

cover

inside cover

far from home:

the housing of asylum seekers in private rented accommodation

Deborah Garvie

For Natasha and her family

**“IT SEEMS TO ME THAT THE RECEPTION GIVEN TO THOSE
APPLYING FOR ASYLUM IS AN ILLUMINATING INDICATOR OF
THE STATE OF A SOCIETY’S MORAL HEALTH.”**

The late Cardinal Basil Hume, former Archbishop of Westminster and President of Shelter

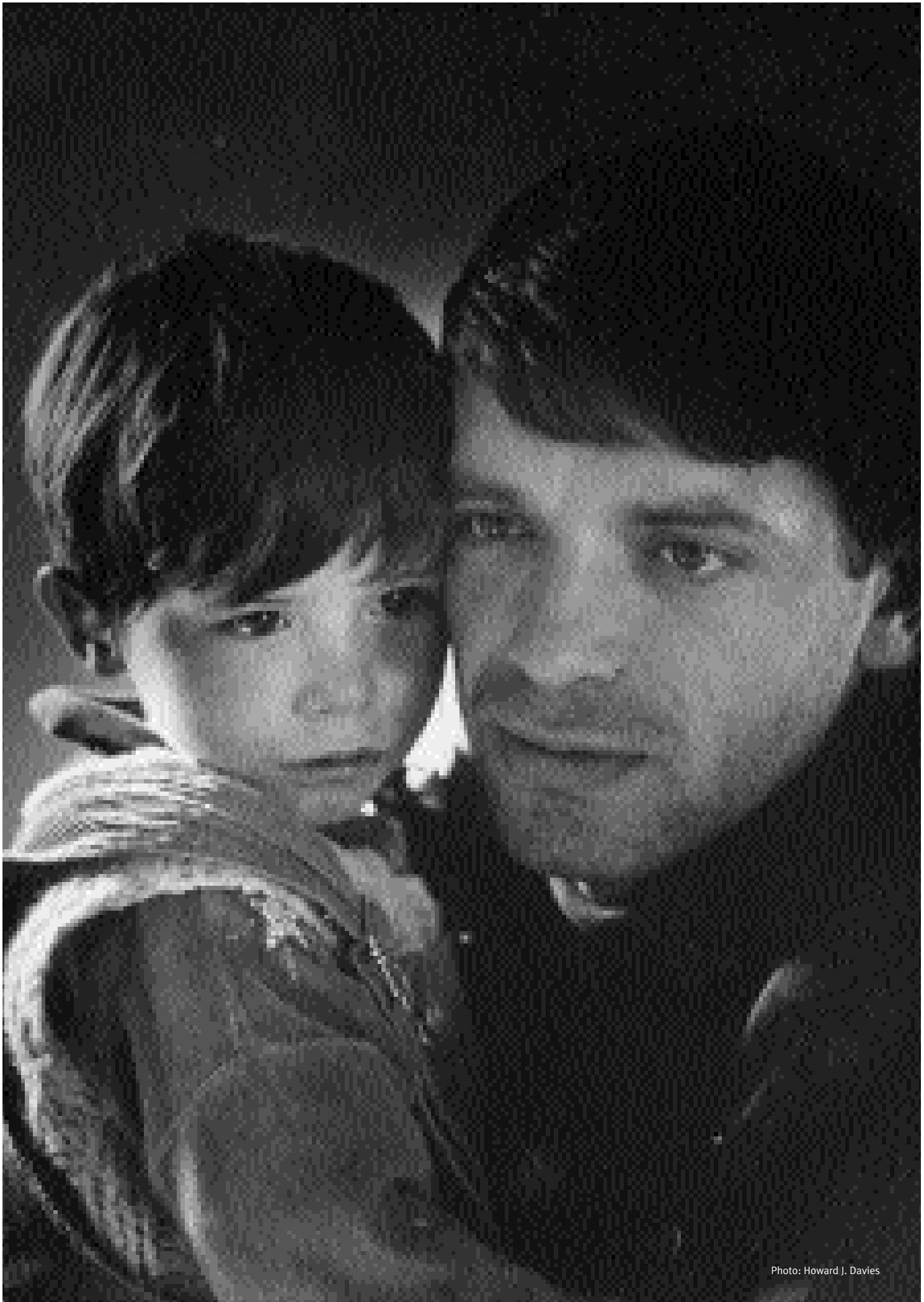


Photo: Howard J. Davies

Foreword

I am shocked by the contents of this report. However, I am glad that we are able to publish this evidence which so graphically illustrates the problems faced by far too many destitute asylum seekers.

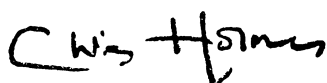
We are all moved when television reports show us the dreadful pictures of people being displaced, tortured and left homeless. This must translate into action when those same people arrive in this country asking for assistance.

Shelter believes that everyone should have the right to a decent and safe home. People seeking political asylum who come to Shelter for help are in housing need like all the other people we work with. Their needs, and problems, have similar causes. When asylum seekers become homeless they should be treated like other homeless people. They need sensitive help to sort out their problems finding housing and often need support.

We opposed the establishment of a separate housing and welfare framework for asylum seekers. We have predicted this would be disastrous, but we needed to gather our evidence together to show this. Over the last few years more and more asylum seekers have been coming to Shelter for help, many as a result of the gradual removal of assistance and changes to the law.

On the basis of this report, and our ongoing experience working with asylum seekers from all over the world, we believe the current system does not work and shames the British tradition of offering help to people escaping from brutal regimes. However, our priority must be to continue to try and find solutions and improve the current framework.

Many people and organisations involved in setting up and running the new system have nothing but the best interests of asylum seekers in mind. They, like us, want this country to offer welcome and sanctuary to people who flee horrific circumstances and arrive here, not only having lost their homelands but also having lost their homes.



Chris Holmes

Director, Shelter

Contents

LIST OF TABLES	5
SUMMARY	6
INTRODUCTION	10
ONE: THE CONTEXT	13
1. WHO SEEKS ASYLUM AND WHAT DOES THIS MEAN?	14
Who seeks asylum?	14
The right to seek asylum from persecution	18
Difficulties in seeking asylum in the UK	19
2. ASYLUM SEEKERS' CHANGING ENTITLEMENTS TO HOUSING	20
The need to provide support	20
Prior to 1993	20
Asylum and Immigration Appeals Act 1993	21
Asylum and Immigration Act 1996, and Housing Act 1996	21
Immigration and Asylum Act 1999.	23
3. ASYLUM SEEKERS IN THE PRIVATE RENTED SECTOR	30
Key characteristics of the private rented sector.	30
Problems in the sector and their impact on asylum seekers.	31
Improving the private rented sector	33
Lucrative markets for bad landlords	34
Ensuring that asylum seekers are placed in decent accommodation	34
CONCLUSIONS AND IMPLICATIONS	37
TWO: THE INVESTIGATION AND FINDINGS	39
1. THE INVESTIGATION	40
Case study areas.	40
Information gathering	41
2. THE FINDINGS	41
The response	41
How placements were made	42
Standards of accommodation and management	43
Appropriateness of placements.	48
Inspection and enforcement	50
CONCLUSIONS AND IMPLICATIONS	52

THREE: CONCLUSIONS AND RECOMMENDATIONS 53

1. CONCLUSIONS	54
2. RECOMMENDATIONS	56
Review of the NASS system	56
Assessment of housing need	56
Emergency accommodation	57
Information	57
Support centres	58
Regional consortia	58
Local forums	60
Procurement of accommodation	61
NASS contract specifications	62
Re-letting of accommodation	62
Monitoring and enforcement of housing standards	62
Working with local landlords	63
Rates for contracted accommodation	63
Housing of asylum seekers by local authorities	64

APPENDICES 65

ONE: Entitlements of asylum seekers to housing and support	66
TWO: The NASS specification	67
THREE: Disrepair: Landlords' obligations	69
FOUR: Monitoring questionnaire	71

List of tables

1. The number of dwellings inspected by type and area	42
2. How asylum seekers were placed in accommodation	43
3. Number of failings against fitness standards by housing type	44
4. Number of failings against HMO standards by housing type	46
5. How environmental health officers came to visit the property	50

Definitions and abbreviations

The following abbreviations are used throughout this report:

EHO:	Environmental Health Officer
HMO:	House in Multiple Occupation
NASS:	National Asylum Support Service
PACE:	Property Advisers to the Civil Estate

Summary

THE CONTEXT

- The term 'asylum seeker' ties together people who are more remarkable in their diversity than their similarity. But the common factor applying to all asylum seekers is that, before they even arrive in this country, they have already experienced the loss of both a home and a homeland.
- The UK has international obligations to protect and support people seeking refuge from persecution. At the end of 1999, two per cent of the world's refugees, and nine per cent of people seeking asylum in Europe, had sought sanctuary in the UK. The majority of people seeking asylum in the UK come from some of the most dangerous and unstable parts of the world.
- The housing and support arrangements provided by the UK government for people seeking political asylum have changed radically over recent years. It is important to understand these changes so that lessons can be learned for future policy.
- At the beginning of the 1990s, a person's immigration status had very little direct bearing on entitlements to welfare and housing services. But the impact of three pieces of legislation between 1993 and 1996 have created a complicated system for housing and supporting asylum seekers.
- The impact of the new limits on housing available for asylum seekers, and increasing numbers of people seeking asylum, created pressures on local authorities in London and the South. Arrangements became chaotic.
- The Immigration and Asylum Act 1999 introduced entirely new arrangements for supporting destitute asylum seekers. The legislation excludes destitute asylum seekers from entitlement to any form of welfare benefit or homelessness assistance. Running the new system is the responsibility of the Home Office via the National Asylum Support Service (NASS).
- The cumulative impact of legislative changes has been to remove choice and autonomy for homeless asylum seekers. Instead, they have become dependent on a bureaucratic framework which allocates them housing without giving them the opportunity to express a preference.
- The NASS system disperses homeless asylum seekers on a 'no choice' basis throughout Britain.
- NASS expects to obtain 60 per cent of homes through direct contracts with private landlords and some social housing providers, with the remaining 40 per cent contracted from consortia made up of local authorities, registered social landlords or private landlords.

- A significant proportion of placements, regardless of route, are now likely to be in the private rented sector. Poor landlords may see asylum seekers as a lucrative business opportunity: a group of people with fewer rights who are less able, and less likely, to complain than other occupants.
- There is a danger that if large numbers of private rented homes are procured and paid for nationally as housing for asylum seekers, local efforts to regulate the stock and work proactively with private landlords will be undermined. The supply of accommodation for others who rely on the private rented sector may reduce.
- The NASS system includes the first attempt to tackle the issues asylum seekers may face when they are placed in private rented housing. By introducing a framework underpinning the placement of asylum seekers in the private rented sector, the specifications of the NASS system mark an improvement on the situation to date.
- It does however have its weaknesses. There is little redress for asylum seekers if there are problems, as significant reliance is placed on private landlords to provide support.
- The standards for fire safety specified by NASS are lower than those specified in relevant housing legislation. The main method used to enforce standards is self-assessment by the accommodation provider, or inspection by national teams.

THE FINDINGS

- For a three month period between January and March 2000, local environmental health officers (EHOs) in five local authority study areas collected information each time they inspected private rented accommodation provided for the placement of asylum seekers.
- A total of 154 dwellings were inspected. They were not a representative sample but over 60 per cent were houses in multiple occupation (HMOs). This is thought to be typical of the private sector housing in which asylum seekers are being placed.
- In all five areas, private rented housing had been procured by agencies with little or no previous experience of working with private landlords. For example, social services departments accounted for the majority of placements.
- Almost 17 per cent (26) of the total dwellings visited were found to be unfit for human habitation, and six failed the fitness test on more than three grounds.
- The most common reasons for unfitness were unsatisfactory facilities for the preparation and cooking of food, and serious disrepair.
- The majority (86 per cent) of the total of 96 HMOs visited were found to be unfit for the number of actual or intended occupants.
- Asylum seeker households in over 80 per cent (39 out of 48) of the occupied HMOs visited were exposed to unacceptable risks of fire.

- Bedsits were by far the worst type of dwelling: almost half (43 per cent) of the 23 bedsits visited were unfit for human habitation, and 21 of the 23 (91 per cent) failed to meet HMO fitness standards.
- Shared houses were the second worst type of dwelling, with 44 out of 54 (81 per cent) failing to meet suitable standards for the number of occupants. Of the 44 shared houses which failed, 41 failed on adequate fire safety measures.
- Facilities were inadequate in 10 per cent of occupied homes. Examples given included rusty, second-hand saucepans and thin, dirty, second-hand blankets.
- Overcrowding was a problem. Of the occupied homes inspected, 28 per cent (16 out of 57) were accommodating more occupants than suggested by the number of bedspaces.
- 30 per cent (17 out of 57) of the occupied homes visited failed, in the opinion of the EHO, to meet the needs of the asylum seekers living there. Reasons for this particularly focused on location, the problems of shared housing, and the particular needs of children.
- Key areas of concern in relation to location are that people have been placed in accommodation that is far from amenities, particularly amenities meeting their religious or cultural needs, or have been placed in areas with hostile local populations.
- Children under 18 years accounted for 16 per cent of occupants in the homes visited during the monitoring period. Nearly half the children were occupying one room with their families, with either shared cooking or bathing facilities.
- In one area six people under 18 were reported to be the sole occupants of a converted factory. This was found to have inadequate means of escape from fire. One EHO in a South London borough had discovered 16 and 17 year olds placed in large private hostels, accommodating mainly transient, single, older men.
- There was evidence of lack of information-sharing with those responsible for enforcement of local standards. Out of the occupied homes visited, 11 per cent of the inspections were made by EHOs who were unaware that the dwelling was housing an asylum seeker household.
- There was evidence of poor coordination between placing and enforcing agencies. In one area, 43 per cent of inspections by EHOs were made without prior awareness that asylum seekers were occupying the property, despite the fact that over 60 per cent of the households visited had been placed by the same local authority's social services department.
- Existing information did not appear to be used by accommodation procurers to identify good local landlords, or to avoid landlords with a poor management record.
- Of the dwellings visited during the monitoring period, 14 per cent were managed by landlords who had previously been the subject of enforcement action by the local authority.

- Of the 50 sub-standard dwellings inspected during the monitoring period already occupied by asylum seekers, the EHO reported that a notice requiring works would be served in half of these cases.

Developing good practice

- Local agencies have an important role in implementing the NASS system. If they could improve joint working, and introduce good practice, housing options for asylum seekers could be improved.

Key recommendations

- There should be an urgent and thorough review of the housing and wider support being provided by the NASS system, particularly in relation to the use of homes sub-contracted from private landlords.
- Asylum seekers must be provided with the necessary information and official assistance, together with the means to develop mutual support, to enable them to resolve any problems themselves and enforce their remaining rights to an appropriate and safe place to live.
- The NASS contract specifications for HMOs must reflect current housing legislation, by requiring that all such properties have adequate means of escape and other fire precautions.
- Realistic and effective mechanisms should urgently be put in place to ensure that NASS informs, consults and works with local authorities and other relevant agencies operating in the areas where asylum seekers are being housed.
- Local housing enforcement agencies should be provided with comprehensive and transparent information about the housing of asylum seekers in their areas, and consulted about potential contracts with local private landlords.

Introduction

This report looks at one aspect of asylum seekers' lives in the UK - their housing. It was initiated following alarming reports that some asylum seekers are now living in appalling quality, dangerous housing, and that this was a consequence of changing government policy and changing legislation.

The UK has a long tradition of offering support and a home to people fleeing torture and abuse. Many asylum seekers are granted refugee status, or leave to remain in this country. If they choose to stay, they and their children will be the British citizens of tomorrow, contributing to our economy and culture. The way in which people are received and supported when they first arrive in the UK, including where and how they are housed, plays a large part in how they perceive our society and will greatly influence their ability to integrate and settle into their new lives.

Shelter works with homeless and badly housed people throughout the country, regardless of their circumstances or immigration status. Our experience is that people who seek refuge in this country often arrive severely traumatised and in a state of absolute destitution. Having left their homes and homelands, they come to the UK without a home to go to, and without financial resources. For these reasons, asylum seekers are one of the most vulnerable groups of homeless people.

However, in recent years, homeless asylum seekers' rights to housing assistance have been systematically restricted. At the beginning of the 1990s, people claiming refuge in this country had the same rights to assistance if homeless, and to help with paying housing costs, as anyone else in the UK. Now, the Immigration and Asylum Act 1999 has established a completely separate system of housing and social welfare for asylum seekers. The housing of destitute asylum seekers has become the responsibility of the Home Office, under a national system of compulsory dispersal to areas of the country where accommodation is available. A great deal of this accommodation will be owned by private landlords.

Shelter's day to day experience, as well as research evidence, confirms that the private rented sector includes much of the worst managed, most unsafe and dangerous housing available. Whilst some private landlords deliver a good service to tenants, others fall far short of acceptable standards in the management of their properties and the treatment of their tenants. The concern was that it would be this group of landlords who would become involved in housing asylum seekers: that a group of people with far fewer rights than others would become a tempting new market for the worst landlords.

BACKGROUND

Since the mid-1990s, Shelter's services have been dealing with a dramatic increase in the numbers of asylum seekers needing help. Between 1997/98 and 1999/2000, the number of asylum seeker clients in England and Scotland nearly tripled, from 1,276 to 3,365. During 1999, Shelter used the services of interpreters in 24 different languages for 1,198 people in need of housing advice. The most common languages were those of states where serious human rights abuses had recently occurred - Kosovo, Turkey, Iraq and Somalia.

During the spring and summer of 1999, Shelter began to receive reports from local authority environmental health officers working in a number of London boroughs. Asylum seekers were being recorded as living in dangerous, overcrowded and extremely poor quality accommodation. The majority of these appeared to be 'destitute' applicants - people with no

resources and no option of being helped by family or friends. Some more experienced officers reported that they were coming across some of the worst private rented housing conditions they had seen for many years.

By late 1999, when the most recent Immigration and Asylum legislation was passing through Parliament, a number of Shelter's housing aid centres were regularly assisting asylum seekers who were homeless or had been placed in unsuitable and overcrowded private rented accommodation. These included people who had been placed in accommodation outside of London and the South East, either by social services departments or other agencies. Cases were reported from throughout the country, from Cornwall to Aberdeen.

The proposals for a new system for housing destitute asylum seekers, in the Immigration and Asylum Bill then passing through Parliament, suggested that the situation was unlikely to improve. It began to emerge that the Home Office was intending to rely mainly on the use of private rented accommodation when the new system came into effect in April 2000.

Unless the causes of problems were clearly identified and good practice solutions developed, there was a real danger that large numbers of destitute and vulnerable people might continue to be placed in accommodation that was unsuitable and unsafe. This project was established to substantiate the anecdotal evidence, and to develop strategies and suggestions for good practice to improve housing conditions for destitute asylum seekers and protect them from exploitation.

This project draws on evidence gathered through an investigation of the problems of asylum seekers placed in the private rented sector in five areas. This data was gathered at a time when the framework underpinning housing and support for asylum seekers was rapidly changing. Our evidence illustrates the problems that have arisen to date. While it does not assess the impact of the new NASS system, it is vital to learn lessons from the recent past. Unless lessons are learned from the problems that have emerged, these may be replicated in the rapidly evolving system.

Good practice has been developed through synthesising the results of the investigation with existing expertise: experience of the problems often faced by vulnerable people who rent from private landlords, knowledge of the private rented sector, and an understanding of the needs of homeless people for short and long term help and stability.

The evidence from our investigation is stark. Gathering this information at a time of rapid policy and practice change was a hard task. When the new framework has become more established it will be possible to repeat this exercise and explore the issue using evidence from a larger sample. But to wait for this information to be available would have been a luxury. This report, and the good practice recommendations, are needed now, to inform the implementation of legislation. Unless these lessons are taken on board, the experience of claiming asylum in the UK will become harsher and more punitive. While asylum seekers continue to wait many months, even years, for decisions to be made about their claims, their housing and support needs must be addressed humanely and sensitively, as is appropriate for people who have already endured situations that many would find unendurable.

