



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Equalities, Human Rights and Civil Justice Committee

**Tuesday 20 June 2023**

**Session 6**



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**EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE**  
**15<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Kaukab Stewart (Glasgow Kelvin) (SNP)

**DEPUTY CONVENER**

\*Maggie Chapman (North East Scotland) (Green)

**COMMITTEE MEMBERS**

\*Karen Adam (Banffshire and Buchan Coast) (SNP)

Pam Gosal (West Scotland) (Con)

\*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Paul O’Kane (West Scotland) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Siobhian Brown (Minister for Victims and Community Safety)

Alison Byrne (Scottish Government)

Aileen Harding (Scottish Government)

Baroness Helena Kennedy KC (Asylum Inquiry Scotland)

Emma Roddick (Minister for Equalities, Migration and Refugees)

**LOCATION**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Equalities, Human Rights and Civil Justice Committee

Tuesday 20 June 2023

*[The Convener opened the meeting at 09:45]*

#### Decision on Taking Business in Private

**The Convener (Kaukab Stewart):** Welcome to the 15th meeting in 2023 of the Equalities, Human Rights and Civil Justice Committee. We have received apologies from Pam Gosal.

Under agenda item 1, do we agree to take in private item 6, which is consideration of the evidence that we will hear today?

**Members indicated agreement.**

## Subordinate Legislation

### First-tier Tribunal for Scotland Local Taxation Chamber and Upper Tribunal for Scotland (Composition and Procedure) (Miscellaneous Amendment) Regulations 2023 [Draft]

09:46

**The Convener:** Agenda item 2 is consideration of an affirmative instrument. I welcome to the meeting Siobhian Brown MSP, who is the Minister for Victims and Community Safety, and her supporting officials from the Scottish Government. Lisa Davidson is a senior policy officer in the courts and tribunals branch, and Leanna MacLarty is a solicitor in the legal directorate.

I refer members to paper 1 and I invite the minister to speak to the draft regulations.

**Siobhian Brown (Minister for Victims and Community Safety):** Thank you, convener, and good morning. The draft regulations will, if passed, amend the First-tier Tribunal for Scotland Local Taxation Chamber and Upper Tribunal for Scotland (Composition) Regulations 2023, the Council Tax (Alteration of Lists and Appeals) (Scotland) Regulations 1993 and the Council Tax Reduction (Scotland) Regulations 2021.

A suite of regulations to effect the transfer of functions of the council tax reduction review panel and the valuation appeal committees to the local taxation chamber of the First-tier Tribunal for Scotland came into force on 1 April 2023. At the same time, some limited functions of the Lands Tribunal for Scotland were transferred to the Upper Tribunal. They related to non-domestic rates valuation appeals and referrals. Prior to the transfer of functions, those appeals or referrals were from the valuation appeal committees.

The draft regulations amend the composition of the Upper Tribunal when it hears appeals or referrals from the local taxation chamber. They align the composition of the Upper Tribunal when it hears valuation rating appeals with its composition when it hears all other appeals.

The draft regulations also amend the timescales that are set out in the Council Tax (Alteration of Lists and Appeals) (Scotland) Regulations 1993. Prior to the transfer of functions, an assessor had six months in which to carry out certain functions when they were of the opinion that a proposed alteration of a council tax valuation band was not well founded. That time period was substituted in transfer regulations to create a period of six weeks. Following representations from stakeholders, there are concerns that that

timeframe is overambitious, so the draft regulations will amend it back to six months.

The draft regulations also make a consequential amendment to regulation 94 of the Council Tax Reduction (Scotland) Regulations 2021.

The president of the Scottish tribunals was consulted with regard to the regulations, in line with the requirements of the Tribunals (Scotland) Act 2014. I understand that the Delegated Powers and Law Reform Committee considered the draft regulations on 30 May and was content with them.

I am happy to answer any questions, convener.

**The Convener:** As no members of the committee have indicated that they wish to ask any questions or make any comments, we move to agenda item 3, which is the formal business in relation to the instrument.

*Motion moved,*

That the Equalities, Human Rights and Civil Justice Committee recommends that the First-tier Tribunal for Scotland Local Taxation Chamber and Upper Tribunal for Scotland (Composition and Procedure) (Miscellaneous Amendment) Regulations 2023 be approved.—[*Siobhian Brown*].

*Motion agreed to.*

**The Convener:** I invite the committee to agree to delegate to me the publication of a short, factual report on our deliberations on the affirmative Scottish statutory instrument that we have considered today.

