

Children, Education and Safeguarding Committee

07 June 2022

Title	Update on Barnet's Asylum Seeker Contingency Hotels
Report of	Chair of the Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Will Cooper william.cooper@barnet.gov.uk Anisa Darr, Executive Director of Resources

Summary

At the meeting of 19 January 2022, a Member's Item was raised by Cllr Coakley-Webb proposing that a report be brought to the next available meeting of CES on the health and wellbeing of children housed in contingency hotels for asylum seekers in Barnet. It was also proposed that representatives from both the Home Office and its contracted accommodation provider Clearsprings Ready Homes should be invited to attend the meeting.

A letter from the then Chair of this committee was subsequently sent to the Home Office to make this request. A response was received and we are expecting representatives from both agencies to be present at the meeting of 7 June.

Barnet has been home to four asylum seeker contingency hotels since 2020, and the currently population (as of 13 May 2022) stands at 888 people. Of these, 104 are aged under 18, with one hotel accommodating 32 children under five years old.

The enclosed report provides some information about the asylum seeker population in the hotels and the support that Barnet Council and its partners has been providing to them. The placing of so many asylum seekers in our borough by the Home Office creates pressure on council resources for which no additional funding has been provided. This and other issues have been highlighted as a series of questions in the report to be put to Home Office and Clearsprings representatives. Committee members will also have the opportunity to ask questions of the invited guests.

Officers Recommendations

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| 1. That members note the report |
| 2. That members take the opportunity to question guest representatives from the Home Office and Clearsprings Ready Homes |

1. Why this report is needed

1.1 Background to contingency hotels in Barnet

The UK has a statutory responsibility to provide people who have entered the country seeking asylum with temporary accommodation and subsistence expenses while their claim is being considered. This is in accordance with the Immigration and Asylum Act 1999. The responsibility to provide this support lies with the Home Office.

