

Freedom from Torture submission to the Independent Chief Inspector inquiry into asylum accommodation

March 2018

Introduction

Freedom from Torture is a UK-based human rights organisation and one of the largest torture rehabilitation centres in the world. Each year we provide clinical services to more than 1,000 survivors of torture in the UK, the vast majority of whom are asylum seekers or refugees.

The provision of casework support, through our Legal Advice and Welfare Service has been a long-standing and distinctive feature of Freedom from Torture's holistic clinical model and therapeutic approach. We assist clients presently in treatment at Freedom from Torture with matters relating to housing, welfare benefits (asylum and mainstream), health and social care access, education and other welfare related areas of law, policy and practice affecting torture survivors as asylum seekers and refugees in England and Scotland. Homelessness and destitution are the one of the biggest issues that impact our client group.

We assist clients to make applications for asylum support (section 98, section 95, and section 4) either directly or through referral to another agency. We also help them to gather and prepare evidence in support of an application for asylum support, and we liaise with the UK Visas and Immigration (UKVI) on the status of a client's application, or on issues concerning suitability of accommodation, safeguarding and to find a remedy in relation to these matters.

We have a long history of working with the inspectorate to assist your teams in delivering robust inquiries and accurate reports and we welcome this opportunity to feed into your current inspection. Our submission to you builds on one that we provided to the Home Affairs Select Committee in September 2016, by looking at the experience of our clients since the Committee published its report in January 2017. This submission is based on evidence drawn from our Legal Advice and Welfare Service casework and on a consultation exercise with six of our current service users who have all been accommodated by the Home Office during the period of January 2017 to date.

Freedom from Torture key concerns

1. The concessions for torture survivors in treatment with either Freedom from Torture or the Helen Bamber Foundation, specified within the Home Office 'Allocation of Accommodation policy', are a rare example of good practice and illustrate how the Home Office can work with specialist service providers to identify and meet the needs of particularly vulnerable groups. However, the concessions are not always applied correctly and consistently by caseworkers.
2. The continued failure of the Home Office to adequately identify, record and share information on vulnerability, and the actions taken based on that information by the Home Office and the housing provider, demonstrate a disregard for the health needs and additional vulnerabilities of torture survivors.

3. Accommodation providers continue to supply housing that does not meet safety and quality standards, and fail to source accommodation which meets the basic requirements of their contracts.
4. The Home Office continues to fail in its obligation to provide effective oversight of the provision of accommodation administered through COMPASS.
5. Inspection of accommodation is neither consistent nor effective and therefore fails to identify and remedy issues before they become serious and dangerous.
6. Complaints continue to be raised regularly with Freedom from Torture's Legal Advice and Welfare Service by survivors in treatment with us. These are not adequately dealt with by accommodation providers.

Key recommendations

(Further, more detailed, recommendations are provided under each section)

1. The Home Office and accommodation providers should work together more effectively to identify and meet the needs of particularly vulnerable asylum seekers, such as torture survivors, including through correct application of the torture concessions within the Allocation of Accommodation policy.
2. Policy version 5 of the 'Allocation of Accommodation' policy should be amended to ensure the whole policy applies equally to refused asylum seekers, including in light of changes made to the asylum support system through the Immigration Act 2016.
3. The use of houses of multiple occupancy (HMO) should be reduced so that high numbers of asylum seekers are not sharing communal space. High density housing can create tensions and exacerbate existing mental health problems amongst the most vulnerable.
4. Accommodation providers should be required by the Home Office to report publicly on their Key Performance Indicators. This should include what penalties have been issued in response to non-compliance. This would better ensure companies and their sub-contractors can be held to account.
5. A consistent inspection regime should be implemented across all Home Office-provided accommodation incorporating both the condition of the accommodation and the wellbeing of residents. We support the Home Affairs Committee call for the voices of residents to be heard through user groups which feed into the complaints and wider quality oversight processes.
6. Staff seeking entry into asylum accommodation should provide appropriate notice and a specific time for the visit. They should not enter a property without permission from the resident.

Home Office identification, recording and sharing information of vulnerability, particularly pregnancy and maternity, and how this impacts accommodation decisions

In Freedom from Torture's experience the identification, recording, and sharing of information on vulnerability by the Home Office, and the actions taken based on that information by both the Home Office and the housing provider, are inadequate. The consequence is that survivors of torture are placed in inappropriate and, occasionally,

dangerous accommodation that worsens their anxiety, undermines any sense of safety and hampers their rehabilitation.