**Members:** *indicated agreement.*

**The Convener:** That completes our consideration of the affirmative instrument. I thank the minister and her officials for attending.

### **Act of Sederunt (Fees of Solicitors in the Court of Session, Sheriff Appeal Court and Sheriff Court) (Taxation of Judicial Expenses Rules) (Amendment) 2023**

**The Convener:** Agenda item 4 is consideration of a negative Scottish statutory instrument. I refer members to paper 2.

Do members have any comments to make on the instrument?

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I have a point to make about the cost recovery factors within the charges. The Scottish Civil Justice Council Secretariat has approved a 9.75 per cent increase in aspects of all tables of fees. The papers that we have received say:

“In arriving at the increase to the charge rate, the Council anticipates that there will be considerable volatility in consumer-based indices over the next few years and that

CPI/CPIH are likely to be unreliable measurements after September 2021.”

I do not quite understand why that date is relevant to the rules provision. I want to put on record that I do not quite get it.

**The Convener:** What is it that you wish us to put on record?

**Rachael Hamilton:** It seems that there is considerable volatility in the consumer-based indices that the table of fees is based on, as set out in schedule 1. I do not think that there is anything that we can do, but I want to put that on record.

**The Convener:** If you have a concern, I can advise you that you have the ability to lodge a motion to annul the instrument with the chamber desk, and that the issue will then be discussed and debated in the chamber. The committee's timetable does not allow for us to discuss the instrument again, but that route is available to you, should you wish to take it.

**Rachael Hamilton:** That is very generous, but I will not be doing that today. I just place that on record.

**The Convener:** In that case, and bearing in mind what Rachael Hamilton has said, are members content not to make any comment to Parliament on the instrument?

**Members:** *indicated agreement.*

**The Convener:** That concludes our consideration of the SSI. I suspend the meeting briefly before we move to the next agenda item.

09:53

*Meeting suspended.*

09:59

*On resuming—*

## Asylum Seekers in Scotland

**The Convener:** Our next item of business is consideration of evidence as part of our inquiry on asylum seekers in Scotland. Today is world refugee day, which is possibly a good day for us to come to the conclusion of our inquiry.

I welcome the first panel, which comprises Baroness Helena Kennedy KC, who is chair of the independent commission of inquiry into asylum provision in Scotland. She joins us remotely.

Good morning, and welcome, Baroness.

**Baroness Helena Kennedy KC (Asylum Inquiry Scotland):** Good morning, convener, and thank you very much for inviting me to the meeting.

**The Convener:** I invite you to make a brief opening statement, which will be followed by questions from members of the committee.

**Baroness Helena Kennedy:** Let me explain how I came to be the independent commissioner dealing with asylum issues in Scotland. I was invited to do it. First, it was thought that the Royal Society of Edinburgh might host the commission. Some difficulties arose around that because, inevitably, there would have to be substantial criticism of the powers that be, which were perhaps responsible for some things that had gone wrong. Therefore, the refugee organisation that was calling for the inquiry settled on there being an independent commission, which was funded by the Joseph Rowntree Foundation. I was invited by both entities to be the person who might chair the commission and I did so.

I came up to Glasgow but also held a number of sessions virtually, as we are doing now. It was a shocking business and it arose out of Covid and the early lockdown period, which affected all of us but had particular implications for the community of people in Glasgow who were awaiting asylum resolutions and decisions on their asylum applications.

Many of those people had already been settled into accommodation—flats that had once been council flats and other kinds of accommodation, including housing association and some private rental accommodation—and some of them had been there for several years. Suddenly, on a particular day and over a very short period, the doors were knocked and they were told to pack their bags and that they were being taken to different accommodation because of the pandemic. They were told to leave their food behind in the fridges or on the stove where they

were cooking it—everything of that sort had to be left; no food was to be allowed into hotels—and they were moved into hotels in the centre of Glasgow.

Many of the committee members will remember the events that took place. People clearly had mental health responses to the situation. People who have fled persecution and are applying for asylum in our country are almost invariably being supported by the health services. They had got to know local clinics, doctors and social workers but being moved disrupted all of that. There were people who had serious mental health problems. Someone committed suicide and a particular individual had a psychotic episode in which he ran around with a knife in the hotel and attacked a number of people, including a police officer who arrived to deal with the emergency. Eventually, a SWAT team arrived, and he was shot dead by the police.

