

# Birmingham City Council

## Report to Cabinet

21<sup>st</sup> July 2020



**Subject:** “FOUNDATION FOR INTEGRATION” APPLICATION TO THE ASYLUM MIGRATION & INTEGRATION FUND

**Report of:** Professor Graeme Betts  
Director for Adult Social Care

**Relevant Cabinet Member:** Cllr John Cotton - Social Inclusion, Community Safety & Equalities  
Cllr Sharon Thompson - Homes & Neighbourhoods  
Cllr Paulette Hamilton - Health & Social Care

**Relevant O &S Chair(s):** Cllr Penny Holbrook - Housing & Neighbourhoods  
Cllr Rob Pocock - Health & Social Care

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference: 007793/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 The purpose of the report is two-fold. Firstly, to brief Cabinet on a bid which was submitted to the Asylum Migration & Integration Fund (AMIF); EU funding

administered by the Home office. The bid was submitted for the 6<sup>th</sup> May deadline with a total value of £1,470,621.

- 1.2 Secondly, if the bid is successful it is to request approval to accept funding and enter into a partnership agreement with the named project partners to be able to begin delivery of the project from 1<sup>st</sup> November 2020.

## **2 Recommendations**

### **2.1 That Cabinet**

2.1.1 Notes and retrospectively approves the bid to the Asylum Migration & Integration Fund, which was submitted for the 6<sup>th</sup> May 2020 Home Office deadline.

2.1.2 If the bid is successful, delegates the Director of Adult Social Care, in consultation with the Chief Finance Officer and the City Solicitor (or their nominees) to consider whether any grant conditions require further approvals, and, if not, to accept funding from AMIF, as well as agree to the Council being the lead partner accountable body for the bid.

2.1.3 Authorises the Director for Adult Social Care, in consultation with the Chief Finance Officer and the City Solicitor (or their nominees), to enter into a partnership agreement with the Birmingham & Black Country Refugee and Migrant Centre (RMC), Central England Law Centre (CELC), and the Asylum Support and Immigration Resource Team (ASIRT), as set out in this report. This is only if the bid is successful and for a period from 1<sup>st</sup> November 2020 to 31<sup>st</sup> April 2022.

2.1.4 Authorises the City Solicitor to negotiate and execute any documents to give effect to the above recommendation.

## **3 Background**

3.1 The Asylum, Migration and Integration Fund (AMIF) is EU funding, administered by the Home Office as the UK Responsible Authority. In this call, funding is intended for delivery of the National Integration Objective: *Supporting legal migration to Member States in accordance with their economic and social needs and promoting the effective integration of third-country nationals*. Applications are invited from Devolved Administrations, Local and Regional Authorities and public bodies.

3.2 This call closed on Wednesday 6<sup>th</sup> May 2020 and was the last opportunity to apply for AMIF funding due to Brexit. Several factors influenced the decision to submit a bid within a short timeframe, meaning that seeking Cabinet approval in advance of submission was not possible and resulting in this request for retrospective approvals:

- 3.2.1 A new Commissioning Manager for the workstream coming into post and only becoming aware of the Fund at a late stage in the application window;