The torture concessions in allocation policy

Asylum applicants accepted for treatment by either Freedom from Torture or the Helen Bamber Foundation should benefit from a policy concession which states that '*they should normally be provided with accommodation as close as possible to the centre where the treatment is to take place*'.¹ For persons who receiving treatment in London, this means that accommodation should generally be provided within travel zones 1-6. For persons receiving treatment at one of Freedom from Torture's regional or national centres, this means accommodation should be provided within one hour travelling distance of the centre.

The concession also requires caseworkers to note any special accommodation requirements indicated by either organisation and carefully consider any recommendations put forward. The concession states that, as a general rule, and wherever possible, persons receiving treatment by either organisation should not be required to share bedrooms with strangers. In exceptional cases, either organisation may also consider that self-contained accommodation or other special arrangements are clinically necessary for the person and notify the caseworker. It further states that, as a general rule, and wherever possible, these needs should be provided for. Any request to move a person from accommodation that either organisation considers is unsafe or unsuitable should be handled on an urgent basis.

The Home Office is often responsive to representations made by our welfare service regarding application of the concessions. However, wholly avoidable incidents of failure to apply the concessions have significant negative effects on torture survivors. **We continue to see a number of our clients placed in shared room accommodation, some of our London clients dispersed to areas outside of London travel zones 1 - 6 and a refusal by UKVI to engage with requests for special accommodation arrangements or relocation on therapeutic grounds.**

Examples of failure by UKVI to apply the torture concessions:

Since December 2017, we have had six cases of clients receiving treatment at our London centre being dispersed outside of London (most commonly to Tilbury in Essex) and three clients placed in a shared room. In one instance, we assisted a particularly vulnerable and traumatised man from the Democratic Republic of Congo who had been placed in shared room accommodation. In her supporting letter to the UKVI asylum support team, his therapist explained that the client suffers: PTSD (with symptoms including nightmares and waking at night while screaming); depression; auditory hallucinations; suicidal ideation and chronic pain. In this instance one of our welfare staff wrote to UKVI on three occasions and received no reply. The client was eventually relocated to appropriate accommodation approximately six weeks later, at the point that he was about to take legal action.

Our welfare staff intervened to assist another client, a 17 year old Afghan national, who was placed in shared room accommodation. He was eventually relocated to a single room accommodation approximately three months after our intervention. However, as a result, he was moved out of London, making his access to our centre and his solicitor very

¹ Allocation of accommodation policy, Home Office, version 5.0. 7 March 2017. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597382/Allocation-Of-Accommodation-v5_0.pdf

difficult, time consuming and incredibly expensive. This is causing him further distress and our welfare adviser is required to intervene on his behalf yet again to request relocation into zones 1-6 as per the concession.

The importance of compliance with the concessions in the allocation policy is enhanced by the creation of new dispersal areas under the government's push to more fairly distribute responsibility for asylum housing across the UK. Whilst we support this initiative, it must not be at the cost of ensuring that torture survivors are accommodated safely and can access the treatment so vital to their rehabilitation.

Information sharing between UKVI and the accommodation provider

In our experience, **information on vulnerability and any associated special requirements, is not shared efficiently by UKVI nor acted on appropriately during the allocation of accommodation.** On a number of occasions over the past year, we have submitted complaints or requested relocation on account of a property being unsuitable for the client.

In one case, the client's physical health needs were not accounted for at all when he was housed by SERCO in his current accommodation in Glasgow. The client moves with the support of a walking stick, has been diagnosed with epilepsy, has frequently falls and faints on almost a daily basis. Despite this, the client was housed on the 14th floor of a high-rise building, with an elevator that only goes up to the 13th floor. This causes the client significant physical pain as he has to climb up and down two flights of stairs when entering and exiting his accommodation for appointments. Should there be a fire, the client would be at considerable additional risk as he would not be able to exit unassisted. The client has explained that he avoids going out because of the stairs and because he is worried he will faint or fall on them. This contributes to his social isolation and hampers his efforts to rehabilitate. In addition, there are slight ledges between the floors in each room and this has caused the client to trip and fall on several occasions. Our welfare team has submitted a relocation request highlighting the above concerns.

Another case that we began assisting in the summer of 2017 concerned a severely traumatised client who had experienced torture in Sri Lanka and was detained in the UK. He was given a room which did not have any windows but only a skylight. This was re-traumatising for the client as it reminded him of his detention and torture and resulted in a severe decline in his mental health to the extent that we were concerned that there was a high suicide risk. We made repeated representations to UKVI asylum support team but they refused to relocate him, stating that the medical evidence that we had submitted (including a report from our psychiatrist) was not adequate. The client eventually had to resort to legal action, but the matter was only resolved when he was granted refugee status and left his Home Office accommodation.