Although no one felt that there had been many alternatives to the ending with regard to that person, there was a strong feeling that taking people into hotels at short notice and away from places where they had established a connection with neighbours and health services, for example, led to a crisis. My role was to hold an inquiry into that and provide a report on it. We have to remember that most of the situation emanated from decisions that were made by the Home Office, because asylum is not a devolved matter.

**The Convener:** Thank you. Many of the findings of the asylum inquiry resonate with the evidence heard by our committee, such as people not feeling safe in the hotels, the food being inadequate, people having to rely on charities and people experiencing barriers to accessing health care, including mental health care.

The inquiry also reflects on similar inconsistent evidence provided by Mears Group and the third sector organisations. The third sector has been quite critical of Mears, while local authorities have said that they work well with the company. Mears has said that it works well with all partners associated with asylum accommodation.

Do you think that there is inconsistency between the evidence from private contractors and third sector organisations? I would also be interested to hear your views on the use of private contractors in the context.

**Baroness Helena Kennedy:** The evidence that we received in relation to Mears involved a high level of criticism of it and the way that it handled those events.

One thing that we discovered was that the people who were given the task of responding to things such as call-outs to the hotels, for example, were given new nomenclatures—they were given

new names and titles on badges such as “welfare officer” when, the week before, they had been called housing managers. Instead of coming out to look at things that had gone wrong, such as the boiler or the lighting system, they were suddenly expected to deal with issues such as mental health, which they were not equipped to do. Simply giving somebody a different title does not lead to the kind of support that people need in those circumstances. I thought that there was an inadequacy, and that came through very strongly in the evidence that we heard. Local authorities might say that their dealings with Mears are perfectly fine, but of course they are not the people who are on the receiving end, who are the asylum seekers and the people who have mental health problems.

The committee also has to remember that the work is sub-contracted to Mears—a United Kingdom-wide company that is not confined to Scotland—by the Home Office. When it comes to matters of this sort, I would prefer that a not-for-profit organisation was used. Mears made a lot of money over the Covid crisis out of the privatisation of certain aspects of our existence, as did many other organisations. I do not feel that profit making in that area is a good thing. If we looked at the sums of money that were made at that time, I think that it would be a shock to our system.

There is also the issue of the migrant helpline, Migrant Help UK. I said to the woman who was the sort of counsel to the inquiry that I wanted to see how it runs, because many people complained about the fact that they would try to phone the helpline and be hanging on the phone for hours. These are people who have phones with a card; they are not people who can afford to be hanging on a line forever. If you are in a distressing situation, that is pretty hard going. The woman who was working with me was waiting on the line for hours. She would be told, “You are now 65th in the queue”. I do not know where the call centre is—its headquarters are in Brighton, but it is a nationwide thing—but it was very poor in its response to people who were in crisis and wanting help.

We asked Migrant Help UK to provide us with information and it said that it responded to calls in Glasgow and so on. We asked whether it could give us a record of how many people called and what the responses were, but that information was never forthcoming. I felt that the helpline—which is another privatised thing—was inadequate. I also felt that the outsourcing to Mears had serious shortcomings. That was the view that I took.

My thinking is affected by other areas of my life in which I deal with human rights and the protections of the rights of different groupings. For example, we know that the privatisation of the care

system for children has been a catastrophe. The privatisation in England and Wales of the probation service has also been wholly unsuccessful. There are some areas of our lives where outsourcing to profit-making companies is simply not an appropriate or ethical thing to do, including where we are dealing with humanity in crisis.

**The Convener:** The question seems to be about the moral efficacy of using private contractors to deal with the situation of asylum seekers, who are in such distress.

**Baroness Helena Kennedy:** The question is more than moral—there are of course moral and ethical issues about our responsibility to those to whom we might owe a duty of care, but there is another thing, which is about decisions being made in which the primary concern is safeguarding the investor’s interests. When someone goes to a business school, one of the lessons that they are taught is that their primary concern, at the heart of business, is to guard their shareholders’ interests, which runs in the face of the very role of not just providing a place for people to lay their head but providing for the care and wellbeing of asylum seekers. There is a conflict there between the major instigators.

**The Convener:** You recommended that Mears should put an amount of money into providing a mental health and wellbeing service for asylum seekers and refugees. Has there been any movement on that?

**Baroness Helena Kennedy:** Not at all. We had hoped that, of its own volition, Mears would decide that it ought to provide such a service, given what had happened. Many of the people who survived the incidents were still suffering their consequences. The floors were awash with blood in the hotel where the crisis took place. We thought that, if Mears had any good sense and wanted to maintain the contract, it should have immediately been funding the therapeutic help, for example, that should be offered to those people, but none of that was forthcoming.