- 3.2.2 The increase of the level of grant funding from 75% to 90% at a late stage of the application window;
  - 3.2.3 The emergence of a valuable proposal that was based on sustaining existing project work with existing partners, and was therefore feasible within the timeframe;
  - 3.2.4 The expected impact of Covid-19 on the asylum, refugee and migration context in Birmingham starting to become evident in mid-April, further underlining the need to ensure future funding for these work areas.
- 3.3 In mitigation of this, all relevant Cabinet Members were briefed during the development of the bid and all provided their support.
- 3.4 Birmingham City Council is not currently in receipt of any other AMIF funding. Should this application be successful, and should Cabinet authorise acceptance of the funding, it will allow for the continuation and further development of two critical projects in the Refugees & Migration team (Adults Social Care Commissioning – Prevention):
- 3.4.1 Local Authority Asylum Seeker and Refugee Liaison (LAASLO / Move-On) project, originally funded at a rate of 50% by MHCLG and 50% by the Home Office;
  - 3.4.2 Preventing Crisis, Enabling Integration project, currently funded 100% by MHCLG's Controlling Migration Fund.
- 3.5 These projects are due to end on 30<sup>th</sup> November 2020 and 31<sup>st</sup> October 2020 respectively and further funding or reopening of these funding streams by MHCLG has not been forthcoming.
- 3.6 Within the Refugees & Migration workstream these two projects are the only ones that work in the prevention and early action space with a wide range of the city's migrant, asylum seekers and refugees to help prevent crisis and destitution, thereby reducing cost on council services and society and facilitating more positive integration outcomes in terms of access to rights and community cohesion.
- 3.7 Prevention and early action work with migrant groups in Birmingham is also crucial to Covid-19 recovery. The Home Office asylum system is currently under unprecedented strain, given a) a 3 month pause on exits from Home Office accommodation and support; and b) a huge rise in asylum claims by people who have hit crisis as a result of Covid-19. The volume of people that will be exiting asylum accommodation over the coming months set against existing pressures on homelessness prevention services, means that without clear pathways in place the risks of falling into destitution for this group are high, regardless of the outcome of their claim.

- 3.8 The funding will allow fulfilment of the following key outcomes:
- 3.8.1 Improve orientation and move-on support for new refugees in Birmingham following a positive asylum decision, thereby reducing the risks of destitution, homelessness, poor physical and mental health, and modern slavery,
  - 3.8.2 Consolidate existing good practice in creating a genuine “Welcome to Birmingham” offer for new refugees, thereby improving awareness of life in the UK and community cohesion,
  - 3.8.3 Improve access to information, guidance and legal advice concerning employment, housing, immigration and welfare rights for new refugees and people with recourse to public funds, thereby improving their ability to settle and meaningfully contribute in the city,
  - 3.8.4 Provide access to regulated, reliable and free legal advice for destitute citizens with no recourse to public funds, thereby resolving extended periods of destitution and stasis; equipping the individual towards independence and reducing the burden of destitution on council services, and
  - 3.8.5 Increase understanding and awareness of different immigration rights and entitlements by frontline practitioners including BCC Staff, thereby improving the quality of decision making and reducing the likelihood of legal challenge.
- 3.9 The Council’s City of Sanctuary Policy Statement 2018-22 sets out the commitment to working with the voluntary and community sector to increase the resources available in the city which can:
- Prevent crisis and destitution
  - Enable meaningful employment and participation in the city’s economy
  - Enable engagement and connections to social and community networks
  - Enable active citizenship in the city and its neighbourhoods
- 3.10 During 2017 Birmingham’s Destitution Steering Group developed a Third Sector Immigration Advice Strategy with the input of officers from Birmingham City Council. The group comprises of sixteen voluntary sector organisations which provide specialist immigration, housing and welfare advice and support to asylum seekers, refugees and migrants. The vision for the strategy is for “statutory and charitable agencies working together across Birmingham to provide a clear consistent pathway to support all people subject to immigration control so they can build settled, healthy and fulfilling lives and consequently contribute to the economic and social wellbeing of the city”. One of the ambitions of the bid to the AMIF is to provide the resource to continue to realise this vision and deliver elements of the strategy.
- 3.11 The following headlines set the context, scope and rationale surrounding existing workstreams that also inform the bid to AMIF:

