



**Freedom from Torture**

Medical Foundation for the Care of Victims of Torture

**Submission of Freedom from Torture  
to the Home Affairs Select Committee inquiry into asylum  
accommodation**

***September 2016***

Freedom from Torture is the only human rights organisation dedicated to the treatment and rehabilitation of torture survivors who seek refuge in the UK. We do this through direct and second-tier services from our specialist centres in Birmingham, Glasgow, London, Manchester and Newcastle. Each year we support more than 1,000 torture survivors, primarily via psychological therapies, forensic documentation of torture, legal and welfare advice, and creative projects.

We support torture survivors to speak out about their situation to those in power; and to help break down negative attitudes to refugees. Together with survivors, we use our experience to train other service providers to understand and meet the needs of torture survivors in the UK.

**Key messages**

- **Suppliers of asylum accommodation continue to fail to meet their obligations by providing inappropriate, poorly-maintained and unsafe accommodation to asylum seekers. Freedom from Torture collected evidence of this problem in 2013 and again in 2016. Our findings suggest there has very been little positive change in this time.**
- **Housing providers too often fail to take into account the health needs and other vulnerabilities of torture survivors in accordance with their obligations when allocating accommodation.**
- **The Home Office is failing in its obligation to provide effective oversight of the provision of accommodation administered through COMPASS and there is an upstream systemic failure of housing providers to source accommodation which meets the basic requirements of their contracts.**
- **Complaints, some very serious, are regularly raised with Freedom from Torture by survivors in treatment with us and are not adequately dealt with by housing providers. In many cases, Freedom from Torture must raise complaints to housing providers on behalf of survivors of torture.**
- **The Home Office 'Allocation of accommodation policy' acts as an exception to the Home Office's 'dispersal' policy and should be commended by the Committee as a best practice example of the Home Office working with specialist service providers to recognise that asylum seekers accepted for clinical treatment may have special needs that affect the type of accommodation they require. However, the policy has important shortcomings, whilst some safeguards written into the policy do not always work in practice.**

## Key recommendations

- Housing 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.
- A previous recommendation made by the Home Affairs Select Committee to establish user groups consisting of asylum seekers housed under the COMPASS contracts should be put fully into practice.
- The Government should task an independent inspectorate to monitor the quality of housing and the treatment of people within asylum accommodation with powers to conduct proactive and unannounced inspections.
- The Home Office 'Allocation of Accommodation' policy should be amended to ensure the whole policy applies equally to refused asylum seekers, including in light of forthcoming changes to the asylum support system being implemented through the Immigration Act 2016.

### 1. Quality of accommodation

Suppliers of asylum accommodation continue to fail to meet their obligations by providing inappropriate, poorly-maintained and unsafe accommodation to asylum seekers. Freedom from Torture collected evidence of this problem in 2013 and again in 2016. Our findings suggest there has very been little positive change in this time.

According to the COMPASS contracts, accommodation must adhere to minimum quality standards, and should be '*safe, habitable, fit for purpose and correctly equipped ... in all agreed areas*' (provision 2.1.1). But Freedom from Torture sees ongoing and serious asylum accommodation problems which are persistent and often remained unresolved for lengthy periods. Our report *The Poverty Barrier*<sup>1</sup> published in 2013 was the first research of its kind documenting the experience of torture survivors in their asylum accommodation. It found that contracted suppliers of accommodation to asylum seekers had in many respects failed to meet their requirements and obligations. In 2016, many of the same problems still exist.

Problems reported to us include damp, poor quality mattresses; pest infestations such as bedbugs; a lack of functioning amenities such as heating or hot water; a lack of locks on bedroom doors, windows and external doors; broken windows; absence of smoke or fire alarms; and poor hygiene in common areas which is exacerbated by an absence of cleaning equipment such as vacuum cleaners. Additionally, shared spaces are often described as inadequate for the number of people required to use them, with no space to store belongings, food or move around freely. Some bedrooms, whether single or shared, are so cramped that they give rise to considerable stress over time, particularly where individuals find them to be reminiscent of a cell in detention.

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<sup>1</sup> Freedom from Torture (2013) *The Poverty Barrier: The Right to Rehabilitation for Survivors of Torture in the UK*  
[https://www.freedomfromtorture.org/feature/the\\_poverty\\_barrier/7412](https://www.freedomfromtorture.org/feature/the_poverty_barrier/7412)

The living conditions of survivors of torture impact on their ability to engage effectively in therapy services provided by Freedom from Torture. The more time our clinicians spend addressing problems connected with the impoverished and unstable living conditions of those in treatment with us, the less time they have to focus on underlying trauma issues stemming from their torture.