**Maggie Chapman (North East Scotland) (Green):** Good morning. Thank you for joining us and for the important work that you did on the inquiry.

You have talked about decisions that relate to the Home Office and the United Kingdom Government. Your inquiry report made a clear recommendation that the Scottish Government should consider what powers we should look at to mitigate the failings that were identified and should consider the powers and support for the new Scots strategy, how that is resourced and governed, and how peer-to-peer support is resourced. What powers does the Scottish



Government have to mitigate the effect of decisions that the Home Office makes, given current practice towards asylum seekers? In the Scottish context, are you concerned about particular areas?

**Baroness Helena Kennedy:** First, I want to say that I love the idea of new Scots—the concept that you embrace those who come with the hope and aspiration of settling in your country because they are fleeing persecution. I will mention one thing that became clear to me. A couple of years ago, when the military evacuation from Afghanistan took place, I was involved in the evacuation of a whole lot of women judges, prosecutors, lawyers and human rights activists, who were at a high security risk level. MI6 was clear that they were on the Taliban's kill list.

I was involved in evacuating those 103 women and their families and I got them to a lily pad in Greece, but then it came to the business of finding resettlement for them. The women's husbands were good men and many were professionals, too—they wanted their women to have professional jobs; they did not want them to be locked up at home and denied education. The women came with their children and were in temporary accommodation in Greece, and I was trying to find places for them to go. I spoke to the Scottish Government, which was willing to resettle some of those women and their families, but there was a block on that because of the policy that was being adopted by the Home Office and Westminster. There is this idea about protecting the borders of the United Kingdom, which is unfortunate.

10:15

With regard to the role that can be played by devolved Governments, there is no doubt that mental health, physical health and the support systems for that are much better managed as a devolved matter. We know that when things directly affect people's lives, it is much better if they are handled within the devolved remit. We were clear that money should come from central Government to make that possible but that it should be handled by agencies on the ground that understand local circumstances, what is available locally and the people who are being supported. Why would someone in Brighton have any sense of that? How would call centres that are not based in Scotland know anything about that?

We found that when we met the people who provide help in ordinary circumstances and social workers who are connected to the local authorities, that was where there was real knowledge and where support had been given in the previous months.

**Maggie Chapman:** That is really helpful—you give a powerful example.

A moment ago, you spoke about your position on some of the profiteering around the privatisation of services. To be clear, when you talk about the services that you think would be better provided by local health and social care, and other service providers, are you saying that the funding for that should come from the UK Government?

**Baroness Helena Kennedy:** Absolutely. If the policy is going to be run from the centre, the centre must take financial responsibility for things further down the road. The money should follow the problem. What is wrong is the profit-making element. There are many not-for-profit organisations that could do those things very efficiently.

We have all read the stories about the people who ran businesses that found accommodation for children and adolescents in care who needed housing, and who were driving around in Maseratis and living the life of Riley. There is something absolutely repugnant about profit being made from such a thing as dealing with people in crisis who have serious problems. I personally have a very strong position on that.

**Maggie Chapman:** You said that you find the notion of new Scots to be a positive idea.

**Baroness Helena Kennedy:** I do.

**Maggie Chapman:** I agree with you on that. Do you think that the new Scots strategy goes far enough? Notwithstanding resourcing, are there other areas in the new Scots strategy that we should be considering?

**Baroness Helena Kennedy:** Let us look at the nature of the current discourse around asylum. I am involved in the Westminster debates, and I have tabled amendments to the Illegal Migration Bill. It is a shocking piece of legislation.

I am sure that there are members of your committee who are members of the Conservative Party who have such feelings. I have many friends in the Conservative Party on the other side of the house and they, too, feel a certain repugnance about the bill. Indeed, one of them said to me, "It's the last card in the pack." What was meant by such a statement is that everyone knows that migration is one of those dog-whistle issues and, unfortunately, as we approach elections, sometimes rather disgraceful decisions are made about what is important and what is not.

The nature of the debates that are currently taking place around illegal migration and the business of crossing the Channel has led to rendering everyone who comes by that route as a criminal—someone who is illegal. Those people

do not get the opportunity to make their case to say that they are desperately fleeing persecution; instead, they are criminalised. If they are deported, they will never have the opportunity to come here, even if they have family who are already settled in the United Kingdom—in Scotland, England or wherever. That is a breach of international law, specifically the international convention on refugees, which we—including Scots lawyers—were involved in drafting. The extent to which law is being thrust to one side in an effort to pursue a policy is shocking.