- 3.11.1 Incoming migration of new arrivals (asylum seekers, refugees and migrants) is approximately 15,000 people to Birmingham each year with an existing migrant population (non-UK born) of 250,000.
- 3.11.2 Included in these figures, it is estimated that approximately 840 people per year will leave Home Office accommodation once their asylum claim has been concluded. Of these, approximately 280 will be given leave to remain and will need support to access and be part of mainstream society. Many of the remaining 560 will appeal a negative decision, and if they choose to appeal, roughly 50% will be successful.
- 3.11.3 Birmingham's other main challenge is the diversity of new arrivals. Feedback from statutory and voluntary sector services has identified people from 120 countries who require advice and support. The movement into the city of asylum seekers, refugees and migrants is also not evenly dispersed and distributed across the city. 34 of the city's 69 Wards have accounted for just 11% of new migrant GP registrations since 2013, whilst seven Wards have seen registrations of 7,000 people or more in that time.
- 3.12 The named partners are accredited and regulated by the Office of the Immigration Service's Commissioner for the provision of immigration advice. They are also all charities, registered and regulated by the Charities Commission.
- 3.13 The three project partners were selected on the basis of their involvement in the two existing projects that are consolidated and continued in this application. As the projects are focused on pathway building, it is important there is consistency and continuity, as the existing projects have been ongoing for only 6 months and 14 months respectively at the time of this report.
- 3.14 In addition, the named partners are members of the Birmingham Destitution Group, which consists of sixteen voluntary sector organisations providing advice and support to asylum seekers, refugees and migrants in crisis or at risk of destitution. This group is responsible for the third sector immigration advice strategy for Birmingham, which was developed in partnership with Birmingham City Council. This funding application is directly linked to delivery of that strategy. The partners are also members of the Birmingham Migration Forum, which is a cross-sector partnership network facilitated and coordinated by the Council, and of the West Midlands Strategic Migration Partnership.

#### **4 Options considered and Recommended Proposal**

- 4.1 Under AMIF guidance, applications are only invited from Devolved Administrations, Local and Regional Authorities and public bodies, but partnership bids with voluntary, community and statutory sector agencies are considered.
- 4.2 The Council does not have the skills required to deliver these services in-house, hence a partnership approach with established partners was developed.

- 4.3 As outlined in 3.2.1. to 3.2.4., several factors influenced the decision to proceed with an application within a short timeframe.
- 4.4 In the light of Brexit, this call was the last ever opportunity for UK based organisations and public bodies to benefit from AMIF funding. The withdrawal of EU funding has coincided with a period of uncertainty around other Government funding streams such as the Controlling Migration Fund and other MHCLG funding that currently support this work in the Council. As a result, the approach taken has been to submit the best bid possible with the assets, knowledge and delivery partners available for this round.

## **5 Consultation**

- 5.2 The existing projects that are consolidated in this bid were developed in consultation with the Birmingham Migration Forum which consists of representatives of organisations from across the statutory, voluntary and community sectors who are actively engaged in work concerning asylum seekers, refugees and migrants. Ongoing feedback and consultation through this Forum informed the bid submitted to AMIF.
- 5.3 In addition there has been continued consultation and engagement with the Birmingham Destitution Steering Group, which comprises of sixteen voluntary sector organisations which provide specialist immigration, housing and welfare advice and support to asylum seekers, refugees and migrants. This group and its members are the owners of the Birmingham Third Sector Immigration Advice Strategy.
- 5.4 The bid has been developed with direct input from the Neighbourhood Advice & Information Service.

## **6 Risk Management**

- 6.1 If the bid is successful Birmingham City Council will be the lead partner and accountable body for the project. The eligibility rules applicable to the lead applicant apply exactly the same for all partners involved in the project. The lead partner acts as the main point of contact for the UKRA and is responsible for the operational and financial reporting and for providing the necessary information and evidence for the project. All money paid to the project will be paid to the lead applicant and responsibility for match funding will ultimately rest with the lead applicant.
- 6.2 The guidance provided by AMIF indicates two circumstances under which funding may be withdrawn:
- 6.2.1 Failure to meet any of the conditions of the Grant Agreement may result in the withdrawal of funding and, if necessary, the recovery of funds issued.
- 6.2.2 Each quarter, the project will be required to submit a Project Performance and Delivery report, a Project Expenditure Toolkit and a Beneficiary List.

