

Birmingham City Council

Response to Overview and Scrutiny Committee

Date 16th October 2023



Subject: Corporate Response to the Review by Overview and Scrutiny Committee of the Homes for Ukraine programme

Report of: Richard Brooks, Director of Strategy, Equality and Partnerships

Report author: Sal Naseem, Assistant Director Insight, Policy and Strategy

1 Purpose

- 1.1 To acknowledge and respond to the 17 recommendations of the Committee from 14th April 2023 on the outcome of the Ukraine Response Task and Finish Group, which reviewed the Council's response to the Homes for Ukraine Scheme, the key issues and performance of the programme following the initial report to the Committee on the 27th of January 2023.
- 1.2 To respond to Cllr Bore that the report provides a response to the recent reports that 1000 asylum seekers will be placed in Birmingham before Christmas and who the recommendations from the Task and Finish Group will inform the Council's response.
- 1.3 To consider the attached table delineating management actions relating to Committee's recommendations.

2 Recommendations

- 2.1 To acknowledge the information contained in the City Council Response to the Homes for Ukraine Scheme.

3 Any Finance Implications

- 3.1 There are no finance implications directly relating to this report.

4 Any Legal Implications

- 4.1 There are no legal implications directly relating to this report.

5 Any Equalities Implications

- 5.1 While not all the factors in the Ukraine scheme can be replicated and so the same ratio of success may not be achievable, Council Management is committed to ensuring equitable treatment on the grounds of all protected characteristics with, in the case of resettlement programmes, special attention paid to possible inequalities arising in treatment related to race, ethnicity, and nationality. Council Management is aware, accepts, and is already actioning on the recommendation xvii, which advises the Council to utilise the lessons of the Ukraine Response to provide coherent and equitable support to other refugees, migrants, and asylum seekers.

6 Appendices

- 6.1 Appendix 1. Management Actions table which includes all original recommendations from the OSC and the Council's response since January 2023.

7 Background Papers

- 7.1 Report of Ukraine Response Task and Finish Group. 14 April 2023, BCC Coordinating Overview and Scrutiny Committee.

8 Council Response to Individual Recommendations

- 8.1 The Coordinating Overview and Scrutiny Committee set up a task and finish group after convening in February earlier this year. This group was chaired by Councillor Bore and heard evidence from a number of parties which was outlined in their report of 14th April 2023. The task and finish group made 17 recommendations; the appendix attached to the end of this report provides the detailed narrative against each of these recommendations from relevant officers within the Council. This report will reflect high-level observations from this appendix against each of these recommendations in turn, as well as a view on the broader corporate narrative.

- 8.2 **Recommendation 1:** *The Council should have invested more time early in the programme in discovering and pro-actively engaging with community and voluntary sector groups and citizens. Whilst Birmingham Voluntary Service Council was involved in some of this outreach work, the Council should not solely outsource community engagement work of this kind.*

Council Response:

This recommendation is accepted, and the point recognised that this was not an initial priority. However, an engagement approach was implemented with all stakeholders in October 2022. This involved monthly meetings with key community and voluntary organisations and the establishment of regular communications directly with guests and hosts. The lessons from this approach have been shared and guided a Cost-of-Living programme across the city with partners and citizens.

- 8.3 **Recommendation 2:** *The Council should consider, where appropriate, the role of Councillors in helping to proactively identify and engage with local community groups that may already be delivering or supporting the given area.*

Council Response:

This recommendation is accepted. Officers from the NDSU support the current infrastructure for councillors to engage with their local communities and constituents through supporting Ward Forum meetings and assisting with developing ward forum action plans. The Council is about to publish its vision and approach for public participation which will put people at the heart of council decision making. Both of these approaches need the elected Councillors to engage with their local communities which includes community groups to ensure they are actively supporting them as much as they are able to do so. This support could be from raising awareness of their services with others to supporting them in meeting specific needs such as information about funding opportunities to enrich the local offer for local people.

- 8.4 **Recommendation 3:** *The Council should have more robustly considered how it utilised its learning from the Covid 19 pandemic response. Whilst some of the emergency structures were used early on in the Ukraine response, there was not sufficient learning from the Covid work in terms of community and partner engagement.*

Council Response:

This recommendation is not accepted. The situation with the migration of Ukrainian refugees was never declared as an emergency response or a critical incident as the relevant threshold was not reached, whereas the Council's response to COVID followed well documented emergency arrangements, following the declaration of a major incident. The relevant point here is what learning has been applied organisationally from our COVID response, where local grassroot community organisations play a significant part in delivery. This learning was used in the Cost-of-Living programme. Here community groups were involved in the outset and included in the governance structures, forming part of the decision making that was made at pace.