THE PROJECT

The main aims of this project were:

- to monitor the use of private rented accommodation by agencies with a responsibility for housing destitute asylum seekers
- to gather information about fitness, other quality standards and the appropriateness of the

private rented sector to house asylum seekers

- to explore possible reasons why vulnerable asylum seekers might be being placed in poor quality or unsuitable private rented accommodation
- to use the findings to develop policy and good practice solutions to the problems identified.

The investigation

Five local authority case study areas in England were selected. These were chosen to investigate the impact of the changing statutory framework in a diversity of areas.

- During a three month period between January and March 1999, EHOs in the five areas completed a questionnaire whenever they inspected private rented accommodation which they knew to be, or believed was likely to be, occupied by an asylum seeker household.
- Seminars were convened in each study area. These were attended by a range of local people involved with the placement of asylum seekers in private rented accommodation.
- Information was collected in the five chosen study areas. This was supplemented by information from other parts of the country, and from a number of individuals involved in the housing and support of destitute asylum seekers at both national and local level.

The report

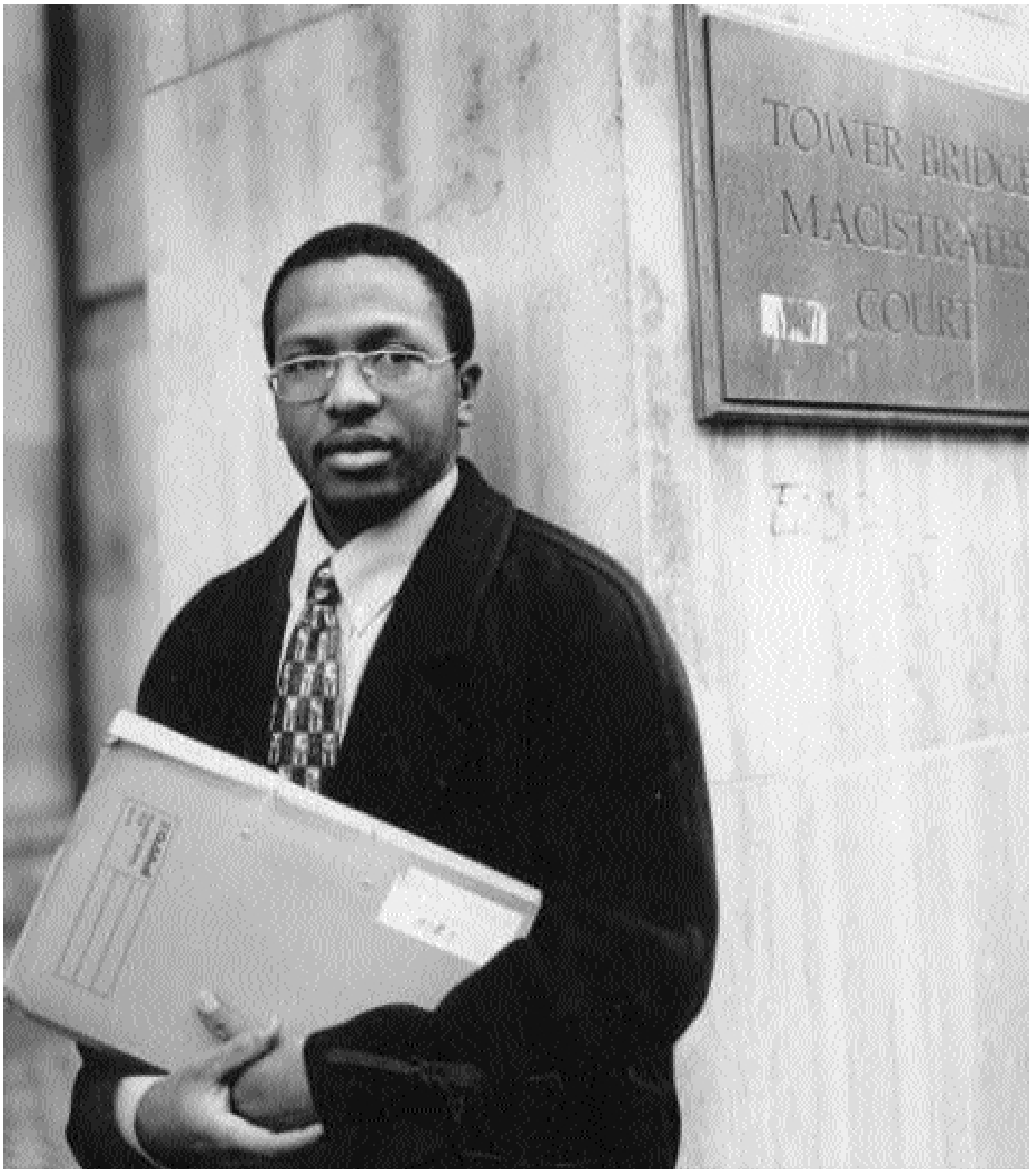
The report is in three sections.

ONE: THE CONTEXT explores the three key elements in this complex story:

- who seeks asylum in the UK and what does this mean?
- what is government policy on housing and supporting asylum seekers, and how has this changed?
- what are the problems of the private rented sector and how are these likely to impact on destitute asylum seekers?

TWO: THE FINDINGS analyses the results of our investigation.

THREE: CONCLUSIONS AND RECOMMENDATIONS drawn from our investigation and analysis, set out good practice for agencies involved in providing accommodation and support for asylum seekers.



One: The context

ONE: The context

This section sets out the context to the investigation of asylum seekers placed in the private rented sector. It looks at:

- who seeks asylum, and what this means
- asylum seekers' changing entitlement to help
- asylum seekers in the private rented sector.

1. WHO SEEKS ASYLUM AND WHAT DOES THIS MEAN?

To provide a sensitive and appropriate response to the housing needs of asylum seekers it is important to ask:

- who seeks asylum?
- what are their rights to seek asylum?
- what difficulties do they face in seeking asylum in the UK?

Who seeks asylum?

Recent debates and media coverage often give the impression that asylum seekers are a homogenous group of people, with similar reasons for arriving in this country, and similar needs once they are here. In fact, the term 'asylum seeker' ties together people who are more remarkable in their diversity than their similarity. Asylum seekers originate from different continents, speak many different languages and dialects, observe a variety of religions, and have vastly different customs, cuisines and cultural expectations. People falling into this group range from new-born babies, who may never remember or return to the countries their families have fled, to very elderly people, who may have needed much persuasion to leave their life-long homes. Many asylum seekers are well-educated, English speakers who enjoyed high social status and prosperity in their home countries¹. But some are illiterate in their own language, as a result of a lifetime of poverty and oppression. Some people have grown up in modern, international cities, whilst others come from rural villages hundreds of miles from the nearest main town.

However, one common factor applying to all asylum seekers is that, before they even arrive in this country, they have already experienced the loss of both a home and a homeland.

PEOPLE DON'T CHOOSE TO LEAVE THEIR FAMILY, THEIR HOMES, THEIR JOBS, THEIR PROFESSIONS, JUST TO COME AND BE PUT IN A COUNCIL FLAT. PEOPLE COME BECAUSE THEY ARE FORCED TO. THAT SEEMS TO BE MISSING OUT OF THE DEBATE.

Maria, a refugee from Chile²

The majority of people seeking asylum in the UK come from some of the most dangerous and unstable parts of the world. At the end of the 1990s, civil wars in the Federal Republic of Yugoslavia (Kosovo), Somalia and Sri Lanka forced many people to flee their homes. During 1999, 34 per cent of asylum applications in the UK were from nationals of these countries³.

1. Home Office research found that over a third of refugees had attended a university level course - *The Settlement of Refugees in Britain*, Home Office Research Study 141 (1995)

2. Refugee Council, *iNexile* (June 2000)

Others were from areas of serious conflict and human rights abuse, such as the former USSR, Afghanistan and Turkey.

Many of these people fled their homes only after they had suffered the most appalling personal tragedies: witnessing the death of family members, including children; sexual violence; imprisonment and detention; or torture. During 1999, the Medical Foundation for the Care of Victims of Torture in the UK received 3,303 new referrals of people from 88 different countries⁴.

On 31 December 1999, there was a total of 12,857,260 people classed as refugees or asylum seekers world-wide. Of these, 3,081,440 had sought refuge in European countries and 265,600 had sought refuge in the UK. This means that two per cent of the world's refugees, and nine per cent of people seeking asylum in Europe, had sought sanctuary in the UK⁵.

3. Home Office, *Asylum Statistics United Kingdom 1999* (Issue 17/00, October 2000)

4. Medical Foundation for the Care of Victims of Torture (March 2000)

5. United Nations High Commission for Refugees, *Refugees and Others of Concern to UNHCR, 1999 Statistical Overview*

THE GEOGRAPHY OF ASYLUM

1. Former Yugoslavia

20 per cent (14,185)

Armed conflict between Serbian and Yugoslav forces, and ethnic Albanians of the Kosovo Liberation Army (KLA), began in early 1998. Abuses of the ethnic Albanian population in Kosovo peaked during the NATO air strikes of spring 1999, and included unlawful killings, 'disappearances', arbitrary detention, torture and ill-treatment. Deliberate destruction of homes was widespread and systematic. Following the withdrawal of Serbian and Yugoslav forces from the province, Serbs, Roma and other ethnic minorities suffered human rights abuses, despite the presence of a large peace-keeping force and a UN-led administration.

2. Somalia

11 per cent (7,495)

Since 1991 Somalia has had no centralised government, police force, judiciary or functioning court system, following the overthrow of Siyad Barre's regime. During 1999, scores of unarmed civilians were killed deliberately and arbitrarily by the armed militias of sixteen clan-based factions. In the south of the country, hospitals were raided and patients, both civilians and wounded soldiers, were killed. Abductions, hostage-taking and rape in villages under militia control were widespread. The forced recruitment of children under 15 years old into combat was common.

3. Sri Lanka

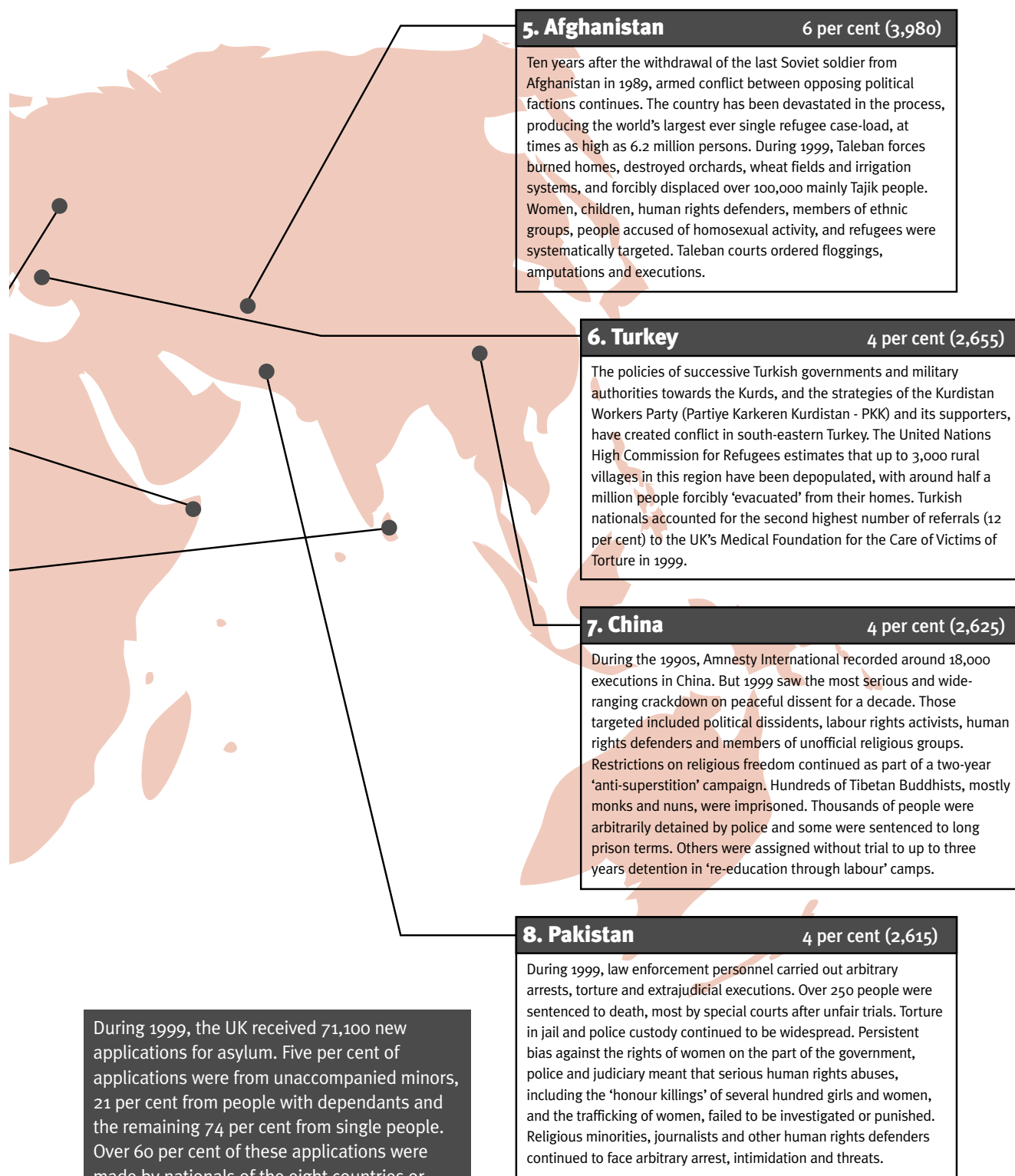
7 per cent (5,125)

Conflict between the Sri Lankan authorities and the separatist Liberation Tigers of Tamil Eelam (LTTE) escalated after 1995. During 1999, deliberate killings of members of parliament and local councillors belonging to Tamil political parties became more pronounced. Although the Sri Lankan government took some steps to address past human rights violations by security forces, impunity in relation to torture remained a concern for Amnesty International. In May 2000, the United Nations High Commission for Refugees expressed alarm about the plight of civilians caught in the fighting in Sri Lanka's Jaffna peninsula.

4. Former USSR

6 per cent (4,100)

Torture and ill-treatment in police custody, prisons and the armed forces have been common throughout the Russian Federation. Conscientious objectors face imprisonment. During the Russian military offensive in Chechnya in late 1999, Russian soldiers allegedly tortured, raped and killed non-combatants. Detainees in Russian 'filtration camps' suffered horrific and routine abuse: the rape of male, female and child detainees; the use of electric shocks; and other torture methods including sawing off detainees' teeth and simultaneous beating around both ears to burst the eardrums. Chechen fighters were alleged to have used civilians as 'human shields'.



During 1999, the UK received 71,100 new applications for asylum. Five per cent of applications were from unaccompanied minors, 21 per cent from people with dependants and the remaining 74 per cent from single people. Over 60 per cent of these applications were made by nationals of the eight countries or regions highlighted in our world map.

Source: United Nations High Commission for Refugees, Home Office and Amnesty International

The right to seek asylum from persecution

Refugee status

The legal framework underpinning international agreements and obligations towards asylum seekers was developed after the Second World War to clarify the status of around 30 million people who had been displaced from their homes. The right of anyone in the world to seek asylum from persecution is guaranteed in the 1948 United Nations Universal Declaration on Human Rights. International obligations towards people seeking asylum are based on the subsequent 1951 United Nations Convention Relating to the Status of Refugees. In 1967, the Convention was extended to non-Europeans, and to people forced to seek refuge after 1945, through the Bellagio Protocol (commonly known as the 'Optional Protocol'). The Convention and Protocol are still widely used in designating who is entitled to asylum by receiving societies around the world.

The Convention defines a refugee as 'a person who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion and who is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or unwilling to return to it.'⁶

The UK has also signed other international agreements which effectively place it under an obligation to give refuge to people who might not fall within the UN Convention's definition, but who still have a well-founded fear of returning home for other reasons. For example, the UK could be found in breach of the European Convention on Human Rights (Article 3) or the United Nations Convention against Torture (Article 3) if it allowed the expulsion of people to a territory where they may be subject to torture, or to inhuman or degrading treatment or punishment.

Exceptional leave to enter or remain

If refugee status is not granted, but the Home Office accepts that there are strong reasons why people should not be forced to return to their country of origin at that time, they are granted exceptional leave to enter or remain, usually initially for four years. Exceptional leave may be granted for personal, compassionate or humanitarian reasons.

Seeking asylum

The UN Convention provides an international definition of a refugee, but decisions about whether an individual fits into this definition, and the standard of proof and evidence required, are dealt with by individual countries. In the UK, it is the responsibility of the Home Office to decide whether a person meets the definition of a refugee. This decision-making process is governed by three pieces of legislation: the Asylum and Immigration Appeals Act 1993; the Asylum and Immigration Act 1996; and the Immigration and Asylum Act 1999. The 1993 Act defines a claim for asylum as one where 'it would be contrary to the UK's obligations under the [UN] Convention for [the claimant] to be removed from, or required to leave, the UK'.⁷ Whilst the Home Office is assessing a claim for asylum, the claimant is commonly known as an asylum seeker.

All initial asylum decisions are made by the Home Office Immigration and Nationality Department. During 1999, 33,700 asylum applications received initial decisions. But, at the end of the year, a total of 101,500 applications were still awaiting initial decisions. Of the decisions made in 1999, 42 per cent had been waiting for over three years⁸.

6. United Nations Convention Relating to the Status of Refugees, 1951

7. Section 1, Asylum and Immigration Appeals Act 1993

8. Home Office Asylum Statistics, United Kingdom 1999

'Port of entry' and 'in country' applicants

The UK's immigration rules suggest that people seeking refuge in this country should apply to an immigration officer as soon as they arrive at their port of entry. However, many people do not make an asylum claim until they are already in the country. This may be because they are unclear about the correct procedure for applying for asylum or, having been persecuted by officials in their home country, they are too afraid to speak to an immigration official without the support of a relative or solicitor. The distinction between 'port of entry' and 'in country' asylum seekers has been an important one, as entitlements to housing and support have varied depending on which category people fall into.

Rights of appeal

If the application for asylum is refused by the Home Office, then the applicant is entitled to have the decision reviewed by an independent judicial body known as the Immigration Appellate Authority (IAA). For all initial refusals made on or after 26 July 1993, there are two levels of appeal. The first stage is an oral hearing before a special adjudicator of the IAA. The losing side may then seek leave to appeal further to a three person Immigration Appeals Tribunal. During 1999, 19,460 asylum appeals were determined by special adjudicators and 1,790 appeals were determined by tribunals.

If the tribunal refuses leave to appeal, the decision can be contested by judicial review. If the tribunal grants leave to appeal but then dismisses the appeal, the person can apply again to the tribunal for further leave to appeal to the Court of Appeal. If the tribunal refuses, the person can apply direct to the Court of Appeal, or in Scotland to the Court of Session.

Difficulties in seeking asylum in the UK

It is extremely difficult to seek refuge in the UK. People who attempt to apply whilst still in their country of origin cannot be classified as a refugee under the terms of the UN Convention. It is necessary for them to travel from their country of origin in order to claim protection. However, for many people fleeing persecution it is extremely difficult to make this journey legally, as this requires a valid passport and often a UK entry visa. For many people, obtaining a passport is impossible as it involves applying to the very government whose persecution they are attempting to escape. And without a passport, it is impossible to apply for a UK entry visa. Even in cases where people have managed to obtain a valid passport, the chances of being granted a UK entry visa may be very slim. Over recent years, the UK has imposed visa restrictions on nationals from many of the countries where human rights abuses take place, including Iran, Sri Lanka and the former Yugoslavia.