**Recommendations:**

- Housing 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 (*this recommendation should also be applied under all other sections in this submission as it is relevant to improving practice in all of the areas we have highlighted*).
- The National Audit Office should re-examine the provision of accommodation for asylum seekers and provide recommendations on how to achieve a system of contracting in which minimum standards are complied with in practice

## 2. Adequacy of accommodation

**Housing providers too often fail to take into account the health needs and other vulnerabilities of torture survivors in accordance with their obligations when allocating accommodation.**

The COMPASS contracts require that *'The Provider shall understand the background and needs of the Service User and understand that some Service Users will have particular characteristics and special needs that require the provision of particular accommodation or accommodation in a specific locality, and/or the provision of transport that is suitable for their needs'*. (Provision 1.2.1). However, Freedom from Torture regularly sees this obligation not being met by the housing providers.

### *Disability*

Many survivors in treatment with Freedom from Torture are disabled within the meaning of Article 6(1)(a) of the Equality Act 2010 and our clinicians see cases where the housing provider places a disabled survivor in accommodation which is not accessible to them. A request is often made to the Home Office for more adequate accommodation and the Home Office will most frequently grant this request. However, the housing provider often has no available accommodation for the survivor, causing delays which last weeks and months. The situation often involves the Home Office and the provider passing the issue between each other, with neither body taking responsibility for the issue. The client has no choice but to instruct a solicitor to judicially review the Home Office under the public sector equality duty ins149 of the Equality Act. This process can take months and incurs legal costs for the Home Office as well as the time of caseworkers. Meanwhile, the torture survivor may remain in severe pain as a consequence of the inadequate accommodation.

**Case study:**

A torture survivor with ongoing mobility problems requiring hospital procedures was experiencing severe pain in managing stairs and long travel. He was housed in accommodation with stairs to access the kitchen and bathroom. The provider did not move him for six months to suitable accommodation despite the Home Office having agreed and requested ground floor accommodation. This was due to a 'lack of capacity'. It was only after referral to a community care solicitor and a pre-action letter that the individual was allocated adequate accommodation.

*Delays with initial accommodation*

A lack of a safe and secure living space is very disruptive for survivors of torture, particularly if they are required to move away from professional and social support networks they establish. Freedom from Torture finds that there is considerable instability in the accommodation situation of torture survivors supported by the Home Office and some survivors have to move many times to different locations in the UK over the months and years that they have lived here. This is for a number of reasons including:

- being moved into an initial accommodation centre (full or semi-board hostel) when an asylum claim is first made;
- being moved to asylum accommodation while an asylum claim is being considered, which may include being 'dispersed' to another part of the UK;
- being moved to a different accommodation provider, in the same or different part of the UK when UK Border Agency contracts with housing providers have changed; and
- being moved to different accommodation with the same provider, for reasons including problems with the quality or suitability of the accommodation

Freedom from Torture is particularly concerned about the experience of some survivors in treatment with us who are housed for long periods - often months - in an initial accommodation centre (sometimes a hotel or hostel) because of accommodation shortages.

In our experience, the Home Office is increasingly approving housing providers' requests for extensions of initial accommodation, beyond the 20 days set in the COMPASS contract (Provision A.1.5.2). In our anecdotal experience, the Home Office refrains from fining the providers for not meeting the requirements of their contract. It is worth noting that the cost of temporary accommodation to the Home Office is much higher than longer-term accommodation provided under Section 95 of the Immigration and Asylum Act 1999.

*House sharing*

The *main concern* relating to accommodation reported by survivors in treatment with us is sharing with people who do not understand what they have been through. In our experience, housing providers tend not to consider the compatibility of the needs of the people sharing housing together with an expectation by housing providers that individuals housed together should be able to function together with some coherence.

However, many survivors of torture have impaired social skills, including negotiation and the ability to build relationships, as a result of their experiences and resulting trauma, which contributes to the breakdown of relationships, conflict and bullying. The poor quality of housing and overcrowding increases these tensions between housemates - in particular those with mental health problems. Houses can include sharing of 8 people or more.

**Recommendations:**

- Shared housing must be subject to thorough risk assessment processes taking into account health and safety considerations for each resident.
- The use of High Multiple Occupancy (HMO) accommodation should be reduced so that high numbers of asylum seekers are not sharing the same space. Our experience suggests there is more conflict in HMOs and the sharing of 4-5 people maximum is safer and more appropriate for vulnerable groups of people including survivors of torture.