- 8.5 **Recommendation 4:** *The convening role of Council was underestimated.*

Council Response: This recommendation is accepted.

- 8.6 **Recommendation 5:** *It should always be clear that any pro-bono work for the council is done with no expectation of future paid work; pro-bono work should always meet clearly identified needs; and the council should always consider any advantage conferred on a partner by carrying out such work in order to avoid unfairness. Pro-bono work should not normally lead to single-tender contracts with the provider.*

Council Response: This recommendation is accepted.

- 8.7 **Recommendation 6:** *There needs to be greater transparency of the 'waiver' procedure so where decisions are taken to go outside the process, everyone understands why such decisions have been made.*

Council Response:

This recommendation is not accepted. There is a robust internal governance process around the waiver procedure. Procurement websites are specialist in their nature and therefore will not be an avenue where residents can be more broadly informed of decisions. The nature of the Ukraine response saw a large degree of civic participation and therefore interest in the Council's decision-making processes. Therefore, alongside the publication on a publicly available procurement website (Find My Tender) the Council are also seeking to publish officer governance decisions.

- 8.8 **Recommendation 7:** *When the council develops data systems, it should consider inter-operability with its key providers and partners and seek to avoid creating additional work or costs for them, with a special awareness of data protection requirements.*

Council Response: This recommendation is accepted and has already been incorporated into the Council's Enterprise Architecture Principles which at a high level were approved at Cabinet in November 2022.

- 8.9 **Recommendation 8:** *In future programmes or situations of this kind, the council should consider earlier diversification of its supply of capacity, thinking widely and flexibly across the range of partners and providers available.*

Council Response:

This recommendation is accepted. This would however vary depending on the project specifics.

- 8.10 **Recommendation 9:** *Where possible, the council should develop a diverse ecosystem of 'pre vetted' providers that it can draw on quickly and flexibly, to avoid undue reliance on a single provider or the delays required by a full tendering process.*

Council Response:

This recommendation is not accepted. Pre-vetting or approved supplier lists are in contravention of Public Procurement Regulations 2015, and a case-by-case basis should be adopted to specific markets and categories. However, following the Ukraine programme the Council has established a framework of providers for

refugee resettlement and integration following an open market tendering exercise. This enables the Council to call off providers from the framework, minimising delays.

- 8.11 **Recommendation 10:** *Where Cabinet is presented with a single contract negotiation decision, particular care needs to be given to the assessment of risk, so this can help Cabinet to assess and advise on the appropriate mitigating actions that may need to be put in place to mitigate and/or reduce the risks.*

Council Response:

This recommendation is accepted, noting that this is a requirement for negotiated contracts under the Council's own Procurement and Contract Governance Rules and supporting Public Contracts Regulations 2015.

- 8.12 **Recommendation 11:** *Publishing a regular list of decisions taken under delegated and single award and officer name to encourage accountability and transparency.*

Council Response:

This recommendation is not accepted due to current circumstances. The Council is prevented, without explicit agreement of the Section 151 Officer, from entering into any new agreement or commitment for expenditure until Full Council has met to consider the Section 114 report. To note, all relevant Section 151 Spend Control Board decisions, for each of the Council's Directorates, are published and can be found on CMIS. In terms of lessons learnt from the Ukraine programme, the Cost-of-Living programme has piloted publishing Chief Officer delegated decisions.

- 8.13 **Recommendation 12:** *When awarding direct contracts through a single contract negotiation, the Council should consider limiting the initial duration of the contract, for example up to a maximum of 12 months to maintain flexibility.*

Council Response:

This recommendation is not accepted. Where it is deemed that a negotiated contract is the right way forward then each project must be considered on a case-by-case basis – in line with the negotiated procedure as set out in the Procurement and Contract Governance Rules / Public Contracts Regulations.

- 8.14 **Recommendation 13:** *The Council should continually engage and communicate with service users around changes to provision and the nature of support on offer. This will help to ensure that there is a common understanding of what is being delivered and why, which can help to manage expectations and improve partnership working.*

Council Response:

This recommendation is accepted, and the following communication strategy has been implemented featuring:

- Regular guest and host engagement activities.
- Regular provider-led stakeholder meetings.
- Newsletters and email blasts to stakeholders.
- A presence on locally created social media platforms.
- Regular visits to providers' offices and in the locations where the community grants are being delivered for face-to-face engagement with guests.
- A commitment to regularly engage through focus/listening groups prior to commissioning new services.