The nature of the debate around all this has been horrifying and the media do not help us. We have to try to create a different kind of discussion about why we need migration and immigration, and about how the business of asylum seeking is separate and different and is about our duty of care to those who are fleeing persecution.

**Maggie Chapman:** Thank you. I could go on, but I will leave it there and let my colleagues come in.

**The Convener:** Rachael Hamilton wants to ask a quick supplementary question.

**Rachael Hamilton:** Good morning. I would like to press you on the issue of the new Scots strategy, which Maggie Chapman asked about. Your panel recommended that the strategy should have more teeth, and you talked about wielding the devolved powers of housing, health and social care. What did you mean by that?

**Baroness Helena Kennedy:** I have mentioned that already, really. The gold standard of what one should be doing across the United Kingdom is saying that there is a welcome to people who come and want to settle here. Obviously, that does not mean that there is an open door to the whole of the world; when it comes to migration and immigration, one is going to be particularly interested in getting people who are going to bring in certain kinds of skills that we do not have. We cannot suddenly or overnight provide all the doctors that our health service needs and all the technicians that we need for the maintenance of aircraft, for example, so some overseas recruitment is going to be necessary, and that involves being embracing.

When I sat on the Justice and Home Affairs Committee in the House of Lords, we produced a report on family reunion and the entitlement to bring families together. We heard from, for instance, senior doctors in the health service who wanted to bring their elderly mothers from India because there is a strong religious and cultural interest in looking after your elderly parents. One successful consultant in Leeds, the oldest son in his family, wanted his elderly mother to come to the UK, but the answer was no, because elderly

parents were not wanted. This is somebody who is giving his life to something that we care about in the firmament of British society, and it just seemed ludicrous to us. There were many examples of cases where the notion of family reunion is not being fulfilled even though, for example, it should be used to bring brothers and sisters together.

The debate around this issue is very poor. I happen to think that the Home Office has been dysfunctional. We have seen that with all the scandals that it has been associated with, such as Windrush and the other policies that were really about being hostile to any incoming people. That is why I liked the idea that you are talking about, of new Scots or new Brits—whatever you want to call them. That involves a sense that someone who has come here is part of our society.

By and large, we have been pretty good about all of that. Of course, it has not been perfect and there are times when there have been racist events—in Scotland, too—when, for example, people arriving here have been perceived to have been taking housing away from the local population, but, in general, we have a good story to tell in comparison with other countries. We should be telling that story more often. The media should be doing that, but the media are often complicit in a presentation of immigration as being a catastrophic problem when the real problems are the disaster around the economy and the way in which an effort was made during the period of austerity policies to diminish Government departments—the numbers of people working in the Home Office on asylum, for example, were greatly reduced.

That is why there was a backlog of cases that had not been resolved. The number of people working on assessing asylum claims was far smaller, and there was a huge churn of people working in those areas. Turnover was high. Why? It was high because there is a sort of moral jeopardy involved. If you are a person who has to decide on whether you think that somebody's claim is justified, and you might think that it is, but you know that there is a diktat coming from on high that the number of people who are getting in needs to be reduced and there is a need to be tougher on claims, you will feel a moral dilemma, and living with that is hard. It becomes a conscience issue. Therefore, people were leaving the Home Office in droves. They did not like doing the job, and they were not very well rewarded for it. It is a painful and difficult job, due in part to the material that they must sift through and deal with.

The Home Office has been dysfunctional for quite some time, and it will take quite a bit of work to get it to a state in which it can handle those problems in a way that we would want.

**Paul O’Kane (West Scotland) (Lab):** Good morning. I want to return to the notion of hotels and their use. We have been particularly interested in speaking to all our witnesses about their experience of hotels, focusing on the idea that a stay in a hotel should always be short term and transient. However, we have seen that something that was intended to be a Covid innovation has become the norm. Will you say something about your work around the use of hotels? Is it becoming more normalised? Do you share the concerns that the committee has heard about that and about the conditions in hotels?

**Baroness Helena Kennedy:** It most certainly is my experience that hotelling people has become normalised. As you said, it started off as a short-term response to the need to find accommodation for people. However, Covid opened up a whole set of opportunities, and hoteliers with fairly low-level hotel provision found that that was a reliable way of making money so, not surprisingly, they became a different sort of provider. Rather than calling them hotels, we could call them something else, because what is really being provided is a sort of hostel accommodation.