Consequently, with the legal means of escape closed, the majority of people seeking asylum in the UK have to travel here illegally. The UK now has officials posted abroad to assist airline staff to identify false papers and prevent people from boarding flights. The option of stowing away is also difficult: under the Immigration (Carriers' Liability) Act 1987 and the Immigration and Asylum Act 1999, airlines, haulage firms and other carriers are fined £2,000 for each person that they bring into the UK without the correct documents, even if the individual is subsequently granted asylum. As a result, an increasing number of people have no alternative but to pay large sums of money to 'agents' and traffickers. In many cases, people will have experienced a frightening, arduous and sometimes dangerous journey from their countries of origin to reach safety in the UK. They are likely to arrive here feeling tired and disorientated.

2. ASYLUM SEEKERS' CHANGING ENTITLEMENT TO HELP

The housing and support arrangements provided by the UK government for people seeking political asylum have changed radically over recent years. So that lessons can be learned for future policy, it is important to understand:

- why is there a need to provide support to asylum seekers?
- how have asylum seekers' rights to housing and support changed in the last decade?
- what are the implications of these changes?
- how does the current system work?

The need to provide support

The UN Convention requires signatories to make social welfare available to refugees on the same basis as to its own citizens. In order to honour Convention obligations, and give meaning to the right to seek asylum, people must also have access to support whilst they are awaiting a decision on their refugee status.

To meet basic standards of need under the Convention's obligations, support provided to asylum seekers should at least entail accommodation of a reasonable standard (including heating); food; medical care and in some cases other special treatment (such as trauma counselling); and, for children, the opportunity to continue schooling. Some countries provide a wider range of entitlements. In Denmark asylum seekers can attend free classes in Danish language and society, and in Ireland claimants may apply for exceptional needs payments for fuel or clothing on the same basis as Irish nationals.

In the UK, people who apply for asylum are not generally permitted to work for the first six months after they arrive in the country, and the Asylum and Immigration Act 1996 made it an offence to employ someone who is not permitted to work in the UK. Consequently, people who seek refuge here with no financial means to house or sustain themselves, have no choice but to rely on the government to support them for at least the first six months after their arrival.

Prior to 1993

At the beginning of the 1990s, a person's immigration status had very little direct bearing on entitlements to welfare and housing services. Most people who legally sought refuge in this country generally had the same rights to homelessness assistance, housing benefits, income support and other welfare benefits as any other person in need. If an asylum seeker was homeless, an approach could be made to the local authority. If the person was found to be homeless and in 'priority need' (typically families with children or a single person assessed to be 'vulnerable') and had not caused their own homelessness, a local authority had a duty to provide suitable housing for them. Those who were not entitled to housing under the homelessness legislation, or who did not choose to seek help from their council and made their own arrangements, could in any case get help paying the rent by claiming housing benefit.

Since 1993, there have been four pieces of legislation which have steadily diminished entitlement to homelessness assistance, social housing and welfare benefits for asylum seekers.

Asylum and Immigration Appeals Act 1993

The Asylum and Immigration Appeals Act 1993 modified the definitions of homelessness for asylum seekers. If an asylum seeking household had any accommodation, 'however temporary', there was no right to homelessness assistance. If a household was found to be homeless under this tighter definition, the local authority was under a duty to provide only temporary accommodation while an application for asylum was being considered.

Asylum and Immigration Act 1996, and Housing Act 1996

These two acts of Parliament further restricted the rights of asylum seekers to local authority housing services and welfare benefits. The Asylum and Immigration Act 1996 created a distinction between those who claimed asylum immediately on arrival in the UK at the port of entry, and those who made an asylum application in country, after passing entry controls.

Access to welfare benefits

The Asylum and Immigration Act 1996 removed entitlement to welfare benefits, including income support and housing benefit, for those asylum seekers who claimed asylum 'in country'. Therefore, from 5 February 1996, the only asylum seekers who continued to qualify for benefits under the Act were those who were already receiving them before that date, or new applicants who claimed asylum at the port of entry. The latter had their benefit entitlements restricted to income support, housing benefit and council tax benefit, and could no longer receive other benefits such as those for disability. Entitlements ended once an initial negative decision was made on the asylum claim.

Help with housing

The Asylum and Immigration Act 1996 prohibited a local authority from giving a tenancy, on a temporary or permanent basis, to an asylum seeker (and certain other 'persons subject to immigration control').

The Housing Act 1996 (Part VI) excluded certain 'persons subject to immigration control' from appearing on local authority housing registers. This included all asylum seekers. The Act also excluded certain homeless people 'subject to immigration control' and other 'persons from abroad' from entitlement to homelessness assistance, unless they fell within one of several qualifying groups. Asylum seekers who had applied for asylum after arrival in the UK were excluded from assistance.

- Some asylum seekers continued to be entitled to help if they were homeless under the law, although this entitlement was lost if a negative decision was made on the asylum claim, even if an appeal was lodged. Homelessness assistance continued for people who:
- had made a claim for asylum on arrival in this country
- had made a claim for asylum once inside the country within three months of the Home Office declaring that their country of origin had undergone an upheaval
- were awaiting a decision on their claim for asylum or any appeal as at 4 February 1996, and were entitled to housing benefit on that date.

Subsequent court judgements found that asylum seekers who were not entitled to any form of help with subsistence or accommodation were 'in need of care and attention' by reason of their destitution, and therefore entitled to assistance from local social services departments under the National Assistance Act 1948. Asylum seekers with children were also entitled to social services assistance under the Children Act 1989.

What was the effect of the 1996 legislation?

The two 1996 Acts created a complicated system for housing and supporting asylum seekers. Entitlement to assistance, and the agencies responsible for providing that assistance, came to depend on when and where the claim for asylum had been made, rather than the actual needs of the applicant. As asylum seekers passed through the different stages of the asylum process, they also passed into different systems of support.

Those people who made a claim at their port of entry into the UK, and were awaiting an initial decision, continued to be entitled to welfare benefits and homelessness assistance from the local authority. However, they were no longer entitled to occupy council housing or any form of permanent accommodation.

People making an asylum application after they had arrived, and those making an appeal against a negative decision, were excluded from homelessness assistance and welfare benefits. As most such people were destitute, they were entitled to assistance from the local social services authority.

Social services involvement

The removal of entitlement to benefits prevented people making their own arrangements for finding housing. Those with no access to benefits had no means of paying for their own housing or feeding and clothing themselves, and became dependent on local authority social services departments. To compound this situation, court cases established that the National Assistance Act 1948 did not allow social services to provide support by means of cash payments, so childless people were reduced to relying on vouchers to be exchanged in supermarkets, or on food parcels and other essential items. Families continued to qualify for cash if the accommodation and services were supplied under the Children Act 1989.

The unintended effect of the two 1996 Acts was to force more asylum seekers to seek more help from local councils, thus reducing self-sufficiency and increasing the burden on hard pressed social services departments.

The numbers of asylum seekers being accommodated by social services departments also rose because, at the same time as the implementation of the new legislation, conflicts and human rights abuses in the Balkans, Somalia, Afghanistan and Sierra Leone forced more people to flee their homes and seek asylum in the UK. Between 1996 and 1998, the number of applications for asylum in the UK increased by 55 per cent from 29,645 to 46,015⁹.

Social services departments therefore began large scale procurement of accommodation to house asylum seekers. Prohibition on use of the council stock to house asylum seekers meant that social services asylum teams had to turn to the private rented sector to provide most of the accommodation. In some areas, social services departments and housing departments started competing for accommodation.

This situation became intense in London, where the majority of asylum seekers have historically arrived and settled, wishing to be close to existing refugee communities and specialist support and legal services. Between March 1997 and March 1999, the number of asylum seekers being accommodated in London by social services departments more than tripled, from 6,666 to 20,421¹⁰.

The difficulties faced by agencies in procuring accommodation were exacerbated by another external factor coinciding with the implementation of the 1996 Acts. There was a significant upturn in the housing market in some parts of the country, pushing up housing prices and rents. This was most significant in London, where house prices increased very quickly. Between autumn 1996 and autumn 1997, average house prices in London rose by 12 per cent, from £106,883 to £119,771¹¹. Housing departments began to find it more difficult to secure

9. *United Kingdom Asylum Statistics 1999*, Home Office

10. *Homelessness in London Bulletins 11 and 13*, *Bed & Breakfast Information Exchange*, London Research Centre

11. HM Land Registry *Property Price Report* (July - September 1997)

temporary housing for homeless households as landlords moved out of the market, taking advantage of higher property prices.

FAIRER, FASTER, FIRMER

In July 1998, the government produced a white paper, 'Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum', which outlined plans to overhaul the asylum system in the UK. This led to the Immigration and Asylum Act 1999. It included proposals for reforming the chaotic support system for asylum seekers. The key elements were:

- the establishment of a separate housing and support system for asylum seekers run by the Home Office rather than local councils
- the development of a national dispersal system to reduce pressure on London and the South East
- the removal of entitlement to cash benefits for all asylum seekers and replacing these with vouchers and a small weekly cash payment
- a speeding up of the asylum process.

Immigration and Asylum Act 1999

The Immigration and Asylum Act 1999 introduced a set of entirely new arrangements for supporting destitute asylum seekers. The Act established a new Home Office department - the National Asylum Support Service (NASS) - to take responsibility for this. The legislation also excluded most destitute asylum seekers from entitlement to any form of welfare benefits, or assistance with housing from local authorities.

Interim arrangements

Most of the support provisions of the Act did not take effect until 3 April 2000. However, the government wanted to urgently address pressures on local authorities in London and Kent, which were at that time supporting the majority of destitute 'in-country' asylum seekers or people appealing a negative decision. Consequently, on 6 December 1999, shortly after the Act had received Royal Assent, 'interim provisions' were introduced in England and Wales in advance of the implementation of the NASS system.

The interim provisions introduced the first statutory basis for the nationwide 'dispersal' of destitute asylum seekers. Although the Act contained provisions for an upper limit on the number of asylum seekers that a given local authority might be required to support, at the request of the Local Government Association (LGA), the government agreed not to enact regulations under these powers. Instead, the LGA developed and administered a voluntary system of dispersal.

The interim measures replaced the rights of destitute 'in country' asylum seekers and appellants to claim assistance under the National Assistance Act 1948 and Children Act 1989 with a new duty on social services departments to provide support to destitute asylum seekers¹². The only exceptions were unaccompanied minors, who continue to qualify for support under the Children Act 1989. However, all other homeless 'in country' asylum seekers applying to the local authority for assistance could be transported to housing and support in another part of the country. The consent of the household was not required. 'Port of entry' asylum applicants also became subject to this system once they received a first negative decision. To manage these voluntary dispersal arrangements, the LGA initially established ten local authority 'asylum seeker consortia' to cover each region of England and Wales.

12. *Asylum Support (Interim Provisions) Regulations 1999* (SI 1999 No. 3056)

Dispersal

Forced dispersal has continued since NASS began to assume responsibility for supporting asylum seekers on 3 April 2000. There are now twelve UK dispersal regions: Greater London, Kent and Sussex, South Central, South West, East of England, East Midlands, West Midlands, Yorkshire and Humberside, North East, North West, Scotland, and Wales (see map opposite). Dispersal will not be made to Northern Ireland, although people who apply there for support will be provided with accommodation. NASS expect local authorities within each region to form consortia. The regional consortia are expected to play an 'enabling' role by ensuring that asylum seekers have access to local services. Within each region, NASS has identified specific 'cluster areas' to which asylum seekers should be dispersed.

NASS claims that the cluster areas have been selected on the basis that accommodation is available in these areas, and that support services either already exist or can be established. It is unclear whether everyone supported under the NASS system has been accommodated in these specific cluster areas.

Essential living needs

The 1999 Act has removed the remaining rights of 'port of entry' asylum seekers to claim any form of welfare benefits¹³. Instead, all port applicants who applied for asylum from 3 April 2000, all in-country applicants who applied for asylum on various dates from 3 April 2000 (see Appendix One), and all those receiving a first negative decision on their claim from 25 September 2000 are required to make an application for support to NASS. They can apply for a combined support package of accommodation and essential living needs, or for either element, for example essential living needs only.

Essential living needs payments are issued by main post offices and, for adults, are the equivalent of 70 per cent of income support rates. Currently, single people over 25 receive £36.54 a week, and couples receive £57.37 a week. Only £10 per person each week is paid in cash. The remainder is paid in vouchers, which can be exchanged for goods in a limited number of shops. In September 2000, the government announced a comprehensive review of the voucher scheme.

Entitlement to accommodation

The 1999 Act has removed the remaining rights of asylum seekers to homelessness assistance from the local housing authority, or access to the local housing register¹⁴. Anyone who claimed asylum at the port of entry from 3 April 2000, or 'in country' on a variety of dates from 3 April 2000 (see Appendix One), or anyone whose housing benefit ceases because of a first negative decision from 25 September 2000, must now apply to NASS for accommodation. The only exceptions are unaccompanied minors, who continue to qualify for support and accommodation from local social services departments under the Children Act 1989. The 1999 Act has also excluded all asylum seekers housed through the NASS system from the security of tenure provisions of current housing legislation. This means that people can be legally evicted from their accommodation with a minimal seven days' notice being given¹⁵.

Asylum seekers who apply to NASS for housing are first placed in emergency accommodation procured by voluntary agencies. NASS has anticipated that people are likely to stay in emergency accommodation for an average of seven nights. During this time, NASS determines whether they are eligible for accommodation as part of the support package. This includes an assessment of whether the applicant is destitute, or likely to become so within the next 14 days.

An assessment is also made of any existing accommodation¹⁶. Accommodation may not be

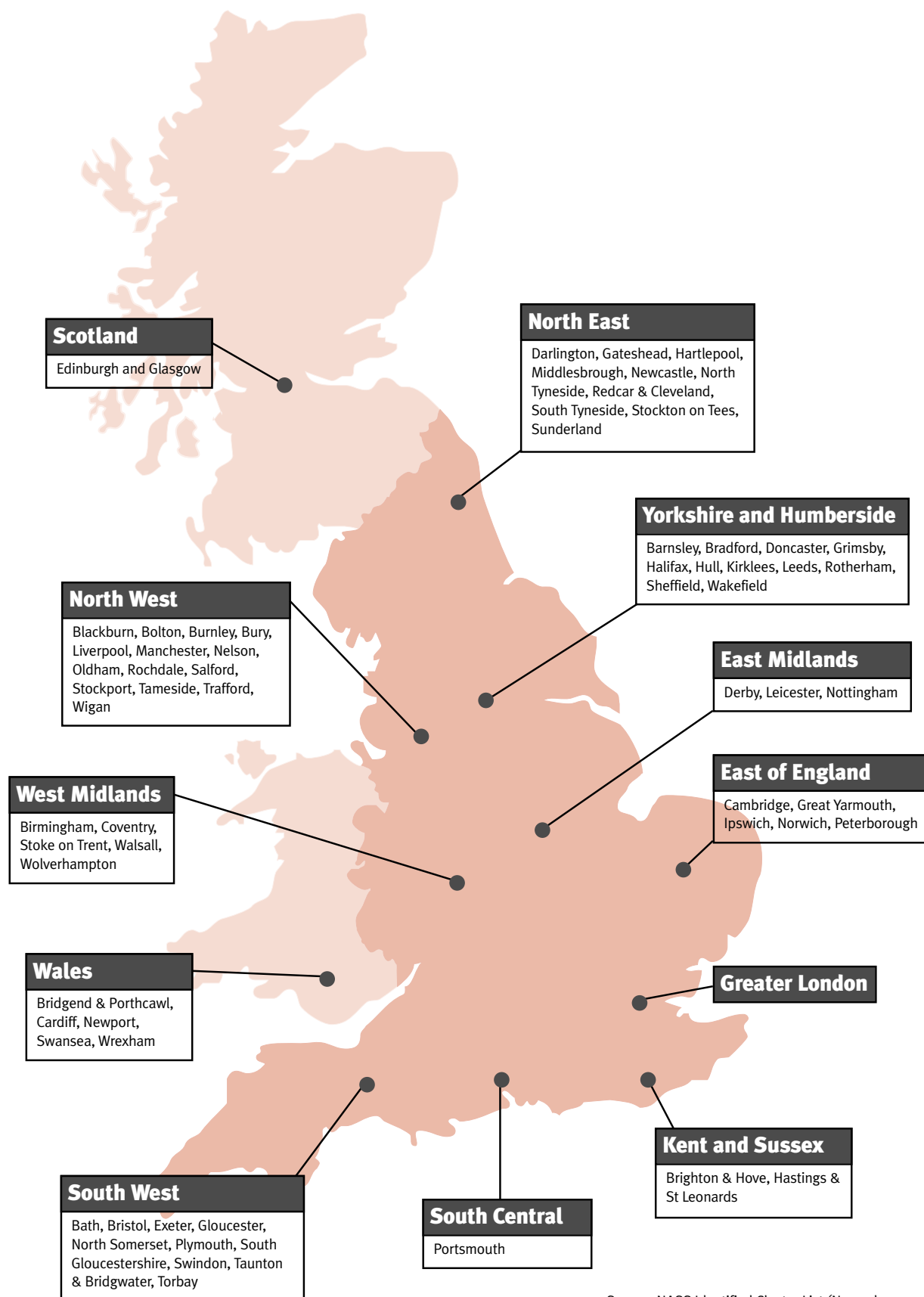
13. *Social Security (Immigration and Asylum) Consequential Amendment Regulations 2000*

14. *Housing Accommodation (Persons Subject to Immigration Control) (Amendment) (England) Order 1999* (SI 1999 No. 3057)

15. Section 22(3) *The Asylum Support Regulations 2000* (SI 2000 No.704)

16. Section 8(3) *The Asylum Support Regulations 2000* (SI 2000 No.704)

NASS DISPERSAL AREAS



Source: NASS Identified Cluster List (November 2000)

considered adequate if:

- the person's licence to occupy the accommodation has been legally terminated
- it would be unreasonable for the person to continue in occupation, because the accommodation is of a worse standard or more overcrowded than other housing in the area
- it is unaffordable, because the person is unable to pay the rent or associated costs or, by doing so, is unable to afford other essential living needs
- the person is unable to secure entry to the accommodation because, for example, he or she has been unlawfully evicted
- it is a vehicle or vessel adapted for human habitation, but there is nowhere that the person is entitled or permitted to place it or reside in it
- it is not available for occupation by the person together with his or her dependants
- it is probable that the person's continued occupation will lead to domestic violence.

If NASS determines that the person is eligible for accommodation, then a referral is made to a contracted accommodation provider operating in any part of Great Britain. NASS may take account of a household's circumstances, but must not take account of their preferences about the nature of accommodation provided, or the nature and standard of its fixtures and fittings.

Provision of accommodation

NASS has overall responsibility for the new housing and support system, and assessing whether people are eligible, but does not directly provide the support package. Instead, NASS has entered into contracts with accommodation providers in the public and private sectors to deliver the support service. NASS had originally estimated that 65,000 bedspaces would be needed for the dispersal system in 2000/01, although this figure is now estimated at 44,000¹⁷. It expects to obtain 60 per cent of this target via direct contracts with private landlords and some social housing providers, with the remaining 40 per cent contracted from consortia made up of local authorities, registered social landlords or private landlords.

NASS accommodation providers

The government has so far entered into direct contracts with a number of accommodation providers. These include¹⁸:

- Adelphi Hotels Limited, Hove, East Sussex
- Angel Group Limited, London, E1
- Capital Accommodation (London) Limited, London, N8
- Clearsprings (Management) Limited, Rayleigh, Essex
- Glasgow City Council (on behalf of the Scottish Regional Consortium of local authorities)
- Landmark Liverpool Limited, London, W3
- Leena Corporation
- North East England Regional Consortium of local authorities
- North West Regional Consortium of local authorities (East Region)
- Roselodge Limited, Wembley, Middlesex

¹⁷. Parliamentary Answer 8W, 7 December 2000

¹⁸. Parliamentary Answer 212W, 18 May 2000, Parliamentary Answer 517W, 11 July 2000, Parliamentary Answer 8W, 7 December 2000

- Shallaan (UK) Limited, London, NW3
- Safe Haven Yorkshire (South Yorkshire Housing Association Limited and Yorkshire Community Housing Association)
- West Midlands Regional Consortium of local authorities
- YMCA Glasgow
- Yorkshire and Humberside Regional Consortium of local authorities.