Failure to submit these reports within the timescales specified in the Grant Agreement may lead to funding being withdrawn.

- 6.3 These risks can be managed effectively through providing:
- 6.3.1 Clear governance set out for how the project will be managed and coordinated, to include creation of a Project Board;
  - 6.3.2 Issuing of a partnership agreement with the delivery partners to formalise the performance measures and expectations which are relevant and appropriate to the bid which has been submitted, as well as commitment to provision of match funding by all partners. This agreement would be managed by Birmingham City Council as the accountable body for the bid;
  - 6.3.3 A clear setting out of roles and responsibilities, in terms of overall project management and coordination, geographical and thematic responsibilities.
- 6.4 Progress will regularly be reported into the City of Sanctuary Partnership Board, the Creating a City Without Inequalities Forum and the Homelessness Partnership Board.

## **7 Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 The approval of the bid and acceptance of funding from MHCLG for the delivery of the project will be a significant asset to the delivery of the Council's outcomes, priorities and plan for 2018-22. As well as bringing additional funding into the Council and the city, the advice and support provided to asylum seekers, refugees and migrants will also have a specific impact on the following outcomes and priorities:

7.1.1.1. **Birmingham is an aspirational city to grow up in:** We will improve protection of vulnerable children and young people (including those with Special Needs and Disability). This will include both increasing the capacity for providing advice and support to families, but also improving education and community safety – particularly crime issues such as FGM and domestic abuse.

7.1.1.2. **Birmingham is a fulfilling city to age well in:** We will work with our citizens to prevent social isolation, loneliness, and develop active citizenship. This will include better connecting new arrivals to community services, activities and networks to prevent isolation and loneliness.

7.1.1.3. **Birmingham is a great city to live in:** We will work with our residents and businesses to improve the cleanliness of our city. This will include better education and engagement with new arrivals, which include about using local services such as refuse and recycling.

7.1.1.4. **Birmingham is a great city to live in:** We will work with partners to tackle rough sleeping and homelessness. This is a particularly strong

focus for the bid and identifying asylum seekers, refugees and migrants who are sleeping rough or considered homeless who can be provided with immigration, housing and welfare advice and support.

7.1.1.5. **Birmingham is a great city to live in:** We will work with partners to ensure everyone feels safe in their daily lives. This includes better connecting new arrivals to local policing and increasing awareness of issues such as anti-social behaviour and hate crime.

7.1.1.6. **Birmingham is a great city to live in:** We will work with our partners to build a fair and inclusive city for all. There will be a particularly strong focus on advice and support in areas with the highest populations of refugees and migrants, which are also some of the most deprived neighbourhoods and communities in the city.

7.1.2 In addition, the proposal is consistent with the City of Sanctuary Policy Statement 2018-22, which sets out the Council's position and commitments to enabling the city to be a welcoming place of safety, where asylum seekers, refugees and migrants can successfully settle and integrate in the city. It is also consistent with the Cohesion Strategy and recognising the additional support needed for new arrivals to Birmingham which can help them better integrate with local communities and in neighbourhoods.

## 7.2 Legal Implications

7.2.1 Section 93 of the Local Government Act 2000 gives the Secretary of State power to award grants to local authorities for expenditure incurred by them in the provision of welfare services determined by the Secretary of State.

7.2.2 Under Section 111 of the Local Government Act 1972, a local authority has the power to take action which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions and therefore has a general power to enter into contracts for the discharge of any of its functions.