### 3. Complaints

**Complaints, some very serious, are regularly raised with Freedom from Torture by survivors in treatment with us and are not adequately dealt with by housing providers. In many cases, Freedom from Torture must raise complaints to housing providers on behalf of survivors of torture.**

Torture survivors, amongst other vulnerable groups of asylum seekers, are more likely to be hesitant to complain because they may lack the confidence and sense of entitlement to complain. The COMPASS contract states that a provider should *'Seek to resolve any complaint within 5 Working Days of it being lodged'* (provision 4.4.2.4.b). In Freedom from Torture's experience this is not happening in all cases, whilst in many cases it is much longer before complaints are resolved, if at all.

The response to complaints made by Freedom from Torture to housing providers and their sub-contractors varies considerably. In some areas, after several attempts by our staff, complaints are addressed adequately. In other cases, the response is sometimes inadequate. In other cases, our staff will receive an acknowledgement to written complaints but get no confirmation that the complaint has been followed up or dealt with.

Information packs are provided but they are in English, which prevents asylum seekers from reading and understanding them, reducing their ability to know who to contact and what the process is for complaining.

In response to these problems the Home Office has established a Housing Advisory Board involving NGOs supporting asylum seekers to liaise more closely on dealing with complaints within the asylum accommodation estate. Freedom from Torture is represented on this group and has experienced the Home Office Head of Operations being very efficient in responding to individual cases via this channel. However, a process requiring oversight by such high levels of management in both the NGO sector and the Home Office is in Freedom from Torture's view unsustainable and is a symptom of the upstream systemic failure of housing providers to source accommodation which meets the basic requirements of their contracts.

#### **Recommendations:**

- Freedom from Torture welcomes the proposal previously made by the Home Affairs Select Committee to establish user groups consisting of asylum seekers housed under the COMPASS contracts, to support the complaints process and feed into the wider oversight of quality and treatment within asylum accommodation. We would like to see this previous recommendation put fully into practice.
- There should be better use made of existing stakeholder consultation mechanisms (such as the National Asylum Stakeholder Forum and Stakeholder Engagement Group) which provide an opportunity for organisations that have direct contact with asylum seekers, including Freedom from Torture, to alert the government to concerns raised by their service users.
- Information packs about how to register a complaint should be available in all languages, not just English, to all individuals accommodated under the COMPASS contracts.

#### **4. Monitoring and Oversight**

- **The Home Office is failing in its obligation to provide effective oversight of the provision of accommodation administered through COMPASS.**
- **An over-focus by the Home Office on troubleshooting of problems via complaints mechanisms is masking the upstream systemic failure of housing providers to source accommodation which meets the basic requirements of their contracts.**
- **It is vital that private organisations performing public functions adhere to the same standards that the public would expect of a publicly-delivered service.**

In its 2013 asylum inquiry, the Home Affairs Select Committee expressed concern about the sub-standard level of asylum housing and the length of time it took to resolve problems. It recommended that the Home Office publish the results of its random inspections of properties so that the public may monitor the effectiveness of housing providers. In its response to the inquiry, the Government notes that only a third of properties inspected in a Home Office inspection programme following the inquiry were found to be compliant with the requirements of the contract. It presents as reassuring the fact that these defects do not adversely affect the health or safety of the occupants, that providers were taking action, and that the number of compliant properties had increased.

The recent Home Office audit of asylum seeker accommodation in Middlesbrough<sup>2</sup> revealed that the Home Office inspections reported much higher levels of defects than G4S inspections. For example, G4S inspections conducted by its subcontractor Jomast found

<sup>2</sup> Asylum seeker accommodation in Middlesbrough: audit (2016) <https://www.gov.uk/government/publications/asylum-seeker-accommodation-in-middlesbrough-audit>

urgent defects in 14% of properties, but the more recent Home Office inspection found urgent defects in a staggering 91% of properties. The Home Office merely notes a 'slightly larger' proportion of defects - but suggests KPIs will be considered met if defects are remedied in time<sup>3</sup>. It makes no mention of whether these properties were compliant with the requirements of the contract.

Freedom from Torture believes truly independent monitoring and oversight of housing providers is essential. The evidence suggests that when housing providers undertake inspections into their own practices they under-report on problems, whilst the Home Office is not prepared to hold providers to account despite its own evidence of non-compliance.

**Recommendation:**

The Government should task an independent inspectorate to monitor the quality of housing and the treatment of people within asylum accommodation with powers to conduct proactive and unannounced inspections.