NASS expects accommodation providers to offer accommodation in the identified cluster areas of each dispersal region. The majority of private providers are accommodation agencies, which will need to subcontract accommodation from private landlords to fulfil their contracts with NASS. Agencies are required to seek NASS's approval of any subcontractors they intend to use.

Shelter has received reports that complicated sub-contracting arrangements, involving several tiers of sub-contractors, are developing.

Before entering into contracts, NASS has stated that it intends to assess the suitability of potential accommodation providers and sub-contractors by consulting with local authorities, police and other local bodies, via the regional consortia. However, when the accommodation is provided by sub-contractors, NASS only expects to consult with local bodies about landlords offering significant numbers of properties. Small landlords offering only a few properties may become sub-contractors without any checks being made locally about their past record or suitability. At the time of publication NASS has declined to disclose the requirements of specific contracts with accommodation providers, particularly in relation to payment rates, because of commercial sensitivity. However, a model contract and specification for accommodation and other services is available¹⁹.

The NASS specification: key features

- Only asylum seekers can be housed in accommodation provided under NASS contracts
- Accommodation cannot be let under secure or assured tenancies.
- NASS requires accommodation providers to provide a written occupancy agreement in a language that can be understood by the asylum seeker.

The model occupancy agreement

- NASS has produced a model occupancy agreement. This contains a limited amount of information on the standards that occupants should expect.

Introduction to the accommodation

- The accommodation provider is responsible for meeting asylum seekers when they arrive in the dispersal area and escorting them to their accommodation.
- They are also responsible for ensuring that people are given an induction to the dwelling, including an explanation of operating instructions for equipment and instruction on action to be taken in the event of fire.
- Providers must also ensure that occupants understand the conditions by which they take up the accommodation.

19. Parliamentary Answer 507W, 12 June 2000, Parliamentary Answer 504W, 23 June 2000

- Interpreters should be provided if NASS has indicated this is necessary. NASS's specification requires that, 'wherever practical', occupants should be provided with written material explaining services and obligations.

Wider support

- NASS's specification requires accommodation providers to 'facilitate' registration of asylum seekers with local health services, and to 'advise' families on local schools. It does not suggest how this help and advice might be provided.
- Arrangements should be made for people with emergency or special needs to gain access to 'appropriate support services'.
- Accommodation providers are also required, if asked, to provide details of local solicitors and immigration advisers, as well as other local services.

Standards

- NASS's specification sets out the standards of accommodation that must be provided. The premises must be fit for human habitation, and meet all regulatory requirements. The premises must be decorated to a standard 'that might reasonably be expected for the type and locality of the premises'. Where there are children living in the premises, the provider should ensure that the accommodation is appropriate.
- Additional standards are required for HMOs. For example, room occupancy must not exceed the specifications of the local authority. Where facilities are shared, there should be at least one bath, or shower, and WC per five occupants, and living and dining room space of at least four metres squared per occupant. Where full board is not provided, there should be at least one kitchen facility per five occupants.
- Where an HMO registration or licence scheme is in operation, the provider must register with the local authority, and ensure that the property meets any further requirements specified locally.

Monitoring standards

- Accommodation providers must ensure that premises have been inspected before placement, and all necessary works have been carried out and checked. Providers are also required to carry out regular checks throughout the occupation to identify any necessary repairs, maintenance or housing management problems.
- NASS has signed an agreement with the Property Advisers to the Civil Estate (PACE). PACE officials are responsible for inspecting properties to ensure that the standard of accommodation complies with the terms of the contract. NASS has also established a Performance Monitoring Inspections Team to look at housing management issues during joint inspections with PACE.
- Inspections will mainly be carried out in response to complaints, although a programme of proactive inspections is planned. Serious breaches of contractual requirements could lead to termination of the contract, but it is unclear what action is likely to be taken if contractors are found to be in breach of statutory or contractual standards.

Complaints

- Asylum seekers who are unhappy about the standards of their accommodation or related services, or harassment, must first deal informally with the accommodation provider. If complaints remain unresolved, the provider is expected to refer the matter to NASS. The

occupant, however, is expected to contact the nearest voluntary sector one stop shop service for advocacy.

Further details of the NASS specification are given in Appendix Two.

The impact of the changing legislation on the housing options of asylum seekers

The policy of transporting homeless asylum seekers to areas of the country where there is a greater availability of housing may, in reality, do little to alleviate the pressures on South East authorities. In fact, forced dispersal may only serve to create a hidden population of homeless and badly housed asylum seekers in the capital.

There is evidence to suggest that many asylum seekers are reluctant to leave London, and will either refuse to be dispersed to housing provided elsewhere or, having been dispersed, will return to the capital. This is more likely to happen if people are provided with poor quality accommodation, little information or inadequate support when they arrive in the dispersal area. Between 6 December 1999 and 15 March 2000, 1,900 households were dispersed under the interim arrangements but a further 1,500 households refused dispersal and withdrew applications for support²⁰.

Under the NASS system, accommodation will only be offered in a dispersal region. However, people electing to remain in London and Kent can apply for the essential living needs element only of the support package. However, this means that they must find and pay for their own accommodation. NASS reports that around a third of all applications for support are for essential living needs only. Shelter has received reports that asylum seekers are living in overcrowded conditions with friends and family in the capital to avoid dispersal to housing provided in another area. Often, this is private rented accommodation paid for by social services departments or via the housing benefit system.

Therefore, in any given area, asylum seekers could have come to live in their current home in any of the following ways:

- placed by local social services department under social services legislation
- placed by another social services department under social services legislation
- placed by local housing department under homelessness legislation
- placed by another housing department under homelessness legislation
- referred to the landlord by a voluntary sector agency and claiming housing benefit
- placed by local authority regional consortia under social services or housing legislation
- found their own accommodation and claiming housing benefit
- staying with family or friends
- placed by NASS under the Immigration and Asylum Act 1999

The table at Appendix One summarises the situation.

Despite the many different arrangements under which an asylum seeker may end up in a property, common to the majority of placements is that the housing is very likely to be in the private rented sector.

- In many areas, particularly London, there is an acute shortage of affordable social housing.

20. Local Government Association, Asylum Seekers Voluntary Dispersal Scheme, Bulletin No.6 (March 2000)

Most authorities will want to use this wherever possible for long term housing and are therefore reluctant to designate significant amounts for temporary accommodation.

- Few local authority regional consortia have so far signed contracts with NASS, which means the majority of housing is being provided by private accommodation providers.
- Despite some modification to the legislation, there are legal complications with placing asylum seekers in council stock on a temporary basis. In addition, guidance from the Housing Corporation limits the capacity of housing associations to provide temporary accommodation for asylum seekers.

3. ASYLUM SEEKERS IN THE PRIVATE RENTED SECTOR

Destitute asylum seekers have increasingly found themselves living in private rented accommodation, and particularly in HMOs, such as bedsits, shared houses, hostels and bed & breakfast hotels. However, the sector is largely unregulated and the accommodation it provides can be of a poor standard.

This section concentrates on three questions:

- what is the impact of dispersal into the private rented sector for asylum seekers?
- what is the impact of this trend on efforts to improve the private rented sector?
- what attempts have been made to improve standards and conditions for asylum seekers in the private rented sector?

Asylum seekers are likely to face difficulties living in housing rented from private landlords. All tenants may experience problems dealing with bad landlords: for the majority of tenants with very little security, the likelihood of successfully taking action against landlords has to be weighed against the possibility that the landlord may retaliate and possibly threaten eviction. Legal remedies that tenants may pursue are often unknown and rarely exercised. Asylum seekers have fewer rights and means of redress, while language barriers and the problems of dealing with an unknown system can make it difficult to take action to tackle problems. They may also be afraid that taking action could jeopardise their asylum claims.

Whilst there are good landlords who provide well run, well managed homes, there are many who do not meet these standards. Poor landlords may see asylum seekers as a lucrative business opportunity: a group of people with fewer rights who are less able, and less likely, to complain.

Key characteristics of the private rented sector

- About 11 per cent of the housing stock in England is owned by private landlords, who house more than two million households²¹.
- A wide range of people choose to live in private rented housing, often because it is relatively easy to access.
- Single people constitute the largest category of private renting households (769,000), but there are also over 500,000 couples without children, 272,000 couples with dependent children and 180,000 lone parents with dependent children.
- It is often the only housing option for those who are unable to purchase their own homes, and who cannot access social rented housing owned by councils or registered social

21. Department of the Environment, Transport and the Regions, *Housing and Construction Statistics Great Britain*, Part 2 March Quarter 2000

landlords, including housing associations.

- In recent years, chronic shortages of social housing have led many local housing authorities to use the private rented sector to provide temporary accommodation for homeless households, pending an offer of social housing through their waiting lists.
- Around 39 per cent of all private rented dwellings are HMOs, which provide accommodation for 850,000 households²².

HMOs include:

- houses divided into bedsits, with or without shared kitchens
- hostels and B&B hotels accommodating people who would otherwise be homeless
- houses or flats where unrelated occupants share all facilities
- houses converted into self-contained flats, where occupants share the 'common parts', such as stairs and hallways.

Problems in the sector and their impact on asylum seekers

Standards of accommodation and management

Anyone can set up and operate as a private landlord. There is no requirement to have a professional qualification, training or experience. Three quarters of private landlords are individuals for whom letting is a 'sideline' interest²³. Although the sector is often characterised by disrepair and poor conditions, private landlords do have contractual and statutory obligations to carry out repairs and maintenance in rented properties. Details of these are set out in Appendix Three.

In spite of these legal requirements, the state of repair and quality of private rented accommodation is much poorer than social rented accommodation. Over half the private rented sector stock was built more than 75 years ago. The small proportion of professional landlords in the sector and the age of the housing, combined with the absence of an effective framework to regulate standards, have resulted in the prevalence of poor conditions²⁴:

- 19 per cent of dwellings are classed as unfit for habitation under the 'housing fitness standard'
- 30 per cent of private tenants live in housing conditions which are unfit, in substantial disrepair or lack modern facilities
- The estimated cost of remedying unfitness in the sector is £2.3 billion (nearly £6,000 per unfit dwelling)
- Housing conditions for tenants of HMOs are worse than those in the private rented sector overall. Sixty per cent of houses divided into bedsits are unfit for habitation.

Poor quality housing can contain life-threatening dangers. Faulty gas and electrical appliances have killed occupants of private rented homes. Particularly in HMOs, inadequate fire safety provision can increase the risk of being killed in a fire. Government research has found that adults who live in houses divided into bedsits are six times more likely to die in a fire than adults living in comparable single-occupancy houses, and when the house is three or more storeys high the risk increases to 17 times. Vulnerable occupants, such as young children, the elderly, and people who are psychologically distressed or physically infirm, are most at risk from a fire in their home²⁵.

Dampness, poor sanitation, unhygienic cooking facilities, infestation and overcrowding can all

22. English House Condition Survey (1996), Houses in multiple occupation in the private rented sector, DETR

23. Private landlords in England: ADH Crook and PA Kemp (1996) DoE

24. English House Condition Survey (1996) DETR

25. Department of the Environment, Transport and the Regions (1997) *Fire Risks in Houses in Multiple Occupation: Research Report*

pose serious risks to health. For someone who is already suffering from physical or mental ill-health, sub-standard housing may damage their chances of recovery or worsen their condition. Poor housing standards can damage the progress of children's education and development²⁶.

The impact on asylum seekers

Poor housing can have a particularly detrimental effect on asylum seekers. People often arrive in the UK suffering from serious health problems, sometimes as a result of torture, ill-treatment or psychological trauma. They may require urgent and on-going medical treatment. Dampness, disrepair and overcrowding are likely to impede their recovery.

Asylum seekers are likely to be unclear about the standards of accommodation they should expect. They may also be unaware of the dangers in their housing, such as faulty gas appliances and flammable furniture, because they are unused to these facilities. Language difficulties can make it difficult to understand the workings of different appliances, or to communicate with the accommodation manager. In general, people sharing accommodation are often more at risk of fire because they may not be aware of each other's whereabouts or that a fire has started in another part of the building. For unrelated asylum seekers sharing accommodation, language difficulties may prolong the time it takes to alert occupants to the fire and ensure that everyone is safely evacuated.

Lack of money, language difficulties and support can also make it more difficult for asylum seekers to carry out basic repairs to bring their accommodation up to a satisfactory standard. As asylum seekers often have few financial resources, they are likely to spend a significant amount of time in their accommodation. If this is sub-standard, risks to their mental and physical health, and safety, may increase.

Landlord harassment

Harassment and unlawful eviction can also be a serious problem for many people living in the private rented sector. During 1999/2000, over 1,400 private tenants in England and Scotland contacted Shelter for help with this. In May 2000, the government published research²⁷ on the harassment and unlawful eviction of private tenants. Although this provided no clear indication of the scale of the problem, the research found that harassment is common. It can range from a landlord entering accommodation without permission or the disconnection of utilities, through to verbal threats or actual physical assault. The research also found that certain groups of people, including lone parents, the very young, women and ethnic minorities are more likely to experience harassment by their landlords.

Previous research²⁸ estimated that 80 per cent of harassment and illegal eviction is unreported by tenants. Private tenants are often reluctant to complain in case this leads to a retaliatory eviction. And few tenants are aware that help is available, or encouraged to report their landlord's unlawful behaviour.

The impact on asylum seekers

Asylum seekers can be particularly at risk of harassment, intimidation and exploitation by unscrupulous landlords and housing managers. They may not be aware that their landlord's behaviour constitutes harassment. Previous experiences may have made them fearful of challenging someone in authority or making a complaint, particularly if this means they might lose their home.

During the course of our investigation, Shelter has received reports from housing advisers that asylum seekers placed in private rented accommodation have been harassed and intimidated by landlords, particularly when they have expressed concerns about living conditions.

26. *The Benefits of Better Homes: the case for good quality affordable housing*, Shelter (1998) Benefits

27. Department of the Environment, Transport and the Regions, *Harassment and unlawful eviction of private sector tenants and park home residents*, May 2000

28. *Law and Order in Private Rented Housing: tackling harassment and illegal eviction*, Campaign for Bedsit Rights (1994)

Legal enforcement of standards

Where landlords fail to carry out their obligations, residents can negotiate with their landlord and, if this fails to get repairs done, take legal action. However, many residents rent on such insecure tenure that they are unwilling or unable to exercise these rights. Reduced security disempowers tenants and effectively prevents them from exercising their rights to a safe and decent home. People living in the private rented sector can feel caught between enforcing their rights and losing their home.

The inability of many private tenants to enforce their rights to acceptable standards of housing means that there must be other mechanisms for ensuring that private landlords meet their statutory obligations. Local authorities have a range of duties and powers to remedy unfitness, including powers to take statutory enforcement action. In the case of some higher risk HMOs, local authorities have a legal duty to secure improvements to sub-standard dwellings.

The impact on asylum seekers

Asylum seekers have even less opportunity than most private residents to enforce their landlords' obligations in terms of standards of management and accommodation. Whilst their landlords are still required to comply with statutory and contractual standards, asylum seekers placed in private accommodation under the new support arrangements have no security of tenure and no protection from eviction. Other people living in sub-standard private rented accommodation can, in theory, find alternative accommodation. However, asylum seekers accommodated under the new arrangements, or by social services departments, have no other housing choices available to them. Under the current arrangements, people who leave accommodation provided as part of the support package may be deemed 'intentionally destitute' and no longer entitled to housing.

Improving the private rented sector

Many local authorities have recognised the important contribution that a high quality, well managed private rented sector can make to creating a healthy local housing market, by providing choices for people seeking housing and encouraging mixed communities. However, the effectiveness of the current regulatory framework relies very heavily on local authorities 'policing' the sector. The enforcement regime works through local authorities identifying privately rented accommodation in their areas, undertaking an inspection programme and, if properties are sub-standard, negotiating improvements with landlords or taking enforcement action.

In the past 20 years local authorities have become increasingly reliant on the private rented sector to house homeless households. This, together with the poor quality of a significant proportion of private rented homes, has prompted some local authorities to develop and implement proactive corporate strategies to improve standards in their private rented sectors. In recognition of the inter-related problems often faced by private tenants, an effective local strategy and the services that flow from it need to be based on corporate policies and working procedures within the local authority and with other relevant statutory services.

Any strategy needs accurate, up-to-date information about the factors influencing supply and demand: landlords and managing agents operating within the sector, people living within the sector, and the condition of the stock. Local authorities are familiar with their local housing markets and landlords.

There is a danger that if large numbers of private rented homes are procured and paid for nationally, local efforts to regulate the stock and work proactively with private landlords will

be undermined. The current system for dispersing asylum seekers may undermine local strategies. Unless local environmental health departments are aware of which local properties are being let under asylum seeker contracts, they will not be in a position to include such properties in strategies to improve the sector as a whole.

Shelter has received reports that new landlords have been entering the market in order to enter into profitable contracts to provide accommodation for asylum seekers. Evidence is also emerging that existing landlords are choosing to let under asylum seeker contracts rather than to other groups of private tenants, such as benefit claimants and students.

Lucrative markets for bad landlords

There are a number of reasons that private landlords choose to enter the asylum seeker market. Restrictions to housing benefit payments, payment of housing benefit in arrears and, in some areas, lengthy delays in payment, have made private landlords reluctant to let to benefit claimants. However, where there is an over-supply of private rented housing, benefit claimants have remained a crucial source of demand.

In some areas, social services departments have offered higher rent levels to landlords for accommodation than would be covered by housing benefit, or payments are offered in advance or for the duration of the contract. In addition to the financial incentives, landlords may prefer to let to asylum seekers because they have fewer housing rights and, for various reasons, may be less likely to complain than other types of tenant. The new asylum seeker market may attract landlords with no experience of letting accommodation, particularly to vulnerable people such as asylum seekers.

Landlords' decisions to enter into contracts to provide asylum seeker accommodation could have serious implications for local private rented sector markets.

- There is a risk that the supply of private rented accommodation for other groups of people who rely on the sector will reduce, and may become inadequate to meet demand.
- Local housing authorities' efforts to identify good private landlords, and the proactive work of university accommodation departments in identifying and accrediting landlords for student housing, could be undermined.
- In areas with large student populations, universities and local authorities have often encouraged building or conversion of better quality accommodation. Landlords of the poorest quality private housing, who can no longer let to students, may well be attracted to the new demand created under asylum seeker contracts. Asylum seekers could be placed with the least professional landlords in the worst quality accommodation.

Ensuring that asylum seekers are placed in decent accommodation

Asylum seekers are now regularly placed in the private rented sector through a number of routes. The cumulative impact of the legislation of the last 10 years has been to remove choice and autonomy for asylum seekers who cannot afford, or find, their own accommodation. Asylum seekers have become dependent on a bureaucratic framework which allocates them housing without giving them the opportunity to express a preference.

The NASS system which came into force on 3 April 2000 includes the first attempt to tackle the issues asylum seekers may face when they are placed in private rented housing. By introducing a framework underpinning the placement of asylum seekers in the private rented

sector, the specifications of the NASS systems mark an improvement on the situation to date. It does however have its weaknesses.

Standards of emergency accommodation

People are likely to be disorientated and confused when they first arrive in the UK, possibly still suffering the trauma of fleeing their country and recovering from a frightening and arduous journey. During the first few days after their arrival, they will need an appropriate environment in which to rest and acclimatise.

