

Westminster Hall Debate on Asylum accommodation contracts

House of Commons

10 October 2018

Introduction

The Equality and Human Rights Commission (the Commission) has been given powers by Parliament to advise Government on the equality and human rights implications of laws and proposed laws and to publish information or provide advice, including to Parliament, on any matter related to equality, diversity and human rights.

New contracts, for the provision of asylum accommodation and support (the Asylum Accommodation and Support Services Contract (AASC) and the related Advice, Issue Reporting and Eligibility contracts (AIRE)) are about to be awarded. The current contracts are known as COMPASS and are undertaken by private organisations on behalf of the Home Office. Significant concerns about the delivery of the COMPASS contracts have been raised by a range of organisations and parliamentary scrutiny bodies such as the National Audit Office¹ and the Home Affairs Select Committee² (HASC) including in relation to equality considerations. This is a timely and crucial opportunity to ensure the new contracts reflect lessons learned from the COMPASS contracts and build in mechanisms to ensure equality considerations are embedded from the outset.

¹ [Link to National Audit Office's report on COMPASS contracts for the provision of accommodation for asylum seekers 2014](#)

² [Link to Home Affairs Committee report on Asylum Accommodation, 2017](#)

The Equality Act (2010) (the Act) sets out anti-discrimination law in the UK. It identifies 'protected characteristics', age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

The Act sets out the public sector equality duty (PSED) which applies to most public authorities, such as local authorities, police, schools, universities and central government departments. It also applies to organisations carrying out a public function. It therefore includes private companies or voluntary sector organisations that have been contracted to carry out public functions on behalf of a public authority³.

The PSED requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not.

The Act also explains that advancing equality of opportunity involves having due regard to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people, and
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

This briefing draws attention to two key areas where improvements should be made:

- Ensuring compliance with the Public Sector Equality Duty (PSED)
- Improving monitoring and oversight of the delivery of the contracts

³ [Link to EHRC's guidance "buying better outcomes" Mainstreaming equality considerations in procurement, 2013](#)

Summary of recommendations

- The Home Office, in order to help discharge its responsibilities under the PSED should:
 - assess the impact on equality of the new AASC and AIRE contracts, and publish the findings as soon as possible along with an action plan for the mitigation of any negative impact on people who share protected characteristics. This action plan should ensure people are able to access essential services such as healthcare.
 - explicitly require the new AASC and AIRE contractors to regularly assess and mitigate any negative impacts on equality through the delivery of their services. Ideally, these impacts should be regularly monitored and reported on by the contractors, to an independent body, to ensure transparency and accountability.

Issue: Ensuring compliance with the PSED

The HASC's inquiry into asylum accommodation highlighted that the *"The Public Sector Equality Duty should act as an essential means of ensuring that the Home Office and Providers understand how the COMPASS contracts affect different groups and that there is no discrimination in delivery of the contracts."*⁴

Under the PSED the UK Government has a duty to have due regard to promote equality, eliminate discrimination and foster good relations between individuals with protected characteristics. Undertaking assessments on equality impacts provides opportunities to find ways to advance equality of opportunity and foster good relations. Equality impact assessments should not be a one-off exercise. Regular assessments will help the Home Office and the accommodation providers discharge their duties under the PSED and highlight impacts on different groups. For instance, people with mental health needs, victims of trafficking, torture and trauma, disabled people and pregnant women are all more likely to have particular needs regarding the type and location of asylum accommodation. An assessment helps to identify these needs so that every effort can be made to ensure these needs are met.

⁴ Paragraph 28 [Link to Home Affairs Committee report on Asylum Accommodation, 2017](#)

Evidence

The HASC's inquiry into asylum accommodation highlighted instances of where the needs of some groups, such as pregnant women and people with mental health needs, were not met under the current arrangements, for instance, in relation to the type of dispersal accommodation and the number of different times people were moved to different accommodation⁵.

The HASC indicated that many of these instances where the needs of groups were not met could have been addressed by regularly assessing the impact on equality of the contracts.

We will shortly publish research into the existing evidence and the lived experience of accessing healthcare for asylum seekers and refused asylum seekers. This evidence echoed the HASC's findings, highlighting that current contracting arrangements may not be meeting the needs of protected groups. Key barriers to accessing healthcare included the disruptive impact of asylum accommodation policies such as dispersal and a lack of information about rights and entitlements to essential services, such as healthcare, while in asylum accommodation.

Issue: Ensuring adequate monitoring and oversight of contract delivery

The HASC inquiry into asylum accommodation also highlighted that the current provision's inspection regime does not include any accountability in terms of reporting or oversight in relation to equality considerations or the experiences of vulnerable people⁶.

The Commission has raised similar concerns relating to the adequacy of government systems to ensure equality and human rights compliance in the outsourcing of contracts for Home Office functions in respect of immigration detention. In our submission to the JCHR's inquiry into immigration detention, we recommended that Home Office policies and procedures governing the supervision, training, oversight, monitoring, complaints systems and reporting of contracted out functions, including the adequacy of independent monitoring of provision, should be independently reviewed.

⁵ Paragraph 95-97 [Link to Home Affairs Committee report on Asylum Accommodation, 2017](#)

⁶ Paragraph 103 [Link to Home Affairs Committee report on Asylum Accommodation, 2017](#)

Further information

The Equality and Human Rights Commission is a statutory body established under the Equality Act 2006. Find out more about the Commission's work at: [the Commission's website](#)

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