The concession to which we referred earlier specifically prohibits caseworkers from asking for details of why the Freedom from Torture considers that self-contained accommodation or other special arrangements are necessary, and they should not refer the case to the Home Office Medical Adviser. This suggests that they should accept the clinical authority with which we make a request for special arrangements and not challenge the adequacy of our evidence.

Even when a relocation request has been granted, we are concerned that **information provided to UKVI concerning the reasons for the relocation is not always, or efficiently, communicated to the provider.** For example, we requested relocation for a client who was being accommodated on the first floor and struggled with the stairs on

account of a disability that he had acquired because of an experience of torture. He was offered another first floor property and this had to be challenged by a community care solicitor.

Another client, accommodated in Middlesbrough by G4S, found herself on crutches after an operation to address severe back pain resulting from mistreatment by the military in her country of origin. She had been housed in a property that had stairs between her bedroom and the rest of the house. While in hospital, she requested relocation on physical health and mobility grounds, but was offered a property with exactly the same layout. She was even refused a chair for the bath as the provider argued that it would inconvenience the other occupants and she had not, after all, broken her legs.

Delays in allocation

In some cases, the flagging of additional needs and vulnerabilities results in **unacceptable delays in the housing or relocation** of our clients. During 2017, our welfare team worked with a client who is paraplegic. He submitted a fresh claim but found himself homeless soon after. We made an application for section 4 support on 9th August 2017 requesting that - as per the policy - a decision be made within two working days on account of the client's vulnerability. Two days later the client was hospitalised for emergency surgery associated with his disability. We kept the Home Office updated as to the progress of his recovery and discharge date, which was set for 14th August. A decision was made fairly quickly in relation to his section 4 claim (three working days) however, there was an unreasonable delay in allocating his accommodation. Our welfare adviser made regular requests for updates on the progress of his accommodation booking but was repeatedly told that the accommodation provider had been given more time as they were unable to find suitably adapted properties in London. It became clear that key information (for example, his need for single room accommodation) provided in his support application - and therefore available to the provider at the earliest opportunity - had not been considered at the appropriate point as the UKVI asylum support team incorrectly cited this as 'new information' at various intervals in order to justify the delay (i.e. "we were not aware that single room accommodation is required").

In the end, there did not seem to be any wheelchair-accessible properties in the London area. The client was obliged to stay in hospital for over three weeks, until 2nd September - well beyond what would be considered a reasonable time period - as otherwise he would have been discharged to street homelessness. He was eventually accommodated, but only after legal action was taken. As there was no dispersal accommodation available, he was moved back to Initial Accommodation (Barry House) and he has been there since the September 2017. The UKVI was also obliged to arrange for further adaptations to his accommodation on account of his disability.

The Home Office should do more to take advantage of the role of the referring agency (e.g. Freedom from Torture) as an intermediary who can assist in communicating dispersal information to the client and report potential problems back to UKVI before they disrupt dispersal plans. We have assisted a number of clients who have been classified as "failed to travel" and have therefore been at risk of having their support withdrawn. This can happen for multiple reasons such as: the dispersal information is not communicated appropriately to the client (e.g. without the use of an interpreter), inability to get through to the client on the phone, inflexibility about pick-up location (if the client is homeless or their host does not want the UKVI to attend the address, or they want the client to go to a police station), confusion around pick up addresses, amongst others.

Extent to which accommodation providers meet the specific needs of pregnant women/new mothers

A member of our welfare staff has been working with a family consisting of a single parent, two young children aged seven and four, and a four month old baby. The mother gave birth to the third child while still accommodated in initial accommodation and although the family were moved to section 95 accommodation, they quickly experienced a number of issues. They were allocated two separate rooms that are not linked. The property is shared with strangers and the mother is therefore concerned about leaving the older children (who are still both very young) on their own in the other room due to safety reasons. There is only one bathroom (although there is a second toilet) to be shared among an unknown number of individuals and families. The mother reports that she does not have suitable furniture in her room to store the family's clothes and belongings. She was not provided with duvets, cutlery or crockery. There is only one cooking pot in the kitchen, which is shared by the other residents. The property has a freezer but no fridge at all, which presents considerable difficulties for someone who is caring for very young children.