## 5. Allocation of Accommodation

The Home Office's recently updated 'Allocation of accommodation policy' (Version 4) acts as an exception to the Home Office's 'dispersal' policy and should be commended by the Committee as a best practice example of the Home Office working with specialist service providers to recognise that asylum seekers accepted for clinical treatment may have special needs that affect the type of accommodation they require. However, the policy has important shortcomings, whilst some safeguards written into the policy do not always work in practice.

We are pleased to note that this policy expressly acknowledges an exception to dispersal that any asylum seeker receiving or accepted for treatment at one of Freedom from Torture's centres in Birmingham, Glasgow, London, Manchester and Newcastle should always be accommodated within one hour of that centre (or zones 1-6 in London). It also protects these individuals from onward dispersal if they have already been dispersed and are in treatment at one of our smaller centres outside London. In cases where our clinicians have used this policy to request to prevent dispersal of a survivor of torture, the Home Office is in general responsive to this need and most often grants the request. This is a very positive development which we encourage the Committee to welcome.

This safeguard must be viewed in light of recent Government proposals to more fairly distribute responsibility for housing asylum seekers across the UK, for example the recent announcement that Darlington would become a new dispersal area<sup>4</sup>. Whilst we support this process, the services available in those areas must be carefully considered as part of the planning stage. The creation of new dispersal areas even further away from our centres increases the importance of compliance with safeguards available to survivors of torture in this policy. Furthermore, we are concerned by reports from civil servants in stakeholder meetings we attend, that the lack of provision of legal aid solicitors available in areas where new dispersal is being considered is not being taken into account in planning. Legal advice for survivors of torture is crucial to ensure their cases are properly

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<sup>3</sup> Point 41 of the audit

<sup>4</sup> *Darlington to become 'dispersal area' for asylum seekers under agreement with G4S* (9<sup>th</sup> September 2016) [http://www.thenorthernecho.co.uk/news/14732994.Darlington\\_to\\_become\\_39\\_dispersal\\_area\\_39\\_for\\_asylum\\_seekers\\_under\\_agreement\\_with\\_G4S/](http://www.thenorthernecho.co.uk/news/14732994.Darlington_to_become_39_dispersal_area_39_for_asylum_seekers_under_agreement_with_G4S/)

presented to the Home Office and to prevent wrongful refusals of asylum claims and a risk of forced removal to further torture.

This policy also importantly recognises that it is inappropriate for survivors of torture to be forced to share rooms because many suffer trauma symptoms including insomnia, disrupted sleep, nightmares and flashbacks and there is the potential for such circumstances to exacerbate existing symptoms of post-traumatic stress disorder. In cases where our clinicians have used this policy to request that survivors in treatment with us be re-accommodated in a single room, the Home Office is responsive to this need and most often grants the request. This is another very positive development which we encourage the Committee to welcome. However, in practice a lack of availability of single rooms in the housing provider's stock means there are significant delays in meeting the request meaning that torture survivors in treatment with us often have to wait for a month or two before they are housed in a property with their own room. This puts considerable strain on individuals who are already traumatised. Provision A.1.1 of the COMPASS contracts states that once the Home Office makes an accommodation request as part of the dispersal process, an asylum applicant should be moved to the requested accommodation within 9 days. In our experience, this target is not consistently being met by housing providers.

Freedom from Torture is very disappointed that refused asylum seekers have been removed from the scope of this policy despite a long-standing understanding by the Home Office that a torture survivor's precise immigration status is not relevant to the nature of their needs and an agreement, therefore, that the policy would apply equally regardless of the type of asylum support the survivor was receiving. We work with many torture survivors who have been refused asylum and are still receiving Home Office Section 4 support because of outstanding legal matters or an inability to leave the UK because of barriers related to their vulnerability. We also know that in many cases the medical reports provided by our doctors are mishandled by Home Office decision-makers with appeal overturn rates are as high as 70% in such cases. Those with refused claims may be just as, or even more, vulnerable as other survivors of torture. Moving them away from mental health support undermines their rehabilitation.

**Recommendations:**

- Policy version 4 of the 'Allocation of Accommodation' policy should be amended to ensure the whole policy applies equally to refused asylum seekers, including in light of forthcoming changes to the asylum support system being implemented through the Immigration Act 2016
- The Home Office must more effectively communicate with the Ministry of Justice to undertake careful planning on the availability of and access to legal aid solicitors for asylum seekers when considering the establishment of new dispersal areas around the UK.

To discuss any of the matters in this briefing please contact Lucy Gregg, Senior Policy Advisor, at [lgregg@freedomfromtorture.org](mailto:lgregg@freedomfromtorture.org) or on 020 7697 7839