The intention is to disperse people from emergency accommodation after only a few days. However, it is likely that some people may have to remain there for a much longer period whilst appropriate accommodation is being found for them. It may be those people with the most complex needs, for whom it is more difficult to find appropriate accommodation, who are forced to stay in emergency accommodation the longest.

People placed in emergency accommodation are unlikely to consider the potential dangers of their housing. It is therefore essential that emergency accommodation meets the same standards as accommodation procured by NASS.

Standards of NASS accommodation

Although standards are set out in the NASS specification, they are not repeated in the model occupancy agreement. Consequently, people are not told what they can reasonably expect, and therefore face difficulties in establishing whether their accommodation meets requirements.

Whilst the standards specified for singly-occupied dwellings are in line with the minimum standards applied by housing legislation, the requirements for HMO dwellings fall short of current legislation in relation to fire safety. The NASS specification does not specifically require that HMOs have adequate means of escape from fire, or adequate other fire precautions, such as detection and warning systems. The exact requirements for HMO fire safety standards are set locally by environmental health departments. However, most HMOs should have a fire resistant escape route, incorporating escape notices, fire doors and emergency lighting; a mains wired automatic fire detection and warning system; and fire extinguishers in shared kitchens.

The NASS specification requires that furniture and furnishings provided as part of the contract should be 'to a reasonable standard'. The specification does not specify that such items should comply with the Furniture and Furnishings (Fire) (Safety) Regulations²⁹.

Support role of private landlords

The role of landlords is key to the NASS system. Arrival and settlement of people in the dispersal area and their accommodation is the responsibility of the accommodation provider. The need for this process to be managed thoroughly and sensitively is extremely important to the well-being of asylum seekers. If, as is the intention, they are dispersed within a few days of applying for asylum and support, they are likely to be recent arrivals in the UK and will be unsure of what to expect.

Shelter has received reports from regional consortia staff that people dispersed under the interim arrangements arrived without any awareness of where they had been sent or what was likely to happen to them when they arrived.

29. Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 and 1993)

A policy of dispersal can only be successful if people feel comfortable in the area and the accommodation they are placed in. If the reception service is managed ineffectively, people will be left feeling isolated, confused and unsupported. If important information about the accommodation and its facilities are not fully explained, the health and safety of occupants could be at risk.

Private landlords in most dispersal areas are unlikely to have previous experience of providing specialist housing for asylum seekers. They are unlikely to be aware of people's diverse cultural needs, or be able to communicate effectively without an interpreter. Asylum seekers are dependent on their landlord to inform them of their housing rights and the standards they should expect. If the landlord fails to fully explain these rights, or chooses to misinform occupants about the conditions and services they should expect, people are unlikely to make a complaint and may not seek independent advice.

Similarly, private landlords are unlikely to have experience of providing people with a wider support service, particularly people with pressing needs to access legal, and often medical, services. NASS's specification provides no guidance on how support might be provided. For example, the requirement to 'facilitate' registration with health services could be fulfilled by simply providing the address of a GP, without any explanation about how to get there or register.

Shared houses

Shared houses, flats or maisonettes are often the most plentiful form of private rented HMO available in provincial areas. Such properties have traditionally been let to groups of students or other single sharers. However, if unrelated households of asylum seekers are placed in this form of accommodation on a 'no choice' basis, they may be more at risk than other groups, particularly in terms of fire safety. If such properties fail to meet standards, there is a danger that no action will be taken, as NASS does not intend to inspect HMOs with less than six bedspaces, or inform the local environmental health department about placements made in accommodation of this size in their areas. Placing people in this type of shared accommodation may also lead to difficulties and disputes over the use and cleaning of the common parts, storage and preparation of food, and the security and intimidation of individual occupants. Unlike large HMOs, such as bed and breakfast hotels, there will be no manager on hand to deal with disputes as they arise.

System for dealing with complaints

The system established for dealing with complaints relies on complaints being made to the landlord in the first instance. This, coupled with the fact that it is the landlord who is responsible for explaining what standards are to be expected, can create a conflict of interest. Although, in theory, an occupant who is unhappy with the standards or service provided by the landlord can seek advice from the voluntary sector, this might be extremely difficult in practice. Asylum seekers might, for a variety of reasons, feel reluctant to make a complaint against their landlord. This might be because of medical problems, such as mental ill-health. It might be because of lack of cash to make telephone calls or to travel to see an adviser, or the difficulty of explaining the problem in English. Or it might be because they are fearful of contacting people in authority, particularly if they are concerned about the repercussions for their asylum claim. It might simply be because they do not wish to appear ungrateful, or be seen as a trouble-maker.

Shelter has received reports from local housing advisers that they have dealt with cases where landlords have misinformed occupants about the standards they should expect, and ignored or discouraged their attempts to complain. In one case, the accommodation manager had told an occupant that he was employed by the Home Office, implying that the person might receive a negative decision on his asylum claim if he persisted in complaining about his accommodation.

Enforcement of standards

The main method used by NASS to ensure that the accommodation and management service provided complies with the standards set out in the specification is self-assessment by the accommodation provider. This becomes more difficult when the provider has entered into sub-contracting arrangements with private landlords.

The proposals for monitoring standards are not robust, and could leave vulnerable people at risk of living in extremely poor housing conditions. Smaller units of accommodation, such as self-contained accommodation or shared houses with less than six bedspaces, will not be inspected by NASS nor will the address be given to the local authority so it can arrange its own inspection.

Despite a planned programme of proactive inspections, the combined resources of the NASS performance monitoring teams and PACE are unlikely to cover all properties on a regular basis. Without proactive inspection by either NASS or the local environmental health department, poor quality accommodation will only be identified if NASS receives a complaint. As complaints must first be made to the accommodation provider, there is a potential for unscrupulous landlords, particularly those sub-contracted to NASS, to ignore complaints in order to avoid making improvements to the property.

CONCLUSIONS AND IMPLICATIONS

The term 'asylum seeker' ties together people who are more remarkable in their diversity than their similarity. The housing and support arrangements provided by the UK government for people seeking political asylum have changed radically over recent years. It is important to understand these changes so that lessons can be learned for future policy.

The changes have increased the complexity of the system for administering agencies and for asylum seekers. Asylum seekers who cannot find alternative accommodation are now given no choice about where they are to be placed. The new system, introduced by the Immigration and Asylum Act 1999, is implemented by the Home Office and has removed asylum seekers from any of the welfare or housing safety nets available to other people.

Most placements, regardless of route, are now likely to be in the private rented sector. Asylum seekers are likely to face difficulties living in housing rented from private landlords. Poor landlords may see asylum seekers as a lucrative business opportunity: a group of people with fewer rights who are less able, and less likely, to complain than other occupants.

There is a danger that if large numbers of private rented homes are procured and paid for nationally as housing for asylum seekers, local efforts to regulate private rented housing and work proactively with private landlords will be undermined. The supply of accommodation for other groups who rely on the private rented sector may reduce.

The NASS system includes the first attempt to tackle the issues asylum seekers may face when they are placed in private rented housing. By introducing a framework underpinning the placement of asylum seekers in the private rented sector, the specifications of the NASS

system mark an improvement on the situation to date.

It does however have its weaknesses. There is little redress for asylum seekers if there are problems. Significant reliance is placed on private landlords to provide support. Some of the standards in the NASS system are lower than those in housing legislation and guidance. The main method used to regulate standards is self-assessment by the accommodation provider.

The next section of this report sets out the evidence from the investigation of asylum seeker placements in the private rented sector. This is used to test some of the assumptions made in this chapter. The report then goes on to draw together what can be extrapolated for the future from this evidence. The NASS system will evolve and become established over the next year: it is essential that good practice is developed on the basis of existing knowledge of the problems of the private rented sector, and the problems likely to be faced by asylum seekers.



Two: The investigation and findings

TWO:

The investigation and findings

This chapter discusses the findings from the investigation into the placement of asylum seekers in private rented sector accommodation. After a brief description of how the investigation was carried out, the chapter sets out findings under four main headings:

- how placements were made
- the standard of the accommodation and management
- the appropriateness of placements
- inspection and enforcement of standards

1. THE INVESTIGATION

Case study areas

Five local authority case study areas in England were selected: two London boroughs and three city councils outside the capital. These are referred to as Areas 1 to 5. Areas were selected for one or more of the following reasons:

- they were already supporting significant numbers of asylum seekers, many of them placed in private rented accommodation, and were therefore more likely to have begun to develop good practice
- they were likely to support an increasing number of asylum seekers dispersed under the interim arrangements introduced by the Immigration and Asylum Act 1999
- they were located in different regions of the country, and had different private rented sector housing markets and conditions
- Shelter had good existing contacts with the local authority department responsible for enforcing private sector housing standards.

AREA 1 City with large private rented housing sector, which already had a relatively large refugee population prior to dispersal. Had also received a significant number of asylum seekers placed by other authorities.

AREA 2 City with plentiful supply of social rented housing, which previously had a relatively small refugee population but was starting to receive significant numbers of dispersed asylum seekers at the start of the monitoring period.

AREA 3 Outer London borough, which was already supporting large numbers of asylum seekers at the start of the monitoring period.

AREA 4 City with limited amount of housing stock and a small refugee population. During the monitoring period, had not yet begun to receive people under dispersal arrangements. Most asylum seekers in the area were placed by other authorities.

AREA 5 Inner London borough with severe shortage of all forms of both social and private rented housing. Already supporting large number of refugees at the start of the monitoring period.

Information gathering

There were three main elements to the investigation:

- **Questionnaires**

For a three month period between January and March 2000, local environmental health officers in each of the study areas were asked to complete a two page questionnaire whenever they inspected private rented accommodation which they knew to be, or believed was likely to be, occupied by an asylum seeker household. The questionnaire can be found in Appendix Four.

- **Seminars**

Over a five month period between May and September 2000, seminars were convened in each of the five study areas. These were attended by a range of local people involved with the placement of asylum seekers in private rented accommodation, including staff from local housing, social services and environmental health authorities, voluntary advice services, race equality councils and specialist refugee groups. The purpose was to generate discussion about the main issues; to anticipate likely difficulties with future arrangements for asylum seeker placements; and to identify or suggest models of good practice.

- **Background and contextual information**

Collection of information concentrated on the five chosen study areas. This was supplemented by information from other parts of the country, gathered through Shelter's network of housing aid centres and projects, and to the subscribers of *Bedsit Briefing*, the bi-monthly magazine of Shelter's Campaign for Bedsit Rights. Information was gathered from a number of individuals involved in the housing and support of destitute asylum seekers at both national and local level.

2. THE FINDINGS

The response

Questionnaires were completed for a total of 154 dwellings in the five areas during the monitoring period. Of these,

- 57 dwellings (37 per cent) were already occupied by an asylum seeker household at the time of inspection
- the remaining 63 per cent were inspected as part of a proactive inspection programme prior to placement.

The 154 dwellings inspected are not a representative sample. However, 96 of these (over 60 per cent) were deemed to be HMOs³⁰, and anecdotal evidence suggests that the high proportion of shared and multi-occupancy accommodation is typical of the private sector housing in which asylum seekers are being placed.

The highest numbers of questionnaires were returned by local authorities where there were procedures in place for referral and inspection of accommodation (Areas 1 and 5). In Area 1, arrangements had recently been made with both the local social services department, and with another authority that was placing significant numbers of people directly, to carry out inspections via a system of referral. Staff resources had been committed to carry out these inspections, although there was no dedicated officer. In Area 5, a service level agreement between the local environmental health and social services departments meant that accommodation was inspected on a proactive basis, again by a system of referral.

30. The current definition of an HMO includes converted, self-contained flats

Table 1: The number of dwellings inspected by type and area

Dwelling type	Area 1	Area 2	Area 3	Area 4	Area 5	All Areas
Shared house	35	0	7	5	7	54
Purpose-built flat or maisonette	1	0	0	0	24	25
Bedsit	0	0	11	0	12	23
Singly occupied house	5	0	3	0	15	23
Converted flat or maisonette	1	0	2	0	15	18
Private hostel	1	0	0	1	2	4
Not completed	2	0	0	0	1	3
Bed & breakfast hotel	0	0	0	0	2	2
Other	0	0	0	0	2	2
Totals	45	0	23	6	80	154

- In the study areas where mechanisms were in place to refer properties to the local environmental health department, a significantly higher proportion of inspections were taking place.

Areas which generated a lower return were characterised by lack of referral and inspection procedures, or poor inter-departmental cooperation. In Area 4 there were no arrangements in place, with either the local social services department or those of other authorities placing people in the area, to refer accommodation to the environmental health department for inspection at the time of procurement. Another significant factor was recent changes in policy and practice resulting in a reduction in the number of local placements. For example, Area 3 returned a much lower number of questionnaires than anticipated because the start of the monitoring period coincided with the start of the interim dispersal arrangements. All new cases of homeless asylum seekers were placed in accommodation in other areas.

Area 2 failed to return any completed questionnaires. In addition to the factors set out above, during the monitoring period this area was accommodating the majority of newly arrived asylum seekers in a local authority managed reception centre, rather than in private sector accommodation.

How placements were made

In all five areas, private rented housing had been procured by agencies with little previous experience of working with private landlords. These agencies included:

- *Social services departments*, responsible for housing destitute, in-country asylum applicants. Procurement by social services was either within their own local authority area, or in other areas. For several years, social services departments in areas where there was limited affordable housing, such as London and Kent, had been contracting accommodation in neighbouring authorities or other parts of the country. This was either because they had been unable to find private rented housing in their own area, or because housing in other areas was cheaper.
- *Voluntary organisations* attempting to assist homeless, but non-priority need, 'port-of-entry' asylum applicants to find their own private rented accommodation and claim housing

benefit. These agencies did not contract accommodation directly, but were referring people to private landlords who contacted them with offers.

- *Regional asylum seekers consortia* which, from December 1999, were responsible for housing destitute people who had been dispersed to their areas under the interim dispersal arrangements. In some areas, local authority staff seconded to regional consortia were from social services backgrounds.
- *Kent and London Asylum Seekers Consortium* which, from December 1999, assisted authorities in its region to disperse destitute asylum seekers, by procuring accommodation in other parts of the country through direct contracts with landlords.

Table 2: **How placements were made**

Placement by:	All areas	Area 1	Area 3	Area 4	Area 5
own local authority social services department	25	2	14	5	4
another local authority social services department	25	16	8	0	1
local authority regional consortium	0	0	0	0	0
own local authority housing or homelessness department	0	0	0	0	0
another local authority housing or homelessness department	0	0	0	0	0
voluntary refugee agency	2	1	1	0	0
self-placed	3	2	0	0	1
blank	99	24	0	1	74
Totals	154	45	23	6	80

Standards of accommodation and management

Fitness for human habitation

Almost 17 per cent (26) of the 154 dwellings visited, were found to be unfit for human habitation, and six failed the fitness test on more than three grounds.

- The most common reasons for unfitness were unsatisfactory facilities for the preparation and cooking of food, and serious disrepair.
- Dampness, and inadequate lighting, heating and ventilation were other main reasons.

Bedsits displayed the largest number of problems.

- Almost half (43 per cent) of the 23 bedsits visited were unfit for human habitation.
- One bedsit house in Area 5, which was accommodating five adults and two children, was unfit for human habitation on seven different grounds.

Shared houses were the next worst dwelling type, with 17 per cent found to be unfit.

Fitness for human habitation is defined in section 604 of the Housing Act 1985. Dwellings are considered unfit if they fail to meet one or more of the following requirements:

- free from disrepair
- structurally stable
- free from dampness prejudicial to the occupants' health
- adequate provision of lighting, heating and ventilation
- adequate piped supply of wholesome water
- effective system for the drainage of foul, waste and surface water
- suitably located WC for the exclusive use of occupants
- suitably located bath or shower and wash-hand basin, for the exclusive use of occupants, each of which is provided with a satisfactory supply of hot and cold water
- satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water.

One of the London boroughs (Area 3) recorded the highest number of failings to meet fitness standards. Private rented properties in this area are generally of a poorer standard than in the other study areas. This was the area which made the most inspections (35 per cent) as a result of a complaint from the asylum seeker occupying the property.

Statutory fitness standards do not cover all problems that occur in dwellings. For example, infestation of pests such as cockroaches or rats is not included amongst the criteria for statutory unfitness. However, early contact with EHOs suggested that this was a serious problem in some dwellings, and so it was added to the questionnaire. Infestation was found to be a problem in 11 dwellings.

Table 3: Number of failings against fitness standards by housing type

	<i>Singly occupied house</i>	<i>Bed and breakfast</i>	<i>Converted flat/ maisonette</i>	<i>Bedsit</i>	<i>Shared house</i>	<i>Totals</i>
Serious disrepair	1	0	1	4	5	11
Dampness prejudicial to health	1	0	2	3	3	9
Inadequate lighting, heating and ventilation	3	0	0	4	2	9
Inadequate water supply	0	0	0	1	0	1
Unsatisfactory facilities for the preparation and cooking of food	2	0	1	4	4	11
Unsuitably located WC	1	0	0	2	0	3
Unsuitably located bath (or shower) and wash hand basin	0	0	0	2	0	2
Infestation	0	1	3	5	2	11
Totals	8	1	7	25	16	57
Number with 3 failings	1	0	0	3	2	6

Fitness for the number of multiple occupants

The majority (86 per cent) of the total 96 HMOs visited, were found to be unfit for the number of actual or intended occupants.

- Over a third (38 per cent) failed the fitness test on more than three grounds.
- The most common reasons for unfitness were inadequate means of escape from fire, and inadequate other fire precautions.
- Of the 96 HMOs visited in total, 80 (83 per cent) failed to provide adequate means of escape from fire and 75 (78 per cent) failed to provide adequate other fire precautions.
- Of the 48 HMOs visited that were already accommodating asylum seeker households, 39 (81 per cent) failed to provide adequate means of escape from fire.
- In 16 dwellings (17 per cent), failure to meet HMO management standards because of obstructions to fire escapes was found.

Houses in multiple occupation

Multiply-occupied dwellings are considered unfit for the number of occupants if they fail to meet one or more of the following requirements:

- satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water
- an adequate number of suitably located WCs for the exclusive use of the occupants
- for the exclusive use of the occupants, an adequate number of suitably located fixed baths or showers and wash-hand basins, each of which is provided with a satisfactory supply of hot and cold water
- adequate means of escape in case of fire
- adequate other fire precautions.

Fitness for HMOs as defined by sections 352 and 372 of the Housing Act 1985. Although detailed guidance is given by central government, standards of HMO fitness are set locally, and so vary slightly in each of the five case study areas

Again, bedsits had more problems than other HMO dwellings.

- Of the 23 bedsits visited, 21 (91 per cent) failed to meet HMO fitness standards.
- All 21 failed on adequate means of escape and other precautions against fire and one bedsit failed on all nine counts.

Shared houses were the second worse type of dwelling, with 44 out of 54 (81 per cent) failing to meet suitable standards for the number of occupants.

- Of the 44 shared houses which failed, 39 failed on adequate means of escape and other precautions against fire and a further two failed on the provision of means of escape only.
- Three of the 44 failing shared houses failed on five out of a possible nine HMO standards including means of escape from fire.

Table 4: Number of failings against HMO standards by housing type

	Singly occupied house	Bed and breakfast	Purpose-built flat / maisonette	Converted flat / maisonette	Private hostel	Bedsit	Shared house	Other	Totals
Unsatisfactory facilities for the storage, preparation and cooking of food	0	1	0	1	2	7	5	0	16
Inadequate number of suitably located WCs	0	0	0	0	1	6	2	0	9
Inadequate number of suitably located baths (or showers) and basins	0	0	0	0	1	7	5	0	13
Inadequate means of escape from fire	2	0	7	2	4	21	41	3	80
Inadequate other fire precautions	2	0	7	2	4	21	39	2	77
Unsatisfactory repair, maintenance and cleansing of common areas	1	1	3	2	1	11	10	0	29
Unsatisfactory arrangements for the disposal of refuse	0	1	0	0	0	6	3	0	10
Means of escape from fire kept clear of obstructions	0	0	4	0	1	8	3	0	16
Totals	5	3	21	7	14	87	108	5	250
Number with 3 faults	1	0	4	2	3	13	13	0	36

Facilities

Ten per cent of occupied dwellings visited were considered to have facilities which failed to meet the needs of the household. Examples given included rusty, second-hand saucepans and thin, dirty, second-hand blankets.