We requested relocation for another of our client's during the third trimester of her pregnancy. She has a toddler and was already struggling to move around her property as she was accommodated in a room on the first floor while the kitchen was on the ground floor. The property is shared with five other adults and an additional six children. Our client feared that with the arrival of a new baby, it would be difficult and unsafe for her to move both of them up and down the stairs, but the toddler could not be left in the bedroom or communal areas alone with other adults and children in the property. This request was made in January 2018 shortly before the baby was born, and she has so far not been relocated.

Initial accommodation standards including impact on vulnerability

Full board initial accommodation is not suitable for survivors of torture as such an arrangement can be similar to detention in many ways. Our clients describe struggling, in particular, with the high density nature of the accommodation which can mean crowding in dorms and communal areas, and the loss of control over what, when and how you feed yourself, and the lack of cash. One of our clients described the long corridors and numerous doors as reminding him of a detention centre. We appreciate that a period in initial accommodation is unavoidable, but it should not be prolonged. Some of our clients, and particularly families, have remained in initial accommodation for as long as two and a half months before being dispersed to suitable accommodation.

Recommendations:

1. The Home Office and accommodation providers should work together more effectively to identify and meet the needs of particularly vulnerable asylum seekers, such as torture survivors, including through correct application of the torture concessions within the Allocation of Accommodation policy. Vulnerable people should not have to share a room or be dispersed more than one hour travelling distance of their treatment centre.
2. Policy version 5 of the 'Allocation of Accommodation' policy should be amended to ensure the whole policy applies equally to refused asylum seekers, including in light of changes made to the asylum support system through the Immigration Act 2016.

3. There should be better collaboration with specialist agencies involved in supporting asylum applicants to ensure that instructions are conveyed appropriately. It would also be good to revert to the former method whereby booking forms were sent out in advance of travel.
4. Shared housing must be subject to thorough risk assessment processes taking into account health and safety considerations for each resident.
5. The use of houses of multiple occupancy (HMO) should be reduced so that high numbers of asylum seekers are not sharing communal space. High density housing can create tensions and exacerbate existing mental health problems amongst the most vulnerable.

Dispersal accommodation standards

Our clients continue to report feeling unsafe while in their accommodation, mainly due to the absence of locks on the doors of their personal rooms and the obligation to live in close proximity with strangers. One client, accommodated by SERCO in Glasgow, is currently living with a flatmate who he believes is using illegal substances. The client described spending the majority of his time in his room because he feels unsafe, but continues to feel anxious because he does not have a lock on his door. The client has to apply prescription cream to his body every night, but is always worried his flatmate will walk in on him when he does this. The client believes his flatmate is using items in his room when he is out of the building and that this has added to his anxieties.

We also have considerable concerns about the safety of our clients and the extent to which housing providers take seriously their safeguarding responsibilities. In one case, we were unable to reach a client by telephone and were concerned as he was a potential suicide risk. The client's therapist contacted the housing manager at G4S and asked that he conduct a 'safe and well check' in accordance with the provider's safeguarding policy. She was told that he could not do this and that she would have to contact the company via their central system as he would need to take instruction from them. It was then extremely difficult for us to get through to the accommodation provider's central point of contact in order to arrange this and caused significant delay.

Some clients continue to report that housing officers let themselves into the property without warning leaving residents feeling exposed and unsafe. However, there is some good practice, as one client in SERCO-provided accommodation in Glasgow reported that his housing manager sends him a text in advance of any visit, providing a specific time when he expects to arrive.

Effectiveness of inspection regimes of asylum accommodation by either accommodation provider or the Home Office, and the effectiveness of the complaints process

It is not clear to Freedom from Torture how often accommodation inspections are taking place or by whom, but it is evident from the number, consistency and severity of the accommodation issues that we routinely deal with, that the inspection regime is failing to identify problems and ensure effective remedial action is taken. We have also supported many of our clients over the past year to pursue complaints through their accommodation provider. Complaints often relate to facilities or household items that are broken, or the safety or wellbeing of one of our clients. We continue to document the ongoing failure of the complaints process to offer a prompt resolution to identified problems.

Throughout 2017 and to date, we continue to receive reports from clients of infestations (rodent and insect) and issues of disrepair that do not appear to be rectified in a timely manner. In one case, we assisted a client whose accommodation was infested with rodents. Infestation-control contractors were brought into the property and they laid traps. This failed to address the problem and when we intervened on behalf of the client with the housing provider, we were informed that they had done all that they could and that they would take no further steps as it was the fault of the tenants who had failed to keep the accommodation suitably clean. The client told us that he took great care in packaging his food and storing it appropriately but he routinely found food packets torn open by what seemed to be rats based on the size of the holes. The client believes that the rats access the building through faulty or damaged service drains and other structural faults such as large holes. The client had already drawn attention to the broken windows and doors which are likely to have contributed to the infestation. The client also endured three weeks without a functioning lock on the front door despite raising the issue with the housing provider, which left him feeling profoundly unsafe.

