A to the special grant report states:

“‘asylum seeker’ means a person aged 18 years or over whose claim for asylum has not yet been finally determined or abandoned”.

Do we have any idea what the average process time is in such a situation? I appreciate that in some cases it may be a bit longer than the average.

Dr Sylvia Jackson (Stirling) (Lab): I seek clarification on the issue that Richard Simpson raised about integrated schooling. I had understood that all education of children was going to take place in mainstream schools. Can the minister clarify that point?

The Convener: I think that that is all the questions. I should not have said that the minister would have an easy time. John Young's question is probably on a reserved matter.

Des McNulty: I will deal with the questions that I have picked up. If there are additional questions, the convener can remind me of them.

Sandra White asked about the block grant. The payments are over and above the block grant.

Richard Simpson and Sylvia Jackson raised similar issues about integrated schooling. Payments are provided to meet the costs of providing support to asylum seekers, such as accommodation. There is no dependency on local

authority conformity; it is, in a sense, a per capita issue as far as the asylum seeker is concerned.

That point also addresses Richard Simpson's question about new authorities. New authorities would come into the scheme if an asylum seeker in this category moved to that authority. The authority would get payments on that basis. We are not looking to use this mechanism for a pump-priming exercise to prepare authorities to take on new asylum seekers. That is being done through other mechanisms in the Scottish Executive's own budget. Specific activities are taking place. For example, Margaret Curran was involved in a launch in Glasgow this week in that respect.

I was asked whether payments are dependent on action. They are dependent on how many individuals are in the category. There are not specific stipulations on authorities, although the expectation is that authorities would provide the relevant services and they are under an obligation to provide them. We will be involved in monitoring whether the services are provided. That is why we are being the paymaster, although the money is coming from the Home Office.

I was asked which section of the Social Work (Scotland) Act 1968 this relates to. I have to say that I am not an expert on that act—the convener is probably much more expert on it than I am. I will get the answer to that question, but I cannot answer it now.

The Convener: There are a few further questions.

Dr Jackson: I am sorry, but I have not fully understood what the minister was saying on schooling. If an authority gets a substantial number of asylum seekers coming into the school system, how will it accommodate them? From what the minister said, I understand that they will be accommodated within the normal system for the child population. One of the issues that I raised in the debate the other day was authorities with rising populations. As I understand it, the Executive is dealing with figures that have been put into the system for 2002, although they are projected up to 2006.

Des McNulty: I think—

The Convener: Sorry, but you have three more questioners, if you do not mind.

Ms White: I, too, seek clarification. I thought that housing benefit was not included in this grant.

The Convener: That is a reserved matter. If Sandra White has—

Ms White: Sorry, but the minister said that the moneys were for accommodation, which is why—

The Convener: Yes, but that part of it is reserved. What is your question?

Ms White: The minister said that the grant moneys are on top of the block grant. He said that the money was for accommodation, but accommodation and housing benefit are not included in the grant. I want clarification on that.

14:15

The Convener: That is fine.

Tricia Marwick: In response to the questions by Trish Godman and me, the minister said that he was not an expert on the Social Work (Scotland) Act 1968 but, with respect, it is fundamental that we get an answer. Did the Immigration and Asylum Act 1999 remove—as I think it did—section 12 of the Social Work (Scotland) Act 1968 and sections 22 and 25 of the Children (Scotland) Act 1995, which dealt specifically with children, immigrants and asylum seekers? If that is the case, the minister would not be able to make the payment under sections that no longer exist. We need clarification on that.

John Young: I appreciate that the convener said that my question was on a reserved matter. I do not challenge that, but I am sure that although it is a reserved matter, an average indication must be given to the authorities up here and in other parts of the UK. For example, somebody might take six days to be cleared, but somebody else might take six weeks. There must be an average. Are those figures not produced for the Scottish Executive?

The Convener: What bearing does that have on this statutory instrument? You are asking a question that is outwith the matter under consideration. We have to decide whether we agree that this amount of money should be paid. You are asking about a matter that is to do with time and which is reserved.

John Young: With respect, convener, it must have some bearing. There will be an average time for X number of asylum seekers to go through the process. If a whole lot of them are heading up this way, and if the process might take three days or might take three months, the average time will have some bearing. Does the Home Office or whoever is responsible not advise the authorities here? Nobody has a figure for the average processing time.

Des McNulty: That is not an issue in the context of the instrument. Clearly, as for the jurisdiction, the matter is reserved to Westminster. I am sure that information can be secured, but I am probably not the person to ask about it.

As for the point about the Social Work (Scotland) Act 1968, my information is that the new arrangements under the national asylum support service came into operation as a result of

the Immigration and Asylum Act 1999 on 3 April 2000. Existing asylum seekers—those people who were here prior to that date—can continue to be supported by local authorities, principally under section 12 of the Social Work (Scotland) Act 1968.

In other words, the act to which Tricia Marwick referred applies to people who came into the system after 3 April 2000. The people who were in the system prior to that date require to be supported under section 12 of the Social Work (Scotland) Act 1968 and the relevant provisions of the Children (Scotland) Act 1995. If the committee would like more detail on that, I can endeavour to supply chapter and verse on it, but that is the position as I understand it.

The Convener: Has Sandra White's question been answered?

Ms White: It was about housing benefit and accommodation. I thought that housing benefit was reserved, and that it was not included within the grant payment.

Des McNulty: The grant payment is geared towards the costs that it falls on local authorities to pay. We are talking about money that comes from the Home Office to the Scottish Executive to meet costs that would normally be required to be applied by the Scottish Executive, local authorities or other agencies in relation to our devolved powers. As I understand it, housing benefit does not form part of that.

Tricia Marwick: I want to be absolutely clear about the grant in relation to the Immigration and Asylum Act 1999. I am grateful to the minister for what he said. Do I understand correctly that the grant that we are being asked to nod through today relates only to those persons who were in the system before the passage of that act?

Des McNulty: Yes.

Tricia Marwick: Do I also understand correctly that, from 3 April 2000, when the provisions of the 1999 act were introduced, any person seeking asylum or who was granted asylum would not get assistance in Scotland under section 12 of the 1968 act or sections 22 and 25 of the 1995 act, because those sections were repealed by the 1999 act?

The Convener: Can I make a clarification? The 1999 act did not repeal those sections in their entirety. Only the part that covered the children of refugees was repealed; it had been added by a miscellaneous bill that was passed by the House of Commons some time after the introduction of the Social Work (Scotland) Act 1968. Section 12 remains in place.

Des McNulty: Tricia Marwick was correct when she said that the grant refers to a limited number of people who came into the country before 3 April

2000. We are talking about a declining number of people as cases are dealt with.

The Convener: I do not think that the minister answered Sylvia Jackson's question.

Dr Jackson: But it is irrelevant in the light of what the minister said. Is that right?

Des McNulty: Yes.

John Young: I presume that the issue is conducted under what we would term English law. I may be wrong in saying this, but I understand that, under Scots law, a child is someone under the age of 16. That was not a question, it was more of an observation.

The Convener: As we have exhausted all the questions, I ask the minister to move the motion.

Motion moved,

That the Local Government Committee, in consideration of Special Grant Report No.1: Special Grant for Scotland Asylum Seeker Assistance - Report by Scottish Ministers (SE/2003/15), recommends that the report be approved.—
[Des McNulty.]

Motion agreed to.

The Convener: I thank the minister. It will not be so hard next time.

14:22

Meeting continued in private until 15:58.

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