In the hotels in Glasgow during Covid, people did not go down in the morning and say, “I’d like brown toast instead of white, marmalade and porridge, and I’d like bacon with my fried egg.” It was not like that. Basically, it was hostel provision—meals were a case of like it or not. The food was very cheaply provided. We can take that as read; it was part of the report.

The business of hotel provision has now become normalised. The hoteliers who ran low-level hotels for backpackers, people on cheap holidays and young people going to London or coming to Glasgow found that this was a much more reliable source of income. They did not have to deal with the issue of turnover; there was no need to change the beds every night because people were not staying for only one night. It became a much more profitable business for the people running such provision.

Let us be very clear: that was done because there were financial benefits all round. It was a cheaper way of doing things. People up and down the country say things such as, “The horror—they’re staying in hotels!”, and they imagine that it must be like it is when they take their summer holidays. However, let me tell you that it is not like that, because the hotels that are used are of a very different order. The hotel providers are really hostel providers—that is what it is like. It is not even as good as what we provide for student accommodation, for example. It is hard for families with children when they are in a room that they must share with little ones. That is really tough. Even for adults, it is very difficult. It was

particularly difficult during Covid when there were lockdowns.

Now, it is still being presented to the general public in a way that is not honest. I think that Paul O’Kane is right in describing the use of hotels as being normalised—there has been a normalisation of it.

10:30

We cannot pretend that there is not a problem. Our young are leaving home and want to have somewhere to live, but the provision of housing has become a crisis in our country, so doing that has become very problematic. Investment in housing should be a priority for the nation, and I do not mean just in relation to what we do for people who are seeking asylum. It is a problem for our young, people with young families and people as they become aged, whom you might want to have oversight of. We have not got housing sorted up and down the country—whether in England and Wales, or in Scotland.

**Paul O’Kane:** That concurs with the evidence that we have taken and the personal testimony of those who are living in hotels currently.

I would like to ask about the support that is offered in those settings, which we have touched on already, with regard to Mears’s input. When we spoke directly to people who are living in hotels, they said that they felt that the problems have not been resolved and that tensions have grown, and that their mental health has suffered as a result. There is no access to counselling or talking therapy—there is none of that. When Mears appeared before the committee, it told us that it was putting support into the hotels and saying, “If you have a problem, talk to us and we will resolve it.” However, my sense was that that was not the reality on the ground.

Will you say something about the lack of support in hotels, particularly with regard to mental health?

**Baroness Helena Kennedy:** Let me explain how I felt about something that I have come across in the inquiry and other fact-finding activities. One of the problems is that people are anxious and they do not want to complain. If you have come from a state where you were persecuted and the powers that be were authoritarian, you might know that Britain is not supposed to be like that, but you think that if you complain about the system, you might not get asylum. You might be in contact with Mears, but you do not know who those people are. Are they employed by the state? Often, people are used to being in countries where there are agents who will inform on them. All the time, the voices in their head are saying, “Be very careful what you say here, as it might be held against you. If you

criticise anything, you might be told that you're not going to get asylum."

The other thing is that people often do not know that they have mental health problems or would not describe them as such. Often, they are fleeing countries that do not have mental health provision and where mental health is not talked about. It is not a way of thinking in those countries; it is something that we—as a more sophisticated society, perhaps—know more about. We really have to take account of all that.

Mears will say to you, "Nobody mentioned to us that they were having mental health problems." For example, in the hotel where the catastrophe happened—there were difficulties in other hotels, too—someone would come and sit at a desk in the reception area, and people could talk to them if they ever wanted to, but they were not people who were qualified or had any skills in social work, counselling or any of those sorts of things. They were guys who used to change the lightbulbs in properties that Mears ran when things went wrong.

It is necessary to have the right capacity and the right kinds of skills, and it needs to be understood that it is sometimes a case of reading the runes when it comes to whether a person might have mental health problems. Sometimes, of course, people retreat into silence with their mental health problems, rather than being talkative about them. The issue is about the quality and nature of provision.

However, I assure you that, in the course of taking evidence, I met wonderful people who were involved in community support, including people who themselves had been seekers of asylum and were now settled in this country and had jobs, but who gave their spare time to help people who were going through the same things. I was very impressed with the local authority social workers whom I met in taking evidence.

There are good people there who are trying to do good things, but I felt that that was not settled into the institutions and the corporate organisation that were involved in the process.

**Paul O'Kane:** We certainly recognise much of what you have said, and I echo your comments about the excellent support provided by organisations, especially in the charitable sector, whose representatives felt, sometimes, that there were barriers to accessing hotels, because of many of the issues that you have mentioned.