8.15 **Recommendation 14:** *The government provided additional school place funding to support Homes for Ukraine children – which is not available for Ukrainian children here under the Family Visa scheme or other Ukraine visa schemes. Despite this, many guests still struggled to secure the school place they wanted for their child or children, and this is disappointing. The council should consider what more it could do in similar situations to encourage and enable schools to accept refugee children. We welcome comment from schools to know what additional support/help is needed to enable them to offer more places.*

Council Response:

This recommendation has been accepted. In future the Council will seek to establish earlier and more effective communication to host families (or equivalents in the future) to support and manage their understanding of the school admission process and its statutory requirements. The learning from the Ukraine response will be embedded and consider the same approach to be applied as appropriate for all asylum seekers and refugee children.

8.16 **Recommendation 15:** *The Ukraine crisis created significant additional needs for housing when guests move on from their hosts. Birmingham City Council developed, in partnership with stakeholders and hosts, an innovative and well-received 'move on' scheme that provides direct financial support to guests moving into the private rented sector. However, there is a specific challenge with guests who are dependent on Universal Credit and require rent guarantees – the council should explore and support solutions for this group of guests.*

Council Response:

This recommendation is accepted. Benefit dependency means reliance on Local Housing Allowance (LHA) rates– (benefits contribution to rents), set by government currently making only 3% of family homes in the Birmingham private rented sector, affordable. Working across Housing Solutions and Support, the Accommodation Finding Team have secured 270 family homes in the private rented sector, at LHA rates, for households largely dependent on Universal Credit. This work is resource intensive and the 'offer' is constantly being reviewed and updated.

8.17 **Recommendation 16:** *Steps should be taken to expand English for speakers of other languages (ESOL) provision for Ukrainian guests and all refugees in the city, given the shortage of provision in the city.*

Council Response:

This recommendation is accepted. A significant programme of work was undertaken here, the full detail of which is contained in Appendix 1. Officers have listened to guests through a series of engagement activities and have procured additional formal and informal ESOL provision which equates to £300,000 of additional investment. A move away from sole reliance on traditional delivery methods linked to academic years has allowed Officers to commission provision for the next 12 months which is flexible and adaptable to meet the guests' needs.

9 Council's Response to Organisational Learning

9.1 The final recommendation concerns the overall corporate response to the Council.

9.2 **Recommendation 17:** *The Council applies the lessons of the Ukraine Response and now considers what can be applied to other groups in a coherent and equitable approach that will provide support for all refugees, migrants, and asylum seekers.*

9.3 Council Response:

The Council's response to the recommendations set out above do highlight how organisationally different areas have already adopted many of the recommendations from the Committee's report and learning from its Ukraine response, and indeed in many instances already implemented them.

It is worth noting from a Schools Admission perspective that in future they will seek to establish earlier and more effective communication to host families (or equivalents in the future) to support and manage their understanding of the school admission process and its statutory requirements. They will embed the learning from the Ukraine response scheme on admissions and consider the same approach to be applied as appropriate for all asylum seekers and refugee children.

In terms of Housing Solution and Support (HSS) the Ukraine, move-on programme, is a model of households being enabled to find their own housing solutions with financial, professional and community support. A 'Find your Own' HSS programme is being developed and rolled out to encourage and enable all households in housing need to identify their own solution, backed by the service. Not all the factors in the Ukraine scheme can be replicated and so the same ratio of success may not be achievable, however the scale of households in need is such that it may produce sufficient, valuable, outcomes.