Our welfare staff have submitted a number of complaints to G4S and SERCO in relation to issues in a client's accommodation. The response has often been slow, if there has been any at all. In order to pursue even very simple requests, residents must often go through a complicated process involving the landlord, the managing agent and the housing provider, each of whom refers to the other. Other clients report seeing 20-30 housing officers within the space of three years and so, with each complaint, they must explain again the issue in question, the process followed to raise it with the provider, the work that has or hasn't been done, and there is no institutional memory.

One example concerns a client accommodated by SERCO in Glasgow whose washing machine and bathroom lightbulb broke, but for whom repairs were not carried out despite repeated complaints over a long period of time. A member of our welfare team raised concerns and a request for maintenance on the client's behalf with SERCO. She contacted the housing caseworker directly on more than four separate occasions and received a verbal apology by telephone after two months of waiting for a lightbulb to be changed. The housing caseworker explained she had passed the information onto her manager because "it should have been resolved much earlier". The lightbulb was still not repaired after three months, despite recognising the client's physical health needs which prevented him from doing it himself and disregarding how the flickering might affect his epilepsy and create a risk of falls. After three months, the client's new flatmate changed the bulb in the bathroom so both of them would not have to continue showering in the dark.

In another case, a Birmingham-based client, accommodated by G4S was distraught to find water pouring into his living room from the broken washing machine in November 2017. He complained both directly to the housing manager (three times) and through the G4S complaint telephone number (one call per week from November to end of February 2018). Each time he called, he was told that his complaint had been registered on the system and would be dealt with. He was finally provided with a new washing machine at the end of February 2018, four months after submitting the complaint.

One of our clients, accommodated by G4S in South Shields reports that his housing manager used to visit the property every month to note repairs but he has received no visit for other 10 months. Before the visits stopped, his housing manager noted and took photographs of the torn carpet and damaged boards on the stairs, as well as the sinking floor in the kitchen and bathroom. During the ten months without a visit, the client telephone G4S six times to try to resolve the issues. Sometimes he would run out of credit

on his phone before he was connected to the service. He lives in the house with his wife and four small children and is extremely worried about their safety.

Another client accommodated by G4S, this time in Birmingham, was disgusted by the state of the house when he moved in as it had not been cleaned at all following the departure of the previous tenants. The carpets were particularly dirty but no vacuum cleaner was provided. Two of the client's three children have asthma and their doctor advised changing the carpets which appeared to be aggravating the condition. When the client raised this with G4S in 2017, they refused to provide a vacuum cleaner and accused him of creating the problem and issued a verbal warning. He subsequently reported a gas leak in the property and, despite the urgency of the problem, waited half an hour on the phone for someone to take his details and then another four hours outside in the winter with his family before someone came to fix the leak.

However, these poor standards of complaint resolution are not universal and one of our clients, accommodated by SERCO in Glasgow, reported considerable improvement in the standard of response compared to the previous housing provider, Orchard and Shipman. If he has a problem he sends a text message to his housing manager who will usually contact him the following day to let him know how long it will take to resolve. Not only is it reassuring to receive an immediate response confirming that the problem will be handled, but the turnaround time for resolution also appears to be much shorter. This positive example proves that providers can deliver a system that responds promptly to a resident's concerns and that treats them with respect and dignity.

Recommendations

6. Accommodation providers should be required by the Home Office to report publicly on their Key Performance Indicators. This should include what penalties have been issued in response to non-compliance. This would better ensure companies and their sub-contractors can be held to account.
7. A consistent inspection regime should be implemented across all Home Office-provided accommodation incorporating both the condition of the accommodation and the wellbeing of residents. We support the Home Affairs Committee call for the voices of residents to be heard through user groups which feed into the complaints and wider quality oversight processes.
8. Staff seeking entry into asylum accommodation should provide appropriate notice and a specific time for the visit. They should not enter a property without permission from the resident.

End of process after a grant or refusal of asylum

There is some good practice in the treatment of residents who have been informed of their need to leave the accommodation due to a grant or refusal of status. Our clients in Glasgow inform us that SERCO has been allowing some residents to remain in the property for a period after the eviction date to allow them to find alternative accommodation before they become street homeless.

To discuss any of the matters in this briefing please contact Sile Reynolds, Senior Policy Advisor, at sreynolds@freedomfromtorture.org or on 020 7697 7839