

## Refugee Council and The Housing Associations' Charitable Trust (hact) response to *Fair and Flexible: Draft statutory guidance on social housing allocations for local authorities in England*

October 2009

### About hact

Hact is a national agency working across the housing and community sectors to build multi-agency partnerships that pioneer new housing solutions for those on the margins. Hact has worked for many years with the CLG, its predecessor departments, and other government departments such as the UK Border Agency (UKBA), in taking forward a range of initiatives to understand and address the housing needs and aspirations of those on the margins, including refugees. Among several projects focusing on the needs of refugees, we are delivering the housing advice and support element in partnership with the Refugee Council to support delivery of the new RIES (Refugee Integration and Employment Service) provision. In the first year, we have found that some refugees face additional barriers caused by local authorities failing to provide an accessible and fair allocations system. This has sometimes resulted in refugees being misinformed about their rights and entitlements and subject to discrimination, an issue we have raised with the Equality and Human Rights Commission.

### About the Refugee Council

The Refugee Council is a human rights charity, independent of government, which works to ensure that refugees are given the protection they need, that they are treated with respect and understanding, and that they have the same rights, opportunities and responsibilities as other members of our society. We achieve this mission by:

- supporting refugees and working with them as they build a new life
- speaking up for refugees and ensuring that refugees themselves have a strong voice in all areas of UK life
- building links with people from across our society to increase mutual understanding of refugees
- making the case for a fair and just asylum system
- taking a leading role in helping to build up a vibrant, sustainable and successful refugee sector in the UK and internationally

Refugee Council and hact are currently working in partnership to deliver the housing component of the Refugee Integration and Employment Service (RIES), commissioned by the Home Office and UK Border Agency (UKBA). This service, which offers advice and assistance to newly recognised refugees, promotes their integration and particularly their employment, and so we are well placed to comment on both the need for the new code to address issues of particular concern to refugees and the crucial issues of the connections between worklessness and housing.

## Consultation response

We are responding to this consultation specifically in relation to refugees and their needs, and so have not used the consultation questions suggested, some of which do not touch on this. We have, however, referenced the relevant sections of the Code as appropriate. Our responses address key issues:

- Support for employment initiatives
- Consultation
- Monitoring
- Refugee specific needs

### Support for employment

1. We welcome the new code and its emphasis on fairness and flexibility. We believe it offers the opportunity for the Department for Communities and Local Government to support attempts to rebuild public confidence in the asylum system.
2. In particular, the Code would benefit from clear statements about the need to work in partnership with agencies such as ourselves to support the integration of refugees who have emerged from the onerous and demanding asylum determination process. Many of them were also already supported by local authorities in dispersal areas.
3. Refugees, for example, could be included in the introduction in the references to the types of people who may attract some local priority where appropriate.
4. Our work in the Refugee Integration and Employment Service has a very strong focus on employment and this forms part of the local worklessness agenda. We welcome the encouragement (at paras 27, 31 and 79) to local authorities to consider setting aside some lettings for key workers and others moving to take up employment, especially since it has the potential also to deal with concentrations of deprivation. We believe these sections would be strengthened by including a direct reference to the work of RIES providers in securing employment for refugees and the need to work in partnership with providers on this.

### Consultation

5. The Code makes repeated reference to the need to consult local communities on the development and review of allocation policies (at paragraphs 30, 32 – 34, 39 – 40 and 43). The new Code offers all housing authorities a chance to review current policies (paragraph 8).
6. Our current experience is that, in many areas, refugees and the organisations working with them are not consulted when allocations are discussed, although they form an important part of local communities.
7. We and other partners offering RIES services are happy to assist in facilitating such consultation and we believe that the Code would benefit greatly from including references to resources on

which local authorities can draw when carrying out such consultations. We are happy to be on such a list.

8. We would also draw your attention to a project funded by your department via EMIF and carried out by local authorities in the north west, led by Bolton Council. This worked with local refugees to develop service improvements in housing across the area. The report would be a useful addition to any resource list, including as it does innovative ways of involving refugees at all levels.
9. We are also concerned that the Code should emphasise refugees' roles as full and entitled members of their communities, ready to contribute and become involved. Guidance of this type plays an important role in "setting the mood" for local provision.