Cost-of-Living programme in particular successfully models many of the recommendations from the Committee's report around early engagement and communication with citizens and relevant organisations. The pending new Public Participation strategy builds on these principles in a systemic way so that the citizens of Birmingham become involved in the decision making of the Council as upstream as possible, as opposed to just tokenistic consultations

10 Response to Cllr Bore's recent Question

- 10.1 Responding to Cllr. Bore's request that the report provides a response to the recent reports that 1000 asylum seekers will be placed in Birmingham before Christmas and how the recommendations from the Task and Finish Group will inform the Council's response, points 10.2-10.4 provides further detail and some qualification of recent reports. Points 10.5-10.10 provide detail on BCC and partners' plan to mitigate the associated risks. Point 10.11-10.14 onwards reflects on the learning from Homes 4 Ukraine.
- 10.2 Between 1st August and 31st December the Home Office is increasing the pace of asylum decision making through a number of means, with a view to clearing the asylum backlog – i.e. processing decisions for asylum claimants who are already present in the UK and Birmingham. Amongst these, the Government's streamlined asylum process is fast-tracking mainly positive decisions, the "Albania" programme is delivering largely negative decisions, and the general legacy programme is increasing the pace of standard decision making (approx. 67% grant rate) for cases in the backlog. In August, the Home Office shared projections of the numbers of asylum seekers already living in Birmingham that could receive decisions by the end of December 2023. At this stage it was expected that this would impact up to 1,000 claimants who are currently in receipt of accommodation support from the Home Office, in Birmingham.
- 10.3 So far over this period (1st August to 29th November) BCC has seen 389 households (488 individuals) leaving asylum accommodation in the city; this indicates far lower numbers than projected by the Home Office, but still around 4.5 times the number usually seen over an equivalent period.
- 10.4 As of 2022/23 local authorities have received single-year settlements of the Asylum Dispersal grant, designed to address costs associated with and provide support around being an asylum dispersal local authority. This is at a considerable lower rate than funding provided via the Homes 4 Ukraine and Refugee Resettlement programmes. There is no dedicated funding to support the integration of new refugees through the asylum route.
- 10.5 Below details BCC's plan to mitigate the risks of this:
- 10.6 **Provide bespoke support, early:** Birmingham City Council Refugees & Migration Team commissions the Refugee & Migrant Centre to deliver "Move-on" support to newly granted refugees. This support is provided to new refugees within 24 hours of notice of discontinuation of asylum support. This service has been extended and capacity within the service increased in order for the provider to respond to the volumes. The service includes: support with documentation, setting up bank accounts, starting Universal Credit claims, housing options, school placements, ESOL referrals, finding employment and further immigration advice.
- 10.7 **Prevent homelessness and/or housing inequality:** Following eviction from asylum accommodation in Birmingham, the trend is that families will often receive

housing assistance and be accommodated in BCC Temporary Accommodation whereas singles will often move into the Exempt Support Accommodation sector. From January '24 BCC Refugees & Migration Team will be working with its provider of Move-on support to trial innovative solutions to prevent negative housing outcomes and to facilitate access to the Private Rented Sector for singles and families. The second stage of this will be to consider a funding package similar to the Homes 4 Ukraine move-on model; this is subject to funding availability and approval of spend.

- 10.8 **Reduce negative outcomes:** There is a recognition that BCC, like all local authorities, is restricted in its ability to totally prevent homelessness and/or negative housing outcomes with this group, due to the limited information sharing arrangements between Home Office and local government prior to a discontinuation notice being issued, and the short notice period (max 28 days, markedly less than the 56 days under the Homelessness Reduction Act), and absence of proportionate funding for local government (compared to H4U and Refugee Resettlement). For this reason BCC is also exploring options to reduce stays in BCC TA and ESA, for example, through improved referral to tailored employability support. Again options being explored are subject to funding availability and approval of spend.
- 10.9 **Work in partnership:** BCC is working in partnership with Serco, Home Office asylum accommodation provider in the Midlands, to review communications to Service Users, ensuring that expectations are set early, and that people are receiving the right information in order to be able to help themselves and find the right support at the right time. BCC has also worked with DWP to support the creation of a dedicated team of JCP Refugee Troubleshooters to address challenges of processing UC claims with limited or missing documentation. BCC is working in close partnership with its main provider, Refugee & Migrant Centre, and has recently awarded 15 small grants to voluntary and community sector organisations working with asylum seekers prior to their receipt of a decision on their asylum claim.
- 10.10 **Learn and review:** BCC continues to internally review and scrutinise data, and is making improvements to data collection process to allow improved insight on the issue of homelessness amongst the migrant population more broadly. BCC is sharing practice and learning from other local authorities, both regionally and within our national forums, especially those that have piloted homelessness prevention initiatives with this group.
- 10.11 The following points reflect on the Homes 4 Ukraine recommendations from Scrutiny:
- 10.12 **Recommendation 1: *Invest time in proactively engaging with Community and voluntary sector.***