The seminars also highlighted the inadequacy of facilities supplied by private landlords accommodating asylum seekers.

- In Area 1, people had complained to staff in local authority neighbourhood offices that their accommodation was uncomfortable.
- In Area 2, solicitors said that the biggest problems faced by their clients were inadequate cooking utensils, poor quality furniture and furnishings, and a poor decorative state.

EHOs participating in the seminars reported that although poor facilities were often one of the most pressing issues for asylum seekers, as enforcement officers they were limited in their ability to insist on improvements. The best option was to negotiate with the landlord, but if this failed, the only outcome would be to refer the matter back to the agency which had contracted the accommodation.

A further issue, raised at the seminars in Areas 1 and 4, is that the non-statutory standards of private rented accommodation can vary enormously. Some of the complaints by asylum seekers in these areas had arisen because they had visited accommodation occupied by other asylum seekers which was of a much higher decorative standard, or had additional facilities. This led to resentment. In some cases people had questioned whether they had been placed in worse accommodation because they were less deserving or because they were from a particular country. Housing advisers participating in the seminar in Area 2 reported that varying standards were used by landlords or accommodation managers to

manipulate occupants, with people being ‘rewarded’ with a move to accommodation with better decoration or facilities.

‘Non-essential’ facilities were also discussed at the seminars. Some private landlords provide a television as part of the fully furnished accommodation package. However, the funding regime does not allow them to claim for the cost of the licence fee, and asylum seekers themselves rarely have the financial means to purchase a television licence. Therefore, television sets could not be provided as part of the accommodation package. Television can be of great help to people trying to adapt to a new language and culture, and may provide news from their home countries.

Another issue raised during the seminars is that there may be a perception amongst others in the community that asylum seekers are being given ‘preferential treatment’. This could occur if, for example, for health and safety reasons asylum seekers are provided with new furniture and furnishings. It was noted that this can cause resentment, possibly leading to victimisation of individual asylum seekers.

Overcrowding

The questionnaire data was analysed to assess the density of occupants to accommodation. To establish this, the number of bedspaces in each dwelling was calculated, assuming that exclusive use bedrooms contained one bedspace and shared bedrooms contained two bedspaces. These totals were then compared to the number of recorded occupants.

- The results show that of the 57 occupied dwellings inspected, 16 (28 per cent) were accommodating more occupants than the number of bedspaces suggested they should be.
- In a further 31 cases (54 per cent), the number of occupants matched the number of bedspaces available.

For shared houses - the most common type of dwelling inspected - the average capacity was calculated to be over 5.5 occupants per dwelling. The evidence suggests that in a significant proportion of cases dwellings were not only filled to capacity but were overcrowded. This is borne out by further data from the questionnaires. EHOs were asked to assess whether there was sufficient space in the dwelling to meet the needs of the household.

- EHOs reported that 14 per cent of the occupied dwellings inspected failed to provide sufficient space to meet the needs of the household.

The monitoring includes information about 23 dwellings which are classed as singly occupied houses. Only eight of the 57 occupied dwellings are recorded as a singly occupied house. Most accommodation which is described as a singly occupied house was not occupied at the time of inspection. There is concern that, once occupied, these dwellings might become multi-occupancy.

Standards of accommodation management

Housing advisers participating in the seminar in Area 2 reported cases where landlords and accommodation managers had used the allocation of accommodation to discriminate or express favouritism. The main example given was the allocation of rooms in shared houses. There were reports that some occupants had been told that they would be moved to larger or better rooms, or better quality accommodation, as a ‘reward’ for keeping quiet about the conditions or management in the accommodation. In some cases, accommodation providers had employed managers who were the same nationality as some of the occupants. Whilst this overcame language difficulties, it was reported that some of these managers gave preferential treatment to people of the same nationality or ethnic background, and actively discriminated against others.

A related problem that was raised during the seminars is the practice of moving occupants to other locations with no notice, and without informing the placing agency. This issue was first highlighted by EHOs in London, who discovered that people who had been placed by social services departments in bed and breakfasts had been moved by the proprietors to annexes. Often these annexes were poor standard bedsit or shared houses several miles from the original bed and breakfast. As the placing social services department was unaware of the move, the hotelier would continue to receive full bed and breakfast rates, often for providing more basic, sometimes sub-standard accommodation. This often happened when a number of different placing agencies were contracted with the same accommodation provider.

Appropriateness of placements

Discussion during the seminars, along with the evidence received in response to the general call for information, suggests that some very vulnerable people have been placed in accommodation which does not suit, or is insensitive to, their needs.

- EHOs completing questionnaires reported that 30 per cent (17 out of 57) of the occupied dwellings visited during the monitoring period failed to meet the needs of the asylum seekers living there.

Information gathered during the seminars suggested that accommodation may fail to meet housing need for a number of reasons. These particularly focused on location, the problems of shared housing, and the particular needs of children.

Location

A key area of concern expressed at the seminars was the placement of people in unsuitably located accommodation. Participants reported that people have been placed in accommodation that is far from amenities, particularly amenities meeting their religious or cultural needs, or have been placed in areas with hostile local populations. Seminar participants felt it was essential that asylum seekers are placed in accommodation that is near to:

- an immigration advice service
- a post office that will cash vouchers
- shops that will accept vouchers
- an appropriate place of worship, where relevant
- shops, such as Halal meat shops, and services that can meet cultural or religious requirements.

It was also felt to be important that the accommodation provided is in an area where:

- there is minimal racial tension, and little likelihood of harassment or intimidation of asylum seekers
- there is an existing refugee community, preferably of the same ethnic, language, religious or cultural group
- levels of deprivation in the existing community are not so high that the placement of destitute asylum seekers will add to social exclusion, or create competition for already over-stretched services.

Seminar participants highlighted that there were often problems placing people in accommodation which could meet all of these needs.

The seminar in Area 2 gave the best example of this. This study area is a racially divided city. Placing asylum seekers in private rented accommodation in the mainly white areas would subject them to the levels of harassment faced by local black and minority ethnic communities. However, reservations were expressed about placing asylum seekers in accommodation in the mainly black and minority ethnic areas as this might create further social exclusion and racial division within the city as a whole.

Shared accommodation

The most common type of accommodation visited during the monitoring period (35 per cent) was shared houses. Information gathered from the study areas suggests that, particularly outside of London, this type of accommodation is used for a large proportion of placements. The seminar participants identified a number of problems with this.

Discussions during the seminars in Areas 2 and 4 revealed that dwellings used for placement are often shared houses which have previously been let to groups of students. In these areas, better quality, purpose-built student accommodation has entered the market in recent years. Some landlords have found it more difficult to let poorer quality houses to students, with the result that they are available for procurement for asylum seekers.

Seminar participants reported that asylum seekers are placed in shared houses with strangers, often from completely different parts of the world or with different political and religious beliefs. Participants of the seminar in Area 2 reported cases of intimidation and harassment by other occupants, or food being stolen from fridges in shared kitchens. There were also reports of racial or sexual harassment in both shared houses and hostel accommodation.

One participant in the seminar in Area 2 reported discovering a single, young woman placed in a twenty room private hostel, where she was the only female occupant. She subsequently experienced serious sexual harassment, including being offered money for sex. There were reports that single people had been expected to share rooms. Shelter's legal team advised on one case where a stranger was moved in during the night while the existing occupant was asleep.

Children and unaccompanied minors

- Children under 18 years accounted for 16 per cent of occupants in the dwellings visited during the monitoring period.
- Nearly half the children were occupying one room with their families, with either shared cooking or bathing facilities.
- Of these, the highest proportion was found to be living in either bed and breakfast accommodation (27 per cent) or bedsit dwellings (17 per cent).

A further issue is the particular needs of older 'unaccompanied minors' between 16 and 18 years of age. Data from the questionnaires is not generally detailed enough to establish how many older unaccompanied minors were occupying the dwellings inspected during the monitoring period.

However, in one area six people under 18 were reported to be the sole occupants of a converted factory. The dwelling was found to have inadequate means of escape from fire. One EHO in a South London borough had discovered 16 and 17 year olds placed in large private hostels, accommodating mainly transient, single, older men.

Inspection and enforcement

Inspection

The data gathered by the questionnaires shows that the environmental health departments taking part in the study were often unaware where asylum seekers had been accommodated in their areas.

- Of the total occupied dwellings visited, 11 per cent of the inspections were made by EHOs who were unaware that the dwelling was housing an asylum seeker household. Some of these dwellings may have been tenanted by housing benefit claimants who had found their own accommodation. However only five per cent of the households visited were self-placed in this way.
- EHOs' awareness varied between each study area. In Area 3, 10 inspections (43 per cent) were made without prior awareness that asylum seekers were occupying the dwelling. This was despite the fact that 14 of the households visited (over 60 per cent) had been placed by the same local authority's social services department.

Table 5: **How environmental health officers came to visit the property**

	All	Area 1	Area 3	Area 4	Area 5
Direct contact, or complaint, from asylum seeker	11	3	8	0	0
Complaint from neighbour	5	1	4	0	0
Referral from a voluntary organisation	1	0	0	0	1
Referral from within own local authority	115	24	10	4	77
Referral from another local authority	6	4	1	0	1
Referral from a regional consortium	0	0	0	0	0
Proactive inspection	12	12	0	0	0
Other	3	0	0	2	1
Blank	1	1	0	0	0
Totals	154	45	23	6	80

In the three study areas outside London, there had previously been little contact between the local social services and environmental health departments, and a lack of joint-working. Anecdotal evidence suggests that social services staff are often unfamiliar with the role of EHOs in regulating standards of private rented housing. Consequently, accommodation had either not been pre-inspected prior to placement, or pre-inspections had been made by social services officers, rather than qualified EHOs.

Where accommodation outside of London had been procured by another authority's social services department, it was even less likely to have been pre-inspected by an EHO from the placing authority. And, apart from in Area 1, there was little evidence of the existence of mechanisms to enlist the cooperation of, or notify, EHOs in the receiving authority so that an inspection could be made by local officers. This also appeared to be the case with voluntary agencies identifying private rented accommodation in which to place homeless asylum seekers who were entitled to claim housing benefit.

In all five areas, accommodation for asylum seekers had been procured by agencies with little or no previous experience of private rented housing procurement. Social services participants

at the seminars mentioned that, when procuring accommodation, they had either not been aware of local HMO standards, or had not insisted that they were met when contracting accommodation from private landlords.

Existing information about good local landlords, gathered as a result of local private rented housing accreditation schemes, HMO registration schemes or private sector landlords' forums, did not appear to be used by accommodation procurers to identify good quality accommodation, or to avoid landlords with a poor management record.

- Of the dwellings visited during the monitoring period, 14 per cent were managed by landlords who had previously been the subject of enforcement action by the local authority.

Enforcement

Of the 50 sub-standard dwellings inspected during the monitoring period already occupied by asylum seekers, the EHO reported that a notice³¹ requiring works would be served in half of these cases.

- Of the 39 dwellings with inadequate means of escape from fire or other fire precautions, 19 (48 per cent) would be served with a notice requiring works, including five cases where the EHO would combine this with informing the referral agency.
- For the remainder, the EHO intended simply to report back to the referral agency (eight), negotiate with the landlord (four) or a combination of these.

EHOs have reported that there can be difficulties when they believe enforcement action should be taken. There could be a conflict of interest between the placing agency and those responsible for local enforcement. Pressure might be brought to bear on the local environmental health department to hold back on taking enforcement action so the placing agency will not have to move people to accommodation which does meet standards.

Where specific standards have been written into the contract, landlords generally had been expected to self-certify that these were met. Discussions during the seminar in Area 2 revealed that landlords contracted to NASS were expected to self-certify the standards of accommodation provided. Participants were concerned about the lack of accountability if contractors failed to meet standards.

31. Notice can be served under the Housing Act 1985 or Environmental Protection Act 1990

CONCLUSIONS AND IMPLICATIONS

The findings of the investigation confirm many of the problems that were suspected at the start of this project, in particular the number of asylum seekers living in shared, sometimes overcrowded, housing and the use of sub-standard, unfit and dangerous housing for asylum seekers.

The findings on fire safety alone cause alarm. Asylum seeker households in 81 per cent of the occupied HMOs visited during the monitoring period were exposed to unacceptable risks of fire.

The worst problems were concentrated in bedsits and other shared housing. But it appears that the problems experienced by asylum seekers are even more severe than had been expected. Nationally, 60 per cent of houses divided into bedsits are unfit for habitation under both the housing fitness standard and the standard of fitness of HMOs for the number of occupants. In this investigation, the majority (88 per cent) of the total 96 HMOs visited, were found to be unfit for the number of actual or intended occupants.

Other problems which highlight the need for sensitivity when asylum seekers are housed stemmed from inappropriate placements. Examples of these in shared housing were frequent: that of the lone woman who was placed in a shared house where all the other occupants were male, or older unaccompanied minors housed in shared accommodation without an adult. These problems cannot be overcome by reference to standards set in legislation. They demand sensitivity and knowledge of the particular issues asylum seekers may face individually and as a group.

Lack of cooperation between agencies was a strong theme of the discussions at the seminars. This means that existing knowledge is wasted. Placements of asylum seekers are most effective when they draw on the expertise of social services, housing and environmental health departments together. If they do not work together, the result can be that the activities of one undermine the work of the other. Social services making placements in dwellings previously assessed unfit by EHOs not only causes problems for the people who live there, it also means that EHOs' efforts to improve standards and work with private landlords throughout an area are undermined.



Three: Conclusions and recommendations

THREE:

Conclusions and recommendations

1 CONCLUSIONS

The findings from this investigation into the placement of asylum seekers in private rented sector accommodation show that there have been many problems to date. Unless much more attention is paid to developing good practice, problems will persist under the new NASS regime. This will impact on asylum seekers themselves, on agencies attempting to manage the new system, and on the ability of local authorities to strategically plan for the best use of their housing stock.

The systematic exclusion of homeless asylum seekers from the mainstream social housing system in the UK has created a situation where inexperienced, non-housing agencies have become involved in the large-scale procurement and allocation of private rented accommodation. In the last few years, responsibility for housing many destitute asylum seekers has fallen first to local social services departments, then to the Home Office. There has been little coordination and effective joint working between these agencies and others that do have expertise in housing vulnerable homeless people, or in working with private landlords. The wealth of experience and knowledge developed by local housing authorities and other housing providers has been bypassed.

Inexperience and poor inter agency cooperation, coupled with the urgent need to procure large numbers of dwellings within strict budgets, has led to some very poor practices. Local authorities in London and the South East have procured accommodation in other areas by entering into direct contracts with private landlords, often because it is cheaper than in their own area. However, when 'dispersing' asylum seekers they have often failed to inspect accommodation for its appropriateness and quality. Agencies in the areas where asylum seekers are to be dispersed are not notified or made aware of these arrangements. Vital local knowledge has been ignored. Those responsible for enforcing standards are prevented from developing effective strategies.

This has created an ideal climate for private landlords to enter into lucrative contracts to provide accommodation for asylum seekers. Very few checks are made, and little enforcement action is taken. The sector is largely unregulated. Consequently, it includes large numbers of poor quality, badly managed dwellings, where landlords may harass occupants and simply refuse to resolve any problems.

It is clear that some very vulnerable people, including children, have been placed in accommodation that is unsuitable for their needs, unfit for habitation and detrimental to their safety and health. Living in this sort of housing makes it very difficult for people to adjust to life in the UK. Ultimately, it undermines people's ability to pursue the most important issue in their lives: their claim for asylum.

There is no effective regulatory regime for private rented housing, so it generally falls to occupants to take action to improve their housing conditions. However, if tenants have little security they risk losing their homes if they take action against their landlord. Vulnerable people endure poor housing conditions or, if they are able, move to alternative accommodation. Asylum seekers are in an even weaker position than most people living in the private rented sector. They now have virtually no housing rights: no choice in where they are housed, no security of tenure and no financial means to find alternative accommodation.

Their ability to take action against sub-standard housing conditions can be further hampered by fear of authority, fear of jeopardising their asylum claim, physical and mental health problems, poverty, ignorance of what to expect and where to seek advice, lack of support, and language difficulties.

If occupants are unable or reluctant to take action against poor housing conditions, there is a need for agencies to take a proactive approach on their behalf. Without intervention and enforcement, vulnerable asylum seekers will be left in unsafe and unhealthy accommodation. This could not only damage their well-being, but represents poor value for public money. There is no direct mechanism for the regulation of rents throughout the private rented sector, and no link between the rent charged and the quality of accommodation. But at least most tenants have a theoretical option of moving to a better situation. Asylum seekers have no such options. They have no means of ensuring that value for money is gained from the rent paid on their behalf.

The creation of a parallel housing system for destitute asylum seekers is likely to have an impact on the housing options available to other homeless and vulnerable people. Single homeless people, students and others who find it difficult to access social housing have relied on the private rented sector for their housing. But these groups, and agencies attempting to help them find accommodation, are increasingly competing with agencies procuring accommodation for asylum seekers. Private landlords are being encouraged into the asylum seeker market, often with offers of long-term contracts, attractive rent levels and full payment for dwellings, whether or not they are occupied. This may restrict options for other groups: a house let to a group of students two years ago may now be home to a family of asylum seekers.

Without a coordinated local approach to the use of private rented stock, many of the efforts made by local authorities in recent years to increase the supply of good quality, private rented accommodation could be undermined. Local environmental health and tenancy relations officers have responsibilities to enforce standards of private rented housing and many have developed strategies for improving the housing stock in their areas. Proactive enforcement strategies rely on encouraging occupants to report defective housing, accurate information sharing, effective joint working between national and local agencies, and clear lines of responsibility.

The new arrangements to accommodate and support destitute asylum seekers, introduced by the Immigration and Asylum Act 1999, continue to rely heavily on housing provided by the private rented sector. NASS - a large, newly-created agency based in Croydon with responsibilities for a wide variety of support functions - is attempting to procure, allocate, coordinate and monitor accommodation for asylum seekers nationwide. However, there is a danger that, without the involvement of local housing agencies and coordinated mechanisms for the procurement and monitoring of accommodation, NASS may repeat the mistakes previously made by local authorities which have been graphically illustrated in this report.

There are dangers within the NASS system that dislocation between local agencies and agencies housing asylum seekers may become more pronounced. The NASS system expects accommodation providers to provide a support service to asylum seekers by helping them to gain access to local legal, health and education services. These functions can only be effectively performed with the cooperation and involvement of local agencies.

Little political priority has been given to developing a system to house asylum seekers in appropriate, safe and healthy housing while they wait for a decision about their claim for asylum. However, the social costs of this lack of priority will have an impact on the wider community. Unless there is a more coordinated approach to the housing of asylum seekers, the public will continue to pay for vulnerable people to be accommodated in sub-standard accommodation and the only winners will be private landlords.

2 RECOMMENDATIONS

The government is under international obligations to provide housing and welfare to refugees while they are going through the process of applying for asylum. The aim must be to ensure that during this time, asylum seekers are provided with safe, decent and appropriate accommodation. Asylum seekers are a diverse group of people, who have complex needs and who have experienced profound trauma. They may be unable to speak English, and may be separated from loved ones. These factors must be recognised if housing and support services are to be appropriate, and provide value for money.

This study of asylum seekers placed in private rented accommodation shows that many of the problems could be averted by improving practice, the training of staff, coordination and information sharing.