## Monitoring

10. We welcome the emphasis on monitoring the outcomes of allocations policies in relation to the equalities strands (paragraph 21).
11. The importance of monitoring refugees is illustrated by the research published by the DCLG in 2008,<sup>1</sup> which showed that one third of those families in temporary accommodation for more than a year had sought asylum in the UK at some point.
12. Refugees, however, are rarely identified through current monitoring categories in use by most local authorities and so the impact of policies or changes on them is often unknown. Their ethnic origins and nationalities are generally not specified in the systems used. The note on the impact assessment for this proposed guidance in relation to race equality suffers from the same problem. We would like to see the Code address this urgent need. Two options for this are available.
13. One way of identifying refugees has been used by the DWP, which now includes a refugee marker for all new users of JobCentre Plus and benefits services. Users are simply tagged as refugees and their progress monitored.
14. Another possible option uses nationality in all monitoring as a proxy to identify impacts on refugees and other new migrants. This is already in use by Bolton Council (and so will form part of the north west regional choice based allocations scheme on which they are leading). It is also recommended in a recent EHRC report<sup>2</sup>.

## Refugee specific needs

15. Refugees are at high risk of exclusion from services. Since RIES was set up in 2008, we have had to refer several cases of illegal discrimination against them by housing authorities and RSLs to the Equalities and Human Rights Commission. In most cases this was because the providers involved were ignorant of the law. The Code should address this in a straightforward way by making a clear statement that refugees are likely to present as homeless when they first get a positive decision on their case, that their situation is different to that of other migrants, and that they may also have specific needs resulting from persecution and flight.

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<sup>1</sup> Statutory Homelessness in England: The experiences of families and 16-17 year olds Homelessness Research Summary Number 7, 2008

<sup>2</sup> Kofman, E, Lukes, S, D'Angelo, A and Montagna, N (2009) *Equality Implications of Being a Migrant in Britain* EHRC and SPRC Middlesex University available at <http://www.edf.org.uk/blog/wp-content/uploads/2009/07/The-equality-implications-of-being-a-migrant-in-Britain.pdf> London

16. These needs can be best addressed within the local authority duties to ensure that advice and information is available free of charge alluded to at paragraph 47. In order for refugees to be able to get advice and information and so exercise the choices to which all are entitled, they need:
  - information to be available in relevant languages
  - interpreting services where appropriate
  - support, especially while dealing with the complexities of choice based allocations
17. Refugee Council, and, we expect, other RIES agencies are happy to discuss possible partnerships with relevant local authorities to ensure such services are delivered appropriately and with effective access for all, so that refugees are able to apply for housing on the same basis as others.
18. We welcome the specific references to allocations measures to deal with overcrowding (for example those at paragraph 18) since this is a particular problem for many refugee families, especially those formed after family reunions. It would also be helpful for the Code to include guidance on how local authorities should prioritise applicants like this in light of the House of Lords judgement in Birmingham City Council v Ali and others.<sup>3</sup>
19. We also welcome the encouragement to offer greater opportunities for mobility (such as that at paragraph 26), especially in order to encourage tenants and potential tenants to get into work or vocational training. In pursuance of this, we suggest that authorities are reminded that the local connections acquired by work are as important in law as those due to residence and applicants should be encouraged to apply in areas where they are working, since this will not only support their employment but also make contributions to strategies in relation to climate change and social cohesion.
20. The Code would also be improved by stating that allocating authorities are in no way constrained by the homelessness legislation on local connection (including that specific to former asylum seekers) and so can devise policies to accept and give priority to new applicants who need to move into the area to seek work or enter training. Some refugees with whom we work, for example, have specific retraining and requalification needs that are ill served by the policies of many authorities, or indeed, by the crudeness of the "asylum seeker local connection" introduced by the 2004 Act.
21. For these reasons we express here our concerns that local authorities are encouraged, at paragraphs 63 – 65, to consider policies that prioritise waiting time on lists over other considerations. Many refugees, of course, have spent years waiting on lists, but others may have arrived recently in the UK with no resources. Many have tremendous potential to contribute to the well being and development of any area where they can resettle successfully, and some may have complex special needs as a result of torture or trauma.
22. It is therefore especially important that refugees and organisations such as ours serving them are specifically involved in all consultations about changes to allocations policies and that proper monitoring systems are in place that will enable authorities to identify the impact of such changes on refugees as a specific group.

**Hact and Refugee Council**  
**October 2009**

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<sup>3</sup> [2009] UKHL 36