7.2.3 There are multiple sections of the Immigration and Asylum Act 1999 referring to immigration, immigration advice and services. In addition Part 5 of the Immigration Act 2016, concerns the support for certain categories of migrant relevant to this proposal. As part of the project's delivery, the intention is to focus on individuals in making immigration related applications and claims (with the exception of a first asylum claim), as well as those individuals who have a recognised legal status to remain in the UK as a refugee, or other migrant. Individuals with "No Recourse to Public Funds" will be provided advice about their rights and options, but consistent with legal duties and requirements will not be supported through Public Funds for Immigration Purposes. Para 6 of the Immigration rules sets out all Public Funds for Immigration purposes. None of those public funds is mentioned in the report or the application and none of them will be provided to people with NRPF through this project.

7.2.4 The project will be implemented through a legally binding partnership agreement between Birmingham City Council and the named project partners. This agreement will formalise the arrangements proposed in the AMIF bid, including the roles and responsibilities of partners, project governance arrangements, outputs, outcomes, as well as budgets and expenditure. These details are set out in the project bid, which are included as appendices to this report. As the accountable body for the bid, Birmingham City Council will be responsible for drafting, managing and enforcing the partnership agreement, as and where that might be necessary.

### 7.3 Financial Implications

7.3.1 The proposal to the Asylum Migration & Integration Fund is seeking total project funding of £1,470,621, which consists of activity to be delivered over an 18 month period during both 2020/21 and 2021/22. The project will include direct Council provision of £509,329 and services provided by the project delivery partners totalling £961,292 as in 7.3.2. These figures were derived from existing activity and services delivered by the named partners as part of the two projects that are being consolidated and continued in this bid.

7.3.2

	Total	Of which	
		Grant (90%)	Match (10%)
RMC	£509,327	£458,394	£50,933
Asirt	£68,442	£61,598	£6,844
CELC	£383,523	£345,171	£38,352
BCC	£509,329	£458,396	£50,933
	<b>£1,470,621</b>	<b>£1,323,559</b>	<b>£147,062</b>

7.3.3 There is a requirement for match funding of 10%, which is shared across partners relative to their portion of the overall budget. With the application, each partner provided a signed declaration that this match would be provided. Provision of such match funded would also be supported by the legally binding Partnership Agreement.

7.3.4 The portion of match funding required by the Council is £50,933. This will be sourced from workstream income received from the Home Office for the resettlement of Syrian Refugees. The Home Office have previously given consent for direct and indirect use of funding that benefits the wider infrastructure for migration and integration in the city. The Council element is proposed to fund externally commissioned services (£124,800) and the extension of current externally funded Council staffing costs totalling £384,529 as follows:

- 7.3.4.1. The budget would fund a Senior Commissioning Officer, a Local Authority Asylum Move-on Officer and a Business Support Officer in the Refugees & Migration Team (Adults Social Care Commissioning – Prevention). These posts are already established and would be extended on a fixed term basis until 30<sup>th</sup> April 2022 in line with the project end date. The combined cost of this is estimated at £259,990. The work would cease unless further funding is made available at the end of the project.
- 7.3.4.2. There would also be two Neighbourhood Advisor posts based in the Neighbourhood Advice & Information Service (NAIS). Again, these posts are already established and would be extended on a fixed term basis until 30<sup>th</sup> April 2022 in line with the project end date. The cost of this is estimated at with an estimated cost of £124,540. Again, the work would cease if no further funding was available at the end of this project.
- 7.3.4.3. For both Adults Social Care Commissioning and the Neighbourhood Advice Service, additional budget is included for:
- Covering related translation and interpretation costs (NAIS) - £64,800;
  - Commissioning of a secure Referral Management Systems portal to manage referrals between partner agencies (ASC) - £60,000.
- 7.3.5 The remaining £961,292 would be used by the three project delivery partners to increase capacity to deliver advice and support services for refugees and migrants in accordance with the AMIF Grant Conditions. The services would also be accessible to statutory and voluntary sector professionals and practitioners working with these groups. The provision of these services would be subject to a partnership agreement between Birmingham City Council and the named project partners between 1st November 2020 and 30<sup>th</sup> April 2022.
- 7.3.6 Successful applicants to AMIF will be required to sign a Grant Agreement with the UKRA to confirm that they agree to comply with the financial and other reporting requirements set out in it. The Grant Agreement is a standard, legally binding document and successful applicants will be subject to the terms and conditions contained in it. Failure to meet any of the conditions of the Grant Agreement may result in the withdrawal of funding and, if necessary, the recovery of funds issued.
- 7.3.7 Costs cannot be incurred before the start date on the Grant Agreement. Payments to projects will be made quarterly in arrears, based on the financial declaration of actual expenditure on the quarterly expenditure toolkit.
- 7.3.8 To assist project cash flow, the UKRA will pay 25% of the funding amount requested as pre-financing. This will be recovered in equal amounts on a quarterly basis starting with the payment for the second quarter and ending in