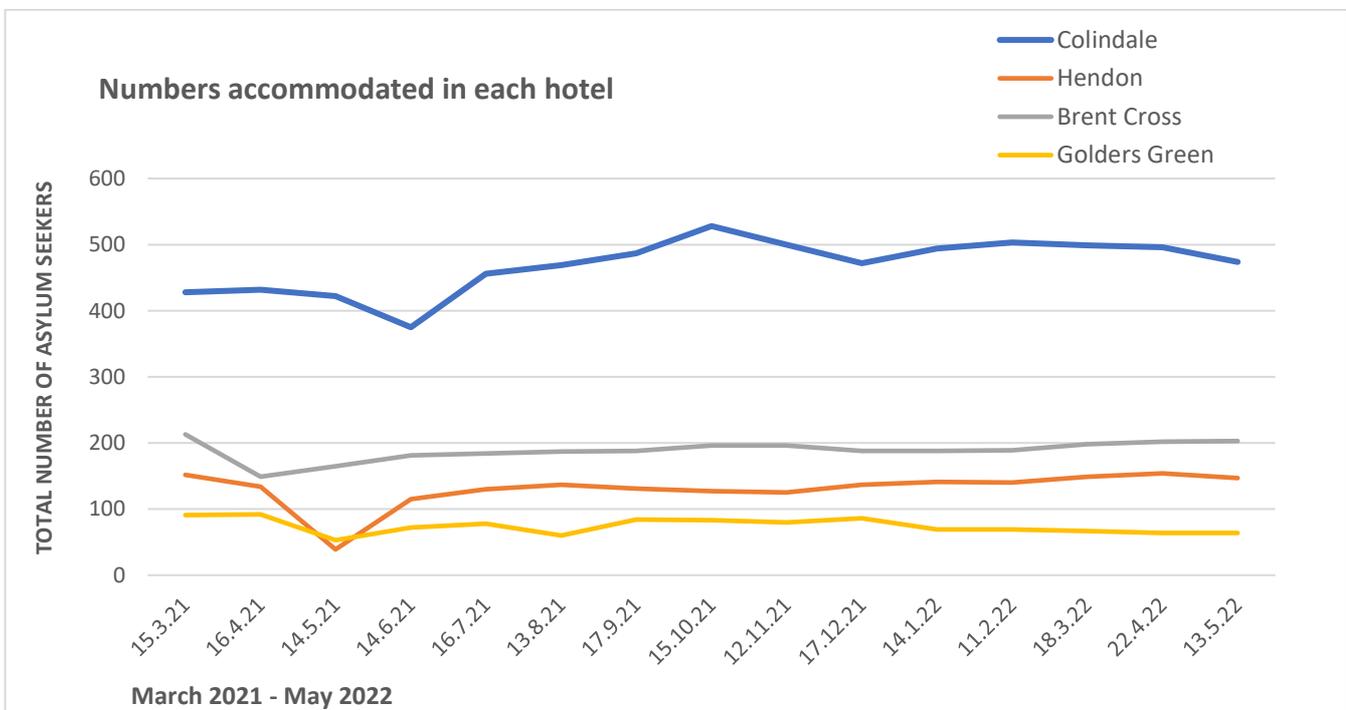
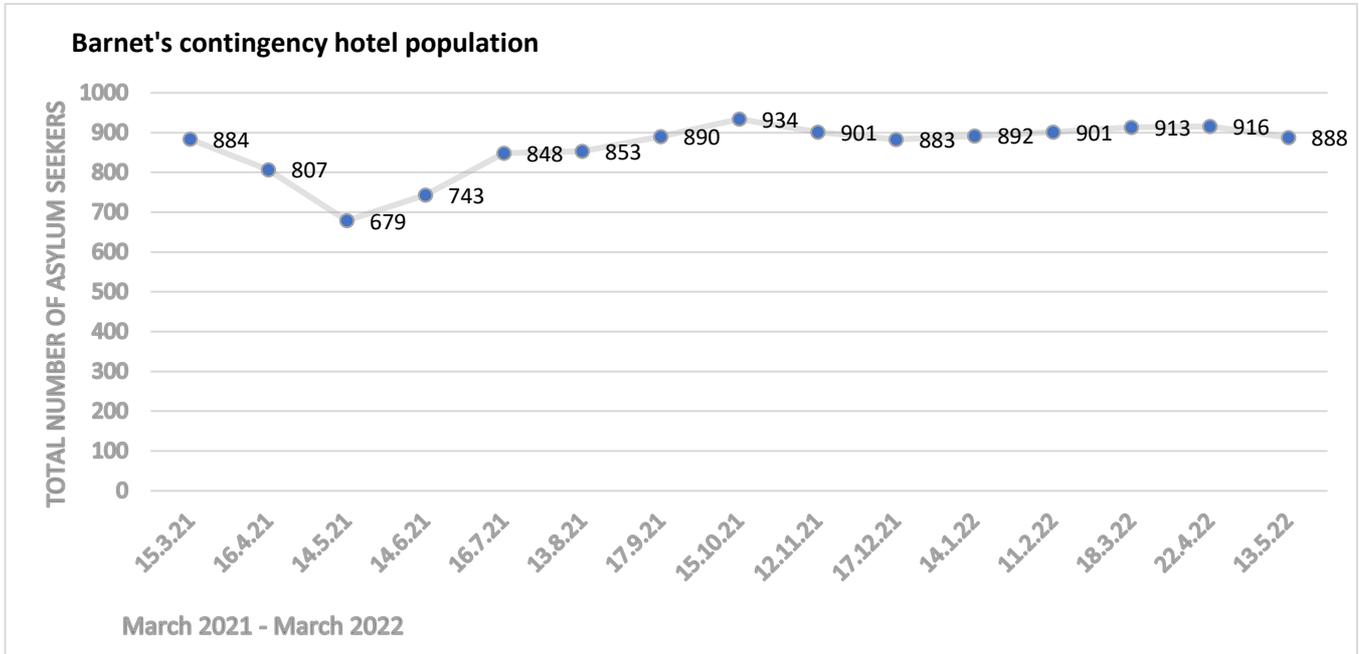
When asylum seekers arrive in the country, a number of commissioned accommodation providers working under contract from the Home Office disperse them into temporary housing (known as dispersal accommodation or DA). The Covid-19 pandemic caused a bottleneck in this process. In order to maintain social distancing and avoid making people homeless during the pandemic, all decisions on asylum claims were paused for most of 2020. This greatly increased the demand for dispersal accommodation, with huge numbers of people being held in the system while awaiting the outcome of their claims.

As a stop-gap solution, asylum seekers began being accommodated in hotels, which were otherwise unused due to lockdown restrictions. These are known as contingency hotels. Around half of the contingency hotels being used are located in London.