I have a question about the use of hotels making people more identifiable, with reference to the risk of human trafficking and exploitation. Do you feel that use of hotels has created such a risk? Because we know where people are, they become more of a target, in a sense.

**Baroness Helena Kennedy:** Absolutely. People traffickers do not just operate in the north of France; they are operating in our midst, too. If people are vulnerable, the traffickers can come and offer them better accommodation. It is a slow grooming of people into the underworld—that is where people can end up.

You might remember the scandal only a couple of months ago when something like 200 children disappeared into the ether. They had been received into the system and were initially placed in hotels or somewhere, but they disappeared. We know that young people of 14, 15 or 16 are going to be involved in various issues—they will be sexually exploited or exploited for criminal activity and the like.

This is a serious problem. Sometimes we are failing to make distinctions between adults and children; there is a fantasy that there are a whole lot of people who are pretending to be children but who are not really children. I hear that being said, including by people in Parliament—that there are young men who are trying to pretend that they are children, despite having three days' growth on their chins. Sometimes people from certain parts of the world are more hirsute from adolescence than those who come from red-haired northern parts, like we do in Scotland. I am telling you, though, that this business of children in the system is still not being adequately addressed.

The new legislation does not comply with the Convention on the Rights of the Child, or, indeed, with the Convention on the Elimination of All Forms of Discrimination against Women—or CEDAW—as a note that pregnant women will be drawn into some of these horrors, too. Of course, it does not comply with the European convention on human rights, either. I would also say that it contravenes our basic common law, in that people are being denied the opportunity of due process whereby their cases are considered and they can claim entitlement to asylum, refuge and sanctuary, because they are fleeing for their lives.

**Paul O'Kane:** Thank you. I am very grateful for that.

**Rachael Hamilton:** Still on the subject of trafficking and exploitation, you say in the report that we should replace institutional accommodation with community-based living arrangements. However, we have heard evidence from many stakeholders, including Mears, about a lack of housing.

Just to stick with the subject of exploitation, I note that around 600 refugees were subjected to trafficking and exploitation in 2022, and, as you have said, 200 of them were children. However, we are a bit stuck here, because of the housing situation. It is almost as if we are in some cyclical

nightmare, in which we cannot get people out of the hotels. Even Mears is saying that it does not have enough properties. What are your comments on that situation and on getting the Scottish Government to move towards community-based integrated living arrangements?

**Baroness Helena Kennedy:** I do not pretend that this is an easy one for Governments. There is a shortage of accommodation, because successive Governments have failed to build new adequate housing for young families and couples, who end up being marooned in the little social housing that there is or in places that they rent. That is becoming even more problematic now, certainly in the south, and I am sure that the same problems exist in Scotland.

Therefore, we have to have a building programme. However, we do not want to see people saying, "Let's have a whole lot of places that are quick and easy to build and put all the asylum seekers in them." We do not want what they have in Paris—that is, environs that are totally filled with people from other parts of the world. That just creates silos of immigration.

The integration success story is one of people living in our communities—and in all the different bits of our communities. We heard wonderful stories of people living in accommodation that, when I was young, would have been called council housing and which is now run by housing associations and the like. Those people were getting to know their neighbours and were sharing food; the asylum seeker would cook something and take it to their neighbour. It was something that they were, culturally, very used to doing, and it is something that is so appreciated by Scots people.

We heard wonderful stories from Scots who had been neighbours of people who were moved out of accommodation. When they came and spoke to me at the hearing, they would say, "Why was this done? Why were they disrupted? They were living across the way and used to take my dog for a walk in the park, because my hips are hurting me now. For the past year, my new neighbour has been taking my dog out." That sort of integration is so important.

I cannot pretend that I have the answer to the immediate problem of the shortage of accommodation. There is certainly a problem in that respect, but the long-term answer is to create new housing across the piece for young people of all sorts, and to make sure that those new communities and the new housing are varied and variegated and are not just some provision for new arrivals—the new Scots, if you like. We must not—and cannot—have new Scots new towns. Instead, we must provide the sort of integrated community that I have been talking about. After all, plenty of

our own young want housing that they can afford and places where they can bring up their children safely and happily. It is a crisis of our times.

I am afraid that I have a strong position on this, which is that taxes are what we pay in order to live in a civilised society. I think that the provision of good housing is something that the state has to put its mind to. You cannot shrink the state to nothing; some people take the ideological view that the state should be as minimal as possible and that everybody should be able to spend their own money how they like. Well, I am afraid that there are some things that involve policy making—sensible policy that provides direction—and inputs of money, which have to be drawn from the business of taxation. We have to have a much more honest conversation with the general public about that and about how we retain our world reputation for humanity, compassion and good sense.