Birmingham has been an asylum dispersal area since 1999 and has a wide, diverse and extremely active voluntary and community sector working with

asylum seekers and refugees in the city. BCC has played a convening, coordinating and supportive role in this since 2016. Since 2017/18, the Council has hosted the Birmingham Migration Forum, a network of over 60 organisations working in this field in the city, and the City of Sanctuary Partnership Board, an oversight board for its strategic partners in the city. The Council also chairs and coordinates a Hotels Support meeting, since the proliferation of hotels use following the pandemic. The Council has always worked closely and alongside the voluntary community sector in the city around the delivery and coordination of support for asylum seekers and refugees in the city – clearly demonstrated by its long-term investment approach to funding in the city; having commissioned, grant-funded the sector and/or worked in partnership with the sector to deliver every programme of work since 2015.

Following receipt of asylum dispersal grant funding, the first funding for local authorities relating to asylum in over a decade, officers have undertaken extensive engagement with voluntary and faith sector partners at the outset to identify how the council can support community assets to promote positive outcomes for asylum seekers, build independence and minimise reliance on statutory services. This has shaped the development of a grants programme which has this month awarded 15 organisations up to £500,000 using ring fenced Home Office grant funding (that can only be used for this purpose). They will provide support across 5 thematic areas.

- Community – neighbourhood connections, cultural awareness, and use of community assets.
- Family – support to expectant mothers and young families, schools’ admission, educational and supplementary learning, wider family support
- HELP – destitution support, advice, IAG
- Learning – ESOL (formal/informal) , higher education access, digital access and skills, work readiness,
- Wellness – Physical and mental wellbeing, physical activity and use of leisure/outdoor facilities.

10.13 **Recommendation 8: Diversification of suppliers.**

BCC has been able to utilise its **provider Flexible Contracting Agreement for refugee resettlement** and integration to step up the support available to respond to the increased numbers of asylum seekers that will require assistance with setting up bank accounts, claim benefits and understanding housing options. The following organisations are on the Flexible Contracting Agreement and will be able to bid for any future further competition released via the FCA. The FCA is now re-opened to accept bids from other suppliers.

Lot	Lot Name	Companies awarded
Lot 1	Tenancy & Family Support (follow on service)	1) Beam 2) Father Hudson’s Society (Brushstrokes) 3) Migrant Helpline

		4) Spring Housing Association 5) The Refugee Migrant Centre Limited
Lot 2	Refugee Participation and Engagement	1) Bosnia and Herzegovina UK Network 2) Migrant Helpline 3) Refugee Action 4) The Refugee Migrant Centre Limited 5) Trident Reach the People Charity
Lot 3	Employability Service	1) Ashley Community & Housing Ltd (t/a ACH) 2) Beam 3) Bosnia and Herzegovina UK Network 4) Breaking Barriers 5) Father Hudson's Society 6) Migrant Helpline 7) The Refugee Migrant Centre Limited 8) Trident Reach the People Charity
Lot 4	Wellbeing & Mental Health	1) Birmingham and Solihull Mental Health NHS Foundation Trust 2) Father Hudson's Society 3) The Refugee Migrant Centre Ltd
Lot 5	Support, Orientation & Accommodation	1) Ashley Community & Housing Ltd (t/a ACH) 2) Central England Law Centre Limited 3) Father Hudsons Society (Brushstrokes) 4) Migrant Help 5) Refugee Action 6) The British Red Cross 7) The Refugee Migrant Centre Limited

10.14 Recommendations 15 and 17: Move on Support and Lessons Learned

As reflected in sections 10.6 to 10.10 above, the lessons learned from Homes for Ukraine are being considered in terms of opportunities to intervene early in the asylum journey for citizens residing in the many Home Office contingency hotels and dispersed accommodation across the city. A migration Programme board has been established to oversee the development and delivery of an Early Intervention Pathway with cross-council involvement.

The existing contract with BCC's provider of Asylum Move-on Support has been varied to increase resourcing within the contract to respond to the increase in volumes.

DWP have been proactively engaged to share insight and experiences. Following encouragement and support from BCC and its partners, DWP have set up Refugee Troubleshooter Single Points of Contact to assist with opening UC claims for people needing to urgent access to welfare income following discontinuations of asylum support.

11. Conclusion

- 11.1 I hope this report demonstrates that the Committee's work has been recognised and implemented in embedding the learning from the Council's Ukraine response into a change in organisational practice, which will in turn preserve this learning into corporate memory.