Despite Covid restrictions lifting, and asylum claims once again being considered, the hotel population remains high. As of 13 May 2022, there were 12,625 people accommodated in contingency hotels across 23 London boroughs. Barnet's contingency hotel population currently stands at 888 people, accommodated in four hotels.

The hotel population in Barnet

The chart below tracks the total population of asylum seekers in Barnet's contingency hotels over the last 14 months. Apart from a small dip about a year ago, numbers have held steady at just under 900 for most of this time.



The chart above shows the numbers accommodated in Barnet's four contingency hotels since November 2021.

The Colindale site is self-catering, which means people accommodated here receive the standard financial support for dispersed asylum seekers: £39.63 a week. Those staying in the other three sites are receiving full board accommodation with food provided to the hotels by a catering contractor. Consequently, the Home Office provides less financial support to these asylum seekers. They each receive £8.00 a week, which is intended to cover any incidental costs such as medicines, clothing and travel. VCS outreach workers often fund Oyster cards for asylum seekers from the funding the council provides to them.

The table below shows the gender split in the hotel population, with men outnumbering women by 2.5 to 1. The second table shows the population of under-18s across the hotels, showing that the self-catering Colindale site accommodates the largest number of families with young children.

Proportion of men and women in Barnet contingency hotels

Hotel location	Men	Women
Colindale	325	149
Hendon	102	45
Brent Cross	151	52
Golders Green	58	6
Total	636	252

Children and young people by age group

Hotel location	Under 5	5-10	11-17	Total children in hotel
Colindale	32	14	15	61
Hendon	6	14	18	38
Brent Cross	11	23	19	53
Golders Green	1	1	0	2
Total	50	52	52	104

Issues faced by children living in hotels

The VCS outreach workers report several issues affecting children and families that are a direct consequence of living in a hotel.

Being confined to one or two hotel rooms with beds positioned in the centre provides very little room to play. As a result, the children gather in the hotel corridors and hallways. Older children often have nowhere to do their homework. Family tensions are also exacerbated by the cramped conditions. With limited privacy children are often forced to witness parental arguments.

Most asylum seekers are reliant on charitable donations for most essential items. Provisions for families with new-born babies are a constant issue. For example, not all the hotels provide nappies.

A lot of rooms do not have opening windows, which can lead to overheating and poor ventilation.

Full board accommodation provides food that is often unsuitable for children on a repetitive and uninspiring menu. One outreach provider stated that “90% of residents complain about the food provided in full board hotels”.

On average families tend to be accommodated in the hotels for three to six months, though VCS partners report that at least two families who have been in a hotel since 2020.

How Barnet Council supports the hotels

The Strategy and Engagement team in Resources provides central coordination of the various agencies working in Barnet to support asylum seekers and refugees. For the contingency hotels this is managed through an operating model comprising several multiagency groups that meet to discuss and tackle issues affecting the hotel population.

A Barnet Council internal group meets monthly to discuss council services being accessed by asylum seekers, including children’s social care, education and public health.

A multiagency strategy group also meets monthly and this is attended by representatives from:

- North Central London Clinical Commissioning Group
- Mental Health services
- Clearsprings Ready Homes, the accommodation provider for London’s contingency hotels working under contract from the Home Office
- Migrant Help, a charity working under contract for the Home Office to provide advice and guidance to asylum seekers
- VCS groups commissioned by Barnet to provide an outreach support service in the hotels

Meetings of this group enable issues being faced on the ground in the hotels to be escalated - both to statutory services as well as the accommodation providers. Over the last two years, this group has been instrumental in ensuring asylum seekers in the hotels are able to access GP registrations, vaccinations and a range of vital support through the VCS outreach commissions.

Thirdly, there is a monthly network meeting for VCS organisations working with asylum seekers and refugees which meets every month. This is convened and chaired by Barnet Together, the council’s VCS infrastructure partner and focuses on wider wellbeing support, such as donations of clothes and access to positive activities in the community.

In March 2022, the Strategy and Engagement team recruited an Asylum and Refugee Coordinator post to help administrate these meetings and manage the VCS commission.

VCS outreach support

In late 2002, the council began to feel that the volume of people accommodated in hotels was becoming a concern. Particularly as the needs of the hotel population and the challenges they were facing were largely invisible to our service providers until the point when they reached crisis. We felt that there should be specialist outreach workers with the skills and experience required to work with asylum seekers located in the hotels. There were two highly qualified organisations in the borough who could provide this service: New Citizens Gateway (formerly Barnet Refugee Service) and Persian Advice Bureau. Since early 2021 the council has used emergency Covid funding to commission these organisations to each support two of the four contingency hotels in the borough. Establishing this offer has not been easy, and there was significant resistance at first from Clearsprings and the Home Office to allowing outreach workers into the hotels.