the penultimate quarterly payment. There may be an opportunity for additional pre-financing at any point during a project. If it is necessary to request further pre-financing this must be discussed with the UKRA Account Manager and a business case submitted for consideration by the UKRA. If all of the money advanced has not been utilised by the end of the project, the organisation will be required to repay the residual monies.

- 7.3.9 Upon receipt of the quarterly Expenditure Toolkit, Project Performance and Delivery Report and Beneficiary List, the UKRA will, subject to satisfactory review, issue a Payment Request Form to the Project Manager for 75% of the AMIF funding declared in the Expenditure Toolkit less any recovery of pre-financing money. This can be signed by any of the officers who have signed the Grant Agreement e.g. the Project Manager, Finance Manager/Director or legal signatory. A signed copy should be returned to the UKRA, where payments will be made by BACS to the bank account of the organisation.
- 7.3.10 Each quarter, projects will be required to submit a Project Performance and Delivery report, a Project Expenditure Toolkit and a Beneficiary List. Failure to submit these reports within the timescales specified in the Grant Agreement may lead to funding being withdrawn.

## **7.4 Procurement Implications**

- 7.4.1 As the project partners will be entering into a partnership agreement, there are no contractual arrangements between the parties that would give rise to procurement implications.
- 7.4.2 If the project partners require third-party contractors to enable them to deliver the services which are subject to the award from AMIF and subsequent partnership agreement with the Council, they will be required to comply with procurement regulations and follow the Council's procurement governance arrangements. Furthermore, any particular requirements set out by the EU for this project will need to be adhered to.
- 7.4.3 Elements of the project plan that will require further procurement are:
  - 7.4.3.1. Procuring translation and interpretation services (NAIS) – budget: £64,800.
  - 7.4.3.2. Commissioning of a secure Referral Management Systems portal to manage referrals between partner agencies (ASC) – budget: £60,000.
- 7.4.4 Both of these projects are beneath the EU threshold for procurement but will need to follow the Council's procurement governance and any particular requirements of the EU.

## **7.5 Human Resources Implications**

- 7.5.1 All posts funded through the project are already established and filled and would be extended on a fixed term basis until 30<sup>th</sup> April 2022 in line with the

project end date. The work would cease unless further funding is made available.

## **7.6 Public Sector Equality Duty**

- 7.6.1 The Equality Impact Assessment has been completed. The conclusion from the assessment is that, overall, those with protected characteristics will benefit positively from the project, especially those characteristics such as race, religion, gender, and marriage / civil partnership which commonly coincide with the target group of new refugees and migrants in Birmingham. The aim of the project is to address the barriers faced by many in these groups in accessing basic public services and community assets and close the gap accordingly. A broader group of Birmingham's citizens with these characteristics may also indirectly benefit from the project as the Welcome Pathway will include making information available to new migrants and refugees in Birmingham about life in the UK and community cohesion, including equalities.

## **8 Appendices**

- 8.1 **Appendix 1a** - Bid Application Form
- 8.2 **Appendix 1b** - Bid Financial Toolkit
- 8.3 **Appendix 2** - Equality Impact Assessment Ref EQUA539.

## **9 Background Documents**

- 9.1 AMIF guidance