The following recommendations are aimed at all agencies responsible for procuring, providing and monitoring accommodation for asylum seekers.

Review of the NASS system

With the NASS system well into its first year of operation, it is timely that the effectiveness of the system is assessed.

A thorough review of the current housing and support arrangements for destitute asylum seekers is needed. The main purpose of this review should be to assess the impact that arrangements are having on the well-being of asylum seekers, and the value for money achieved by the NASS system.

The review should particularly focus on the use of homes sub-contracted from private landlords, particularly in terms of accountability for meeting statutory and contractual accommodation standards.

The review should reconsider the appropriateness of the role of private landlords as providers of support. It should consider whether support might be delivered more effectively under a separate contract with agencies that have more appropriate experience and expertise.

The government should appoint a National Asylum Seeker Support Forum to undertake a review of the current arrangements and make recommendations. This forum should be independent and publicly accountable, and must include national agencies with experience of housing needs and standards, as well as agencies that specialise in refugee support.

Assessment of housing need

If the new system is to be successful, it is essential that all those involved in accommodating asylum seekers are sensitive to their diversity and needs. This approach should underpin the entire process, from the initial application for support through to management and monitoring of accommodation.

It is essential that asylum seekers are encouraged to give details of every factor that may affect their housing requirements when completing their application for support.

Voluntary sector staff, who are responsible for assisting asylum seekers to complete an application for housing support, should be trained in recognising housing need, and the detrimental effect that unsuitable housing can have.

It is important that, when referring people to accommodation, NASS takes into account all relevant aspects of housing need. This is particularly important where people are being placed in HMOs, where they will be sharing facilities with others. In these cases, not only

should the appropriateness of the actual accommodation be taken into account, but also any factors related to the existing occupants.

NASS staff should be trained in recognising housing need, and the implications of placement in different types of housing.

Emergency accommodation

The first few days after their arrival in this country are likely to be a time when people are at their most vulnerable. They may be disorientated and confused having experienced traumatic events in their home country, or a difficult journey to the UK.

It is important that emergency accommodation provides a welcoming, restful and safe environment for people newly-arrived in the UK.

The voluntary sector should ensure that emergency accommodation meets specified minimum statutory housing standards, local standards and appropriate contractual standards for facilities and levels of management.

Information

It is essential that asylum seekers are well-informed about the NASS housing system and empowered to tackle problems. They should be given as much information as possible about the standards of accommodation and facilities the landlord is required to provide, the standards of management and support services they should expect, and their options to insist on improvements or remedies if standards fall short.

A standard welcome pack should be developed by NASS, which should include inserts of local information.

- Packs should be produced in all appropriate languages
- Landlords should be required to display welcome pack information in the accommodation.

Standard information should include:

- an explanation of the dispersal and support system, including the standards of accommodation and service to be expected
- the procedure for making complaints.

Information produced locally should include:

- information about the dispersal area, including shops, recreational facilities and public transport
- details of local agencies and their role, including local environmental health departments, tenancy relations officers (if applicable), private tenants' groups (if applicable), legal advisers, refugee and community groups and the police. This should include addresses, telephone numbers, opening times, and maps showing location of offices
- answers to common questions about the area and information about particular local issues.

Agencies should be aware that some asylum seekers may have difficulty in understanding written information, even if this is provided in a language from their country of origin. This could be because of poor literacy or regional variations in dialect. It is therefore important that, where possible, information is also provided in visual or oral form.

NASS should consider providing initial information in video form. This would mean that people could be provided with information whilst travelling on coaches to the dispersal area or when they arrive at a support centre.

Advice through informal networks is also important, particularly where an individual might be reluctant to complain to their landlord or unable to read or fully understand more written information. People are likely to feel more comfortable discussing a problem with people from their own country who might have had similar experiences, than they are with a representative of an agency or a landlord.

NASS and regional consortia should encourage and, where necessary, financially assist, local refugee and community groups to provide information and advocacy.

Support centres

It will often be inappropriate to place vulnerable people immediately into unsupported accommodation. People who have experienced traumatic events in their home country, or a difficult journey to the UK, may need time in a supportive atmosphere before they are able to live independently.

Support centres can provide pleasant, supportive environments. They can be used as effective bases for consortium or dedicated local authority staff. Centres can also act as a focal point for recent arrivals, where interpreters, doctors, immigration advisers and other community support can visit on a regular basis. Support centres could provide a valuable information and advocacy resource, for both vulnerable new arrivals and people who had been dispersed to nearby accommodation.

Each regional consortium should provide a support centre in each cluster area where vulnerable people could be accommodated when they first arrive, and where those who are living independently can turn for information and support.

Liverpool City Council - support centre

To receive asylum seekers dispersed from the South East under the interim arrangements, Liverpool City Council developed a support centre in what had previously been a student hall of residence. The centre is located within pleasant grounds in a quiet area near to local amenities, and provided a welcoming, peaceful and supportive environment for new arrivals. The project team, including a number of translators, was based at the support centre and so staff were on site to welcome dispersed asylum seekers as they arrived and answer their queries. A GP was also on site at least once a week. Whilst asylum seekers were familiarising themselves with the locality and arranging legal advice, the project team assessed each household's housing need. They would then be placed into appropriate local accommodation. During their stay at the support centre, a number of single people made friends, and then approached the project team with requests to be housed together. The project team preferred to house single people in their own, self-contained accommodation. But when groups of friends formed in this manner, it was possible to place them together in shared houses or flats, which were generally easier to procure.

Regional consortia

Regional consortia form a vital link between NASS and individual local authorities. They have an important strategic role, working with local authorities to identify areas where people might be accommodated, and feeding this information back to NASS. They also have a crucial role in channelling information between NASS and individual authorities within the region.

Each regional consortium should urgently develop clear guidelines on its role, the role of its officers, the role of local representatives at consortium meetings, and the channels and methods of communication between agencies.

Regional consortia should work very closely with local housing authorities to develop a clear strategy for the use of the local housing stock. Housing departments have the strategic responsibilities for all housing in their areas and have direct experience of housing vulnerable and homeless people. Without careful local planning, housing contracted to accommodate asylum seekers will restrict the choices of other groups of poor and vulnerable people.

Regional consortia should establish good relationships with all relevant local authority departments - housing, environmental health and social services - in all the local authorities within their area.

It is important that all local authority front-line officers, such as EHOs, receive information circulated by NASS so that they are fully informed.

To improve joint working and to avoid confusion, wherever possible dialogue between individual local authorities concerning the housing and support of asylum seekers should take place via the regional consortia.

Regional consortia must work with local authorities to establish realistic mechanisms for the flow of information between NASS and all relevant local authority front-line officers in the areas where asylum seekers are being housed.

The Chartered Institute of Environmental Health (CIEH) Good Practice Principles on Asylum Seeker Accommodation

These good practice principles were originally drawn up by environmental health officers in the Greater London Centre Housing Study Group of the CIEH, to promote best practice and transparent working arrangements within and between local authorities. The principles were subsequently refined as a result of consultation and adopted by the CIEH. They were agreed between the CIEH and the Local Government Association (LGA) and issued to all local authorities in an LGA circular in February 2000.

1. Liaison arrangements should be established between relevant social services, housing and environmental health departments. These arrangements should include contact arrangements and response times for liaison with and between authorities. Consideration should be given to formalising these arrangements in a service level agreement. Each local authority should nominate officers within environmental health and social services/housing as contact points.

Environmental health departments should undertake to confirm conditions within the accommodation and inform social services and housing departments. Performance targets for a response should be agreed and monitored.

2. The placing authority should advise the receiving authority where asylum seekers are being housed and where they are moved out.

The receiving authority should report to the placing authority on the suitability of landlord, location and standards of management and maintenance at the accommodation.

3. The receiving authority should keep the placing authority informed of all relevant enforcement activity in respect of accommodation used for asylum seekers.

4. The HMO standards adopted by the receiving authority should be applied. If the placing authority wishes to visit a property this should be undertaken in consultation with the receiving authority. Such consultation arrangements might include joint visits.

Some authorities may have established a scheme for HMO registration, the standards of which will be applicable to asylum seeker accommodation. Authorities should also be aware that the contract with private sector providers will contain a specification of the standards with which accommodation is expected to comply.

5. Authorities and consortia involved in placing and receiving asylum seekers should ensure that information on irresponsible landlords is shared systematically.

Source: Chartered Institute of Environmental Health and Local Government Association

Local forums

This project has demonstrated that many people working locally are not sharing information, and at worst are hampering each others' best interests.

In each cluster area, local forums should be established to bring together all those involved with the housing and support of asylum seekers. The following agencies and individuals (or their local equivalent) should be involved:

- local housing authority officers
- environmental health officers
- tenancy relations officers
- social services officers
- private landlords
- immigration advisers and solicitors
- housing advisers and solicitors
- race equality councils
- refugee community groups
- health professionals
- education professionals
- the police
- religious organisations
- asylum seekers' representatives

Local forums should be split into sub-groups dealing with:

- accommodation
- immigration advice
- community relations
- education and employment
- recreation

Local forums must develop mechanisms to feed their ideas and concerns back to the regional consortia.

Local forums should also agree clear procedures for joint working at local level. This should include procedures for advisers and community groups wishing to refer asylum seekers' complaints or concerns to local authority officers.

Procurement of accommodation

It is important that NASS's procurement of accommodation does not undermine the strategic housing role of local authorities, particularly those seeking to improve the supply and standard of private rented accommodation in their areas. Local authorities should have input into where accommodation will be contracted in their areas.

NASS should require private accommodation providers to liaise and consult with local authorities via the regional consortia before sub-contracting accommodation from private letting agents and landlords. This would allow the local authority to express concerns about accommodation already subject to notices requiring works, or offered by landlords with a poor record of management.

NASS accommodation providers should provide local authority environmental health departments with information on accommodation they intend to sub-contract. This information should include the name of the property manager and/or owner, the address of the property, and other details, such as the number of intended bedspaces and the number of storeys.

Safe Haven Yorkshire

Safe Haven Yorkshire (SHY) is a partnership between two registered social landlords: South Yorkshire Housing Association Limited and Yorkshire Community Housing Association. The agency provides accommodation and support to asylum seekers under contract to NASS. Some accommodation is owned by the registered social landlords and some is sub-contracted from private landlords. SHY has developed a clear policy for procuring accommodation from private landlords.

- SHY liaises with local social services asylum teams and environmental health officers on the suitability of areas in which to procure accommodation.
- When landlords call to offer accommodation, the SHY property coordinator discusses the terms of the contract, including the standards to be met.
- SHY refers to the NASS contract as a minimum for standards on space, condition and facilities. It also requires landlords to bring properties up to local environmental health standards before accepting them.
- All SHY's surveyors are trained in local environmental health standards. In liaison with the local authority environmental health service, a SHY surveyor inspects the property and draws up a schedule of works and certificates needed.
- In the case of large HMOs, SHY works closely with fire service officers and food safety officers over conditions.
- Before the contract is agreed, checks are made to ensure that the specified work has been completed, and office checks are made to ensure all safety certificates have been received.
- When NASS refers a household to a property, another check is made to ensure that the accommodation is suitable for the household's needs (for example, cots and safety gates if the household includes children).

NASS contract specifications

There is a need to ensure that NASS contract specifications for standards of accommodation, furnishing and facilities specifically list the same requirements as current housing legislation. It is not enough for the specification to state that accommodation ‘must meet all regulatory requirements’.

The NASS specification should state that all furniture and furnishings should comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 and 1993).

The NASS specification should state that all HMOs must have adequate means of escape from fire and adequate other fire precautions, as defined by the local authority.

There is a need for NASS to produce definitions and guidance on the contract specifications. For example, guidelines on how providers should ‘facilitate’ registration with medical services, or what NASS would consider to be adequate facilities.

There is a need to ensure that accommodation providers and sub-contractors are responsive to the individual needs of occupants, and treat all occupants in a fair, sensitive and respectful manner.

The NASS specification should require all accommodation providers to have equal opportunities procedures, and ensure that all accommodation managers comply with this.

Re-letting of accommodation

Accommodation must meet statutory and contractual standards throughout the entire duration of the contract. It is likely that accommodation will have a high turnover of occupants throughout the contract period. This could result in greater wear and tear. It is important that subsequent occupants can be assured of the same standards of accommodation, furnishings, decor, facilities and appliances as the first occupant.

NASS contracts should require accommodation providers to maintain standards throughout the duration of the contract period.

NASS should produce clear guidelines for accommodation providers for the procedure to be followed before a new occupant moves in. These should include requirements to change the locks, thoroughly clean the accommodation, check that appliances are in good working order, launder bedding and replace any items that are missing or damaged.

Monitoring and enforcement of housing standards

Local authority environmental health officers must take the lead role in inspecting private rented accommodation within their localities, whether this is accommodation contracted directly by NASS, regional consortia, local social services departments or voluntary agencies. Environmental health staff are specifically qualified and trained to assess standards of accommodation in relation to the occupants, and not just in terms of ‘bricks and mortar’ standards.

One of the following approaches should be adopted:

- **service level agreements should be established between the regional consortia and local authority environmental health departments, with resources provided to fund dedicated posts.**
- **regional consortia should employ an adequate number of dedicated EHOs to work closely with each environmental health department in the consortium area.**

All dwellings, including HMOs, should be inspected by a qualified environmental health officer before people are placed in the dwelling. Regular inspection programmes must then be established.

To take a proactive approach to inspection, local authorities must have clear information about all the accommodation in their areas contracted or sub-contracted to accommodate asylum seekers.

NASS must require accommodation providers to inform local authorities, via the regional consortia, of the addresses of all accommodation in their areas in which asylum seekers have been placed, along with the contact details of the accommodation manager and/or owner.

Regional consortia should establish a register of this information.

Local EHOs should inform the main accommodation provider and NASS of any enforcement action taken against sub-contractors.

Local authorities should ensure that any enforcement notices served on NASS sub-contractors should be copied to the main accommodation provider and to the performance monitoring section of NASS.

There must be effective mechanisms for enforcement if standards are not met.

Contracts should include provisions to withhold payments where standards fall, until faults are rectified.

Working with local landlords

There is a need for regional consortia and main accommodation providers to develop a good working relationship with local landlords sub-contracting accommodation to NASS. In this way, problems can be resolved informally without the need for expensive and time-consuming enforcement action.

Regional consortia via local authorities should actively work with local landlords to ensure that good landlords are encouraged and supported.

Private landlords expressing an interest in providing asylum seeker accommodation should be required to be trained to know how to deal with issues relating to this client group.

Rates for contracted accommodation

To avoid a reduction in the supply of private rented accommodation for other groups, rates offered to landlords under NASS contracts must be compatible with local rent levels.

Rates paid to contracting landlords should be higher than local reference rents as determined by local Rent Officers to reflect the additional service they are being expected to provide. But in return for higher rates, landlords must provide value for money housing and management services.

NASS, regional consortia and accommodation providers should work closely with the local Rent Service to set reasonable rates of payment for accommodation sub-contracted to NASS.

The housing element of support should be contracted and paid for per dwelling rather than per person. This would prevent landlords from overcrowding accommodation, or moving strangers into shared houses. Only the support services provided by accommodation providers should be paid for per person.

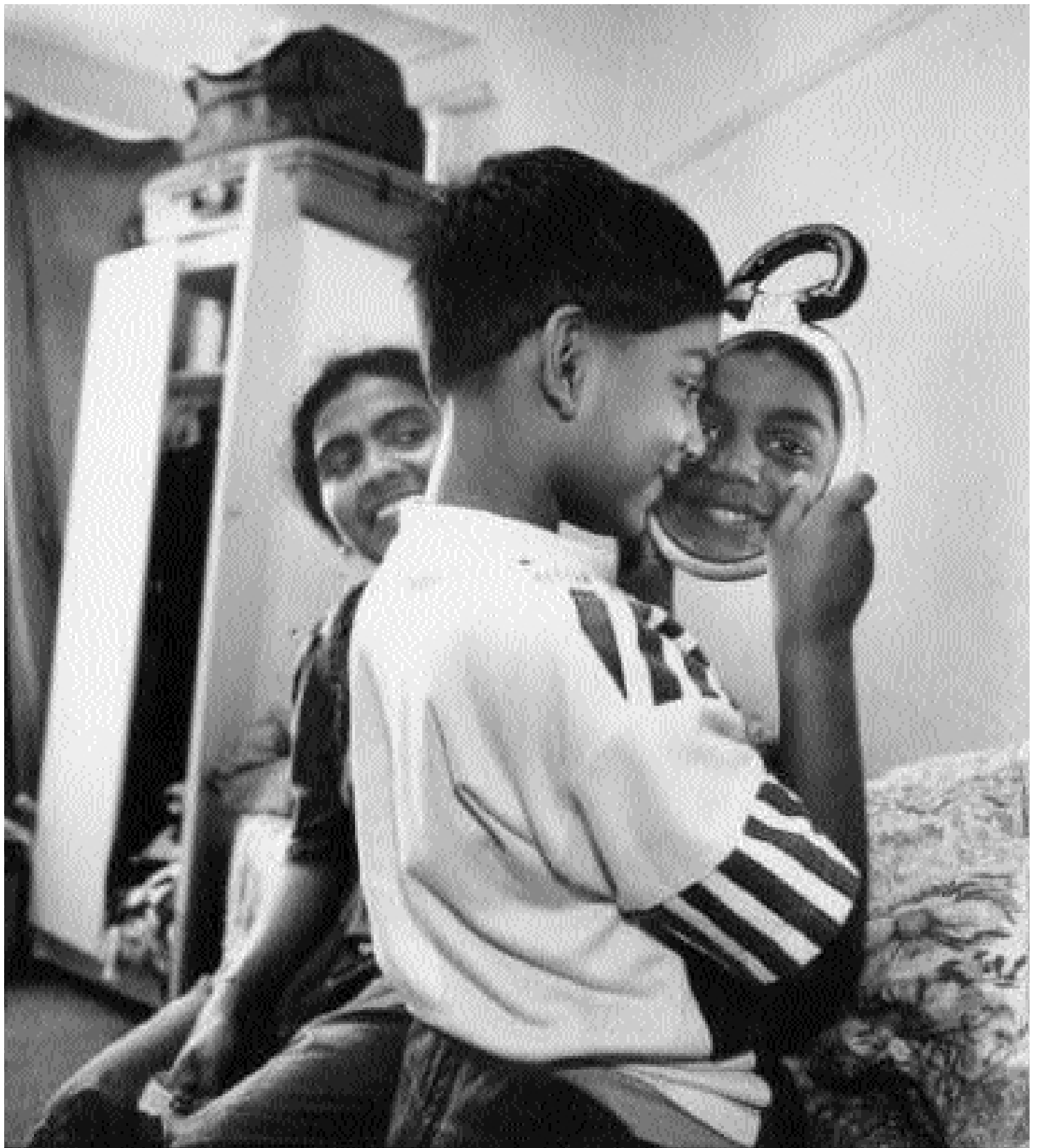
Housing of asylum seekers by local authorities

Local authority social services departments will continue to be responsible for housing some destitute asylum seekers for some time. It is important that local social services departments work closely with local housing and environmental health departments to ensure that accommodation meets statutory, contractual and local standards.

There should be a clear specification for the standards of accommodation and management expected from contractors.

Mechanisms must urgently be put in place to ensure that all accommodation contracted by local authorities is inspected by a qualified EHO prior to placement, and on a regular basis throughout the contract.

Social services departments should ensure that asylum seekers are provided with information about the standards of accommodation to expect and how to tackle problems (see point 4 above).