The outreach support is now well established and the support provided has developed into a holistic range of services. The organisations deliver these in their specific hotels but also share access across the contingency estate. This helps to ensure asylum seekers don't miss out on opportunities simply because of the hotel where they are accommodated. Services on offer includes a one-to-one counselling service funded by CCG, ESOL classes and a range of leisure activities including football, access to youth provision and an allotment. The local 0-19 Early Help Hub also provides a weekly stay and play session in the Colindale site.

The council and its partners feel that this service is vital to ensuring the wellbeing of asylum seekers accommodated in our hotels, yet there is no established budget to continue funding it. The Covid funding we have been using to finance this is no longer available. Recent correspondence from the Home Office has stated that funding for local authorities to assist with contingency hotels will be assessed under New Burdens Doctrine. While this is positive news, funding is unlikely to come through quickly enough to address the immediate pressures.

While the outreach service provides a range of support and signposting, both VCS groups have flagged the need for services not currently covered in the outreach commission. Most significantly, translation. All of the outreach workers are fluent in at least one additional language, however there are dozens of languages spoken in the hotels. Live interpreting and translation are a significant ongoing need and the council has offered to make provision available through its current translation provider. Again, the council will need to meet this cost.

Also urgently needed are legal aid solicitors that are able to support residents with their asylum applications. The scale of the hotel population is such that there just isn't enough lawyers locally who are available and willing to take on their cases.

Questions for Home Office representatives:

- *Is there a confirmed timescale for when New Burdens funding will be made available to local authorities to support asylum contingency hotels?*
- *If a proportion of the cohort have been at the hotel since they were commissioned in 2020, some of them may have what is considered to be (although not a legal entitlement) a local connection (schools, family/network, health). What support will be available to meet their needs and to minimise disruption to services if displacement is planned?*

The impact of contingency hotels on Barnet's Unaccompanied Asylum Seeking Children (UASC) population

Young people aged under 18 who enter the country seeking asylum are classified as unaccompanied asylum seeking children (UASC). They must be looked after by the children's social care services in the local authority area where they are accommodated.

The volume of asylum seekers being accommodated in Barnet has a consequent impact on the numbers of young people entering Barnet's care system as UASC. As of 7 April 2022, there were 69 UASC in our care and 133 former UASC who are now accessing leaving care services. As most UASC do not have recourse to public funds at 18, the local authority remains fully responsible for the cost of their subsistence and accommodation until their asylum application is finalised or until they are 25. This means that the financial burden of this increased UASC cohort will be felt by the council for several years to come.

The Home Office funds local authorities to accommodate UASC in care at a standard rate of £114.00 per person per night. Where the number of UASC exceeds 0.07% of a local authority's overall child population this funding increases to £143.00 pppn. Local authorities who reach this level of UASC also do not need to comply with the National Transfer Scheme (NTS), which mandates councils to accept UASC into their care from other areas.

Barnet's child population is currently 98,900 which puts the council consistently at or above the 0.07% threshold. After repeated correspondence with the Home Office the council is now funded at the higher rate, however the exemption from the National Transfer Scheme remains unresolved.

Question for Home Office representatives:

- *Can you confirm that as we are over our threshold as at 31 March 2022, Barnet's UASC care will continue to be funded at the higher rate and that we are exempted from the National Transfer Scheme?*
- *Can you confirm that the time taken to process the asylum claims will improve as it is currently on average 2 ½ to 3 years which places a heavy burden on the council and impact significant on the young person's wellbeing?*

Age assessments

Of the current cohort of UASC, 30 have been referred from a contingency hotel where they had initially been accommodated as an adult. Of these, 26 were identified as requiring an assessment of age. Following the age assessment only eight were confirmed as adults and referred back to the Home Office. Therefore, the large majority of the UASC accommodated in Barnet have been incorrectly assessed as adults by the Home Office on arrival in the country.

The local authority age assessment process is costly and time consuming. It has to be conducted along guidelines set by the Merton Judgement¹ by specially trained social workers. Barnet has already had to recruit two new social workers to accommodate this additional workload. Further costs can be incurred if an asylum seeker mounts a legal challenge to the age assessment.

Questions for Home Office and Clearsprings representatives:

- *What is the current process of age assessment at the UK Border, and what is being done to improve its accuracy?*
- *Currently, Clearsprings are referring asylum seekers of disputed age to the local authority. Would it be possible to refer these cases straight back to the Home Office on arrival in the hotels?*
- *Will the home office continue to provide funding for legal costs and where the challenge is about the HO decision should they not be included in the legal defence?*

Impact on schools

With 154 children and young people of statutory school age currently accommodated in the hotels, Barnet's schools are also experiencing pressures. Students arriving mid-year are not counted on the Schools Census, which means the school does not receive funding for these children. The council is funding these places from Dedicated Schools Grant, but below basic entitlement rate. It is therefore insufficient to meet the needs of these children.

Most of these children also require significant additional support both for their English language needs and often trauma experience. The schools are picking up the cost within the school budget, but often the children are moved to another location with little or no notice, only to be replaced by new children in the same situation.

Questions for Home Office representatives:

- *Will the New Burdens assessment include schools funding?*
- *Funding for school age children is available to Ukrainian refugees. Why can this not be extended to asylum seekers?*

¹ In [R \(B\) v Merton \[2003\] EWHC 1689 \(Admin\)](#), the High Court set down broad guidelines as to how age ought to be assessed in respect of unaccompanied minors who arrive in the UK without documentary evidence to prove their age. The court confirmed that the local authority "cannot simply adopt a decision made by the Home Office" and outlined a number of criteria for a lawful assessment.

2. Reasons for recommendations

- 2.1 This report and the presence of representatives from Home Office and Clearsprings was unanimously agreed by this committee on 19 January.

3. Alternative options considered and not recommended

- 3.1 None

4. Post decision implementation

- 4.1 It is hoped that guests from Home Office and their contract partners will take on board the questions raised in this paper and in the meeting and provide a response.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The council has a responsibility to ensure the welfare of all residents regardless of their status. We are committed to ensuring the best possible life chances for adults, children and young people in Barnet, especially those facing disadvantage.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The impact of the contingency hotel population on council finances is significant and outside of established budgets.
- 5.2.2 In September 2021 the Chief executive wrote to the Director General for Asylum and Protection at the Home Office stating that to date, the council had incurred costs of over £600,000. At least another £200,000 has been spent since that letter was written and there remains both an ongoing financial burden as well as continued future pressure.

5.3 Legal and Constitutional References

- 5.3.1 The Council has duties and responsibilities in relation to asylum seeking families and children, although asylum seekers are specifically excluded from some of the Council's prescribed duties, including housing, due to their immigration status. As this is a noting report, these duties have not been set out in detail.
- 5.3.2 The Council's Constitution, Article 7 notes that the Children, Education and Safeguarding Committee has 'Responsibility for all matters relating to children, schools and education.'

5.3.3

5.4 **Insight**

5.4.1 Data in this report is provided by Clearsprings Ready Homes and London Councils.

5.5 **Social Value**

5.5.1 NA

5.6 **Risk Management**

5.6.1 The contingency hotels pose a potential risk to community cohesion and are a potential target for far-right groups. The council is alert to this risk and monitors it carefully. We do not publicise the names or specific locations of the hotels and have on one occasion advised the Home Office not to stand up a further contingency hotel due to the likely tension it could generate in that neighbourhood.

5.7 **Equalities and Diversity**

5.7.1 Asylum seekers are an extremely disadvantaged group by their very status. The population also comprises people with numerous intersecting protected characteristics.

5.7.2 The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are:

- age
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The broad purpose of this duty is to integrate considerations of equality into day to day business and to keep them under review in decision making, the design of policies and the delivery of services.

5.8 **Corporate Parenting**

5.8.1 A significant part of this report concerns the increased pressure on the council's Children's Care service. Asylum seeking young people make up a disproportionately high number of our care cohort and care-leaver population. This is mostly a direct result

of the contingency hotels.

5.9 Consultation and Engagement

5.9.1 Informal engagement with asylum seekers takes place on a regular basis through the outreach support services we commissions.

5.9.2 More formal engagement is planned as part of a health needs assessment being delivered by the council's Public Health team.

5.10 Environmental Impact

5.10.1 None

6. Background papers

[Member's Item 19 January 2022](#)