Appendices

APPENDIX ONE: Entitlements of asylum seekers to housing and support (December 2000)

Date of asylum claim	Place of asylum claim	Status of asylum claim	Entitled to:	Not entitled to
Before 3 April 2000	Port of entry	Awaiting first decision	<ul style="list-style-type: none"> • apply to the local housing authority for homelessness assistance • find their own privately rented accommodation • apply to DSS for welfare benefits, such as income support, and local authority for housing benefit 	<ul style="list-style-type: none"> • a local authority tenancy or licence • apply for permanent social housing via the local housing register
Before 3 April 2000	Port of entry	Received a first negative decision (in England and Wales before 25 September 2000) and awaiting outcome of any appeal	<ul style="list-style-type: none"> • apply to the local social services authority for essential living expenses and accommodation, provided anywhere in the country on a no choice basis 	<ul style="list-style-type: none"> • welfare benefits • homelessness assistance • apply for permanent social housing via the local housing register
Before 3 April 2000	Port of entry	Received a first negative decision (in England and Wales after 25 September 2000) and awaiting outcome of any appeal	<ul style="list-style-type: none"> • if childless household, apply direct to NASS for essential living needs vouchers and accommodation, provided anywhere in the country on a no choice basis • if children in household (school age children should not be dispersed), apply via the local social services authority to NASS, which will reimburse the authority the costs of existing accommodation and support 	<ul style="list-style-type: none"> • welfare benefits • more than £10pw in cash • homelessness assistance • apply for permanent social housing via the local housing register • protection from eviction
From 3 April 2000	Port of entry	Awaiting first decision, or received first negative decision and awaiting outcome of any appeal	<ul style="list-style-type: none"> • apply to the NASS for essential living needs vouchers and accommodation, provided anywhere in the country on a no choice basis 	<ul style="list-style-type: none"> • welfare benefits • more than £10pw in cash • homelessness assistance • apply for permanent social housing via the local housing register • protection from eviction
Before: <ul style="list-style-type: none"> • 3 April 2000 • 17 April 2000 • 24 July 2000 • 31 July 2000 <ul style="list-style-type: none"> • 14 August 2000 <ul style="list-style-type: none"> • 29 August 2000 	In country, in: <ul style="list-style-type: none"> • Scotland, Northern Ireland • Kent • London • North East, Yorkshire & Humberside, Wales • North West, East Midlands, Eastern, South West, South Central • West Midlands, Sussex 	Awaiting first decision, or received first negative decision and awaiting outcome of any appeal	<ul style="list-style-type: none"> • apply to the local social services authority for essential living expenses and accommodation, provided anywhere in the country on a no choice basis 	<ul style="list-style-type: none"> • welfare benefits • homelessness assistance • apply for permanent social housing via the local housing register
From: <ul style="list-style-type: none"> • 3 April 2000 • 17 April 2000 • 24 July 2000 • 31 July 2000 <ul style="list-style-type: none"> • 14 August 2000 <ul style="list-style-type: none"> • 29 August 2000 	In country, in: <ul style="list-style-type: none"> • Scotland, Northern Ireland • Kent • London • North East, Yorkshire & Humberside, Wales • North West, East Midlands, Eastern, South West, South Central • West Midlands, Sussex 	Awaiting first decision, or received first negative decision and awaiting outcome of any appeal	<ul style="list-style-type: none"> • apply to NASS for essential living needs vouchers and accommodation, provided anywhere in the country on a no choice basis 	<ul style="list-style-type: none"> • welfare benefits • more than £10pw in cash • homelessness assistance • apply for permanent social housing via the local housing register • protection from eviction

APPENDIX TWO: The NASS specification

Occupancy conditions

Only asylum seekers can be housed in accommodation provided under NASS contracts. Accommodation providers are required to ensure that occupants have exclusive use of a room, unless they have requested to share. Accommodation provided under the 1999 Act is specifically excluded from security of tenure provisions and cannot be let under secure or assured tenancies. Therefore, in law, most people will have a common law, or ‘unprotected’, tenancy. In cases where the landlord has a valid reason to enter the accommodation, such as to provide a cleaning service, the occupant will have license to occupy the dwelling. NASS require accommodation providers to provide a written occupancy agreement in a language that can be understood by the asylum seeker. NASS has produced a model occupancy agreement. This contains a limited amount of information on the standards that occupants should expect in relation to their accommodation, including:

At the commencement and throughout the period of occupancy, the property should be structurally sound, in a wind and water-tight condition, and in a reasonable state of repair and maintenance. This includes details of how to report a repair and timescales within which repairs should be carried out.

A day-to-day housing management service to deal with and resolve any issues arising from the occupancy. This, again, includes details of how to report such issues.

The provision of furniture and utensils for use within the property, with details listed on an attached schedule.

The supply of electricity, gas (where available to the property), water and waste/sewage disposal, sufficient for the occupant to heat and light the property, to cook, to run any essential appliances supplied, to provide fresh water and remove waste. Some or all of these utilities may be metered.

The specific standards, as required in the specification for providers (see below), are not set out in the occupancy agreement.

Reception services

Accommodation providers are responsible for meeting asylum seekers when they arrive in the dispersal area and escorting them to their accommodation. They are responsible for ensuring that asylum seekers are given an induction to the dwelling, including an explanation of operating instructions for any equipment provided and instruction on the action to be taken in the event of a fire. Providers must also ensure that occupants understand the conditions by which they take up the accommodation. Interpreters should be provided if NASS has indicated this is necessary. NASS’s specification requires that, ‘wherever practical’, occupants should be provided with written material explaining services and obligations.

In addition to receiving dispersed asylum seekers and familiarising them with their accommodation, landlords contracted to NASS are expected to play a much wider role in supporting and advising new arrivals. NASS’s specification requires accommodation providers to ‘facilitate’ registration with local health services, including general practitioners and dentists, and ‘advise’ families on local schooling facilities. Arrangements should be made for people with emergency or special needs to gain access to the appropriate support services. Accommodation providers are also required, if asked, to provide details of local solicitors and immigration advisers, as well as other local services.

Quality of accommodation

NASS’s specification sets out the standards of accommodation that must be provided. These include:

Property. The premises must be fit for human habitation³², and meet all regulatory requirements. Lighting and ventilation are specifically mentioned. There should be an adequate and safe supply of electricity, water and other utilities. The premises must be fitted with smoke alarms in full working order, and have fire notices which are capable of being understood by occupants. All electrical and gas appliances provided must conform with regulatory requirements. The premises must have rooms of a sufficient size to accommodate the appropriate furniture and activity. The premises should also meet security requirements, including locks on doors to individual dwellings.

32. As defined in the Housing Act 1985, or above the tolerable standards as defined in the Housing (Scotland) Act 1987

Furnishings and facilities. The premises must be decorated to a standard ‘that might reasonably be expected for the type and locality of the premises’. It must be furnished and fitted-out ‘to a reasonable standard, taking into account the status and limited means’ of occupants. Where a food service is not provided, there should be ‘adequate’ kitchen facilities, including cookware, crockery and towels. There should be ‘appropriate’ bedding and bathroom facilities. Lockable cupboards must be provided where occupants are sharing rooms.

Children. Where there are children living in the premises, the provider should ensure that safety features are installed, ‘adequate’ furniture and equipment is provided, and that there are ‘appropriate’ play areas both inside and outside the premises.

In the case of HMOs, additional standards are required. These include:

Occupancy. Each occupant should have exclusive use of a room, although this can be shared by up to three people if it is of the appropriate size and there is a connection between the sharers. Occupants of conflicting nationalities or groups should not be permitted to share rooms. Room occupancy must not exceed the specifications of the local authority. The accommodation provider should maintain a daily registration sheet which lists the permitted number of occupants for each room.

Facilities. Where facilities are shared, there should be at least one bath, or shower, and WC per five occupants, and living and dining room space of at least four metres squared per occupant. Where full board is not provided, there should be at least one kitchen facility per five occupants. All communal areas must be kept clean and tidy, and cleaning materials must be provided to enable occupants to clean their own rooms. There should be access to first aid facilities.

Additional standards. Where an HMO registration or licence scheme is in operation by the local authority, the provider must register with the local authority, and ensure that the dwelling meets any further requirements specified locally.

Complaints

NASS expects that, wherever possible, asylum seekers who are unhappy about the standards of their accommodation or related services should deal informally with their landlord. Accommodation providers are expected to deal with complaints within seven days, and record the outcome in a log book. If the occupant is still unhappy, the landlord should assist them to contact the nearest voluntary sector One Stop Service for appropriate advice and advocacy. The accommodation provider is responsible for referring unresolved complaints to NASS. Complaints of harassment must also be reported to the landlord. If the harassment complaint is against the provider, or the provider’s agents or staff, then a complaint can be made directly to NASS.

Monitoring of standards

The NASS specification requires accommodation providers to ensure that the premises have been inspected prior to placement, and all necessary works have been carried out and checked to ensure that it is in good repair and ready for occupation. Providers are also required to carry out regular checks throughout the occupation to identify any necessary repairs, maintenance or housing management problems.

In July 2000, the government confirmed NASS’s approach to the monitoring of standards of accommodation³³. Under a Service Level Agreement, signed with the Property Advisers to the Civil Estate (PACE), PACE officials are responsible for inspecting dwellings to ensure that the standard of accommodation provided complies with the terms of the contract. In addition, NASS has established a Performance Monitoring Inspections Team to carry out inspections in conjunction with PACE to ensure that accommodation providers are complying fully with the contract in terms of effective housing management and access to support services. The team comprises around twenty inspectors, based in Croydon. It does not appear that inspectors are required to have environmental health experience. NASS inspections will mainly be carried out in response to complaints, however a programme of proactive inspections is also planned. NASS is yet to set final targets, but the accommodation inspection team is required to inspect all NASS-contracted HMOs with twenty bedspaces or more by 31 March 2001³⁴. Although serious breaches of contractual requirements could lead to termination of the contract, it remains unclear as to what action is likely to be taken if NASS contractors are found to be in breach of statutory or contractual standards.

33. Hansard 12 July 2000

34. Hansard 20 July 2000

APPENDIX THREE: Disrepair: Landlords' obligations and the scope for local authority action

This lists the duties placed on landlords through contract and statutory obligations to repair and maintain their dwellings. It also sets out the circumstances and mechanisms through which local authorities can enforce action against landlords for poor standards. Lastly, it lists some avenues some local authorities have explored to set up schemes in their area to improve the private rented sector.

1 Contractual responsibilities

Where tenants have written tenancy agreements, the landlord's obligations to repair and maintain the property will be contained in the agreement. Under section 11 of the Landlord and Tenant Act 1985, landlords have duties to carry out structural and external repairs, and to maintain essential supplies such as water, gas and electricity and heating installations in good repair.

2 Statutory responsibilities

Housing fitness standard

The Housing Act 1988 sets down a standard of fitness for human habitation for dwellings, and places responsibilities on local housing authorities to take steps to ensure that landlords in their area remedy unfitness. Although the government has produced guidance³⁵, the application and enforcement of the fitness standard rests with the local authority.

A dwelling house is fit for human habitation unless, in the opinion of a local housing authority, it fails to meet one or more of the following requirements and so is not reasonably suitable for occupation:

- it is free from disrepair
- it is structurally stable
- it is free from dampness prejudicial to the occupants' health
- it has adequate provision of lighting, heating and ventilation
- it has an adequate piped supply of wholesome water
- it has an effective system for the drainage of foul, waste and surface water
- it has a suitably located water-closet for the exclusive use of occupants
- it has for the exclusive use of occupants a suitably located bath or shower and wash-hand basin, each of which is provided with a satisfactory supply of hot and cold water
- there are satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water.

Fitness of HMOs

In addition to the fitness standards outlined above, there are particular requirements laid down for the fitness of HMOs for the numbers of occupants³⁶. These requirements are that a HMO has:

- satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a satisfactory supply of hot and cold water;
- an adequate number of suitably located water-closets for the exclusive use of the occupants;
- for the exclusive use of the occupants, an adequate number of suitably located fixed baths or showers and wash-hand basins each of which is provided with a satisfactory supply of hot and cold water;
- adequate means of escape in case of fire;
- adequate other fire precautions.

35. Department of the Environment circular 17/96

36. Section 352 of the Housing Act 1985

Unlike section 604, each local authority sets its own local standards for the fitness of HMOs (for example, the ratio of facilities to the number of occupants required in a particular type of HMO). However, detailed guidance³⁷ is given by central government, particularly on means of escape in case of fire and other fire precautions. Section 369 of the Housing Act 1985 also requires managers of HMOs to comply with the Housing (Management of HMOs) Regulations 1990. These require managers to ensure the repair, maintenance, cleansing and good order of all existing shared facilities. This includes ensuring that all means of escape from fire and other fire precautions are kept in good order and repair.

3 Enforcement action

Enforcement action involves serving the owner or manager of the accommodation with a statutory notice - commonly known as a 'notice requiring works' - as the first step in legal proceedings. The notice will specify the works required to bring the property up to standard and specify the time limits within which the works must commence and be completed. Failure to comply with a statutory notice is a criminal offence. The local authority can prosecute, or carry out the works in default, or both. If a prosecution is successful, the landlord or manager can be fined. Local authorities also have powers to order a limit on the number of occupants of an HMO (direction orders), or to order that parts of the premises are closed off to occupants until they are brought up to standard (closing orders). If local authorities feel that living conditions are so poor that they threaten the safety, welfare or health of the occupants, they have the power to enter and take control of the HMO in order to carry out the necessary works (control orders). Local authorities have discretionary powers to make grants to landlords towards the costs of works to make accommodation meet the standards set down by sections 352 and 604 of the Housing Act 1985.

4 Local authorities' discretionary schemes

The lack of an effective regulatory framework across the sector, and the time and resources that can be entailed in identification of privately let dwellings and statutory enforcement action, has led many local authorities to set up schemes requiring landlords to register with the authority and comply with its standards, or encouraging responsible private landlords to work in partnership.

HMO registration schemes

Local authorities have powers under Part XI of the Housing Act 1985 to make registration schemes for HMOs in their areas. Under these schemes, landlords of specified HMOs have a legal responsibility to register their dwellings with the authority and to provide and maintain required standards. They may be refused registration if the authority considers that they are not a 'fit and proper person' to manage the HMO. However, in July 2000 there were only 81 registration schemes in England covering about 10,000 HMOs.

Accreditation schemes

Accreditation schemes, as they are commonly known, are based on landlords who voluntarily join the scheme adopting a code of practice or a set of standards. Most schemes are targeted at the private rented sector generally, though several target specific types of letting, for example those accommodating students. The positive side of accreditation schemes is that they may give responsible landlords market advantage, and in some schemes accreditation may be accompanied by other potential benefits such as assistance by way of grant, nominations of tenants or improved delivery of housing benefit. They also enable local authorities to target more rigorous enforcement action at those landlords who do not co-operate. The negative side is that, because they are voluntary, less responsible landlords can ignore their provisions. Most schemes cover only a small fraction of private lettings and are at an early stage of development, although it is known that the number of such schemes has increased in recent years.

Private rented sector forums

Many local authorities run regular landlords' forums or other means of working with private landlords in order to raise standards, spread good practice and become familiar with landlords operating in their area.

37. Department of the Environment Circular 12/92

Monitoring Asylum Seeker Placements in the Private Rented Sector

Q1. What led to your visit to the dwelling?

- ☐ Direct contact, or complaint, from asylum seeker household
- ☐ Complaint from a neighbour
- ☐ Referral from a voluntary organisation
- ☐ Referral from within your own local authority area (e.g. social services)
- ☐ Referral from outside your own local authority area (e.g. placing authority)
- ☐ Referral from a regional consortium
- ☐ Proactive inspection programme

AREA: 1

Initials:

Q2. What is the dwelling type?

- ☐ Singly occupied house
- ☐ Purpose-built flat or maisonette
- ☐ Converted flat or maisonette
- ☐ Bedsit
- ☐ Bed & breakfast hotel
- ☐ Annex of bed & breakfast hotel
- ☐ Private hostel
- ☐ Shared house

Q3. How many rooms does the dwelling have?

	Exclusive use	Shared use
Bedrooms		
Living rooms		
Kitchens		
Bathrooms		
WCs		
Other		

Q4. Is the dwelling fit for human habitation under the following standards?

	Yes	No
Free from serious disrepair	<input type="checkbox"/>	<input type="checkbox"/>
Free from dampness prejudicial to health	<input type="checkbox"/>	<input type="checkbox"/>
Adequate lighting, heating and ventilation	<input type="checkbox"/>	<input type="checkbox"/>
Adequate water supply	<input type="checkbox"/>	<input type="checkbox"/>
Satisfactory facilities for the preparation and cooking of food	<input type="checkbox"/>	<input type="checkbox"/>
Suitably located WC	<input type="checkbox"/>	<input type="checkbox"/>
Suitably located bath (or shower) and wash hand basin	<input type="checkbox"/>	<input type="checkbox"/>
Infestation	<input type="checkbox"/>	<input type="checkbox"/>

Q5. If the dwelling is a House in Multiple Occupation, is it suitable for the number of occupants, and suitably managed, in accordance with the following standards?

	Yes	No
Satisfactory facilities for the storage, preparation and cooking of food	<input type="checkbox"/>	<input type="checkbox"/>
Adequate number of suitably located WCs	<input type="checkbox"/>	<input type="checkbox"/>
Adequate number of suitably located baths (or showers) and basins	<input type="checkbox"/>	<input type="checkbox"/>
Adequate means of escape from fire	<input type="checkbox"/>	<input type="checkbox"/>
Adequate other fire precautions	<input type="checkbox"/>	<input type="checkbox"/>
Repair, maintenance and cleansing of common areas	<input type="checkbox"/>	<input type="checkbox"/>
Satisfactory arrangements for the disposal of refuse	<input type="checkbox"/>	<input type="checkbox"/>
Means of escape from fire kept clear of obstructions	<input type="checkbox"/>	<input type="checkbox"/>

Q6. Is the dwelling currently occupied by an asylum seeker household? (If No, go straight to Q12)

☐ Yes

☐ No

PTO ➔

Q7. Before your visit, were you aware the dwelling was housing an asylum seeker household?

☐ Yes ☐ No

Q8. How many people appear to be living in the dwelling?

Adults	
Children (under 10)	
Landlord (and/or family)	

Q9. How did the asylum seeker household come to occupy the dwelling?

- ☐ Placement by your authority's social services department
☐ Placement by another authority's social services department
☐ Placement by consortium (either first placement or move-on)
☐ Placement by your authority's housing department (Homeless Persons Unit)
☐ Placement by another authority's housing department (Homeless Persons Unit)
☐ Placement by Refugee Arrivals Project (RAP) or other similar agency
☐ Self-placed (including via a letting agent)
☐ Moved in with family or friends

Q10. How long have the household been living in the dwelling?

- ☐ Less than 3 months ☐ 12-18 months
☐ 3-6 months ☐ 18-24 months
☐ 6-12 months ☐ Over 24 months

Q11. Does the dwelling meet the needs of the household?

	Yes	No
Mobility or other medical	<input type="checkbox"/>	<input type="checkbox"/>
Sufficient space (e.g. if overcrowded, tick 'No')	<input type="checkbox"/>	<input type="checkbox"/>
Location (e.g. near to sources of support, amenities)	<input type="checkbox"/>	<input type="checkbox"/>
Social (e.g. household suffering harassment)	<input type="checkbox"/>	<input type="checkbox"/>
Facilities (e.g. adequate cooking utensils, bedding)	<input type="checkbox"/>	<input type="checkbox"/>

If you are NOT responsible for enforcing standards, please go straight to comments.

Q12. If the property is sub-standard, what action do you intend to take?

- ☐ Negotiate with the landlord ☐ Serve a works notice
☐ Report back to the referral Agency ☐ Other.....

Q13. Has the local authority previously taken enforcement action against this landlord?

☐ Yes ☐ No

Q14. Is this the first time the dwelling has been privately rented?

☐ Yes ☐ No

Any other comments from you or the household (please attach another sheet if necessary):

.....

Please return to Shelter's Campaign for Rented Rights, 88 Old Street, London, EC1Y 9HU (Fax: 020 7505 2167)