**Rachael Hamilton:** Can I just clarify whether, in the inquiry, you talked about mixed-sex accommodation in hotels? I am just trying to link your thoughts. Do you believe that the integrated community accommodation would reduce the trafficking and exploitation? I do not have any detail on that and I was wondering whether it was just some aspiration or whether there was definitely evidence to suggest such a link. Do cultural integration and support from communities give women, in particular, the support that they need around them? Are there, say, people who are able to stop traffickers? Do you see what I mean? Did you find any link in that respect?

10:45

**Baroness Helena Kennedy:** I think that there is such a link, and I will use France as an example. In the banlieues where everybody is from North Africa, the traffickers know where to go. If people are integrated, it is much harder for the traffickers to go in and source people to be young drug carriers or mules, or people for sexual exploitation. People who live in hotels are readily identifiable. In London, for example, Earl's Court is the place where all the cheap hotels that are being used for migrants are. It makes the job of the trafficker so much easier. If people are spread around and are living in different communities, it makes things much more complicated for the trafficker. Also, because people have support networks and people to go to, trafficking becomes more difficult.

There has been a certain amount of research on that, particularly in relation to modern-day slavery and trafficking. We were really generalists when it came to that, so we relied on those specific pieces of work. However, I have followed the issues quite closely over the years, since the Modern Slavery Act 2015 came in, and I think that one of the

success stories that we have had in immigration has been on integration. Where people are collected together in one area, we are more likely to get trafficking.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** Good morning, Baroness Kennedy. Your testimony this morning, like your report, has been very sobering. What has been the response from the Scottish and UK Governments to the report's findings and recommendations?

**Baroness Helena Kennedy:** When the report came out, the response from the Scottish Government and the other parties in Scotland was very positive. I received communications from across the piece that welcomed the report and the attention that it drew to some of the serious problems in this field. Indeed, I invoke that regularly when I am on my feet in the House of Lords. For example, when I have been discussing the Illegal Migration Bill, I have regularly mentioned my experience of being here in Scotland, hearing people's evidence and seeing the good things that Scotland has been attempting to do.

However, problems are going to increase with the Illegal Migration Bill, which is being run through Parliament at speed, and I am not hearing much of a welcome from the Home Office for what I have said. It does not respond, and the Home Secretary is not receptive to any kind of critique that does not fit with her world view.

**Karen Adam:** Thank you for that answer. Our investigations over the past few weeks have certainly given us a lot of clarity. Powers over immigration are reserved and are not within our remit, but do you feel that we are addressing the issues sufficiently with the powers that we have, or could we do more?

**Baroness Helena Kennedy:** It always comes back to resource. That is one of the problems. In Scotland, we have wonderful people in the field of social work and a wonderful voluntary sector, which is one of the riches of Scottish society. That could be drawn on more, but we still need resource. With those who have mental health problems, we need more people who are skilled in dealing with them, and that means skilling up more people in the provision of mental health support.

Of course, more than just counselling is required. Sometimes people need pharmaceuticals to help them deal with their depression, so doctors must be involved too, but, again, all of that needs resource. After all, it is not just asylum seekers who have mental health problems; since Covid, there has been a great growth in the need for such support. Indeed, there is a dearth of provision for young people's mental health across the whole of the United Kingdom.

That all needs resource, which takes us back to the economic crisis. We must decide what brought that about and what the resolution will be. If we are all going to suffer the hardships and deprivations of the financial crisis, I would like to see some of the burden of that crisis falling on the shoulders of those who are still very wealthy, and I would like to see that money coming into the system.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Thank you, Baroness, for your powerful words so far. The committee recently met some asylum seekers who told us about some horrific circumstances, and if they, or any of the agencies supporting them, are watching, they will very much welcome your strong words. Thank you.

A number of areas have already been covered, but I just want to go over one of them again. When we speak to people, they almost always talk about simple things. There is an understanding that there are wider policy and political issues that need to be sorted at a high level, but most folk to whom we spoke just wanted to have free transport, to get more appropriate meals and to be treated with dignity and respect. I know that others have asked this, but what can we do here, and across the UK, to make that a reality?

**Baroness Helena Kennedy:** We need more people working with the community, and for some, that work must be a paid job, although others can be volunteers.

I might be being romantic about us Scots, but I believe that Scots on the whole are very welcoming. There was the most wonderful story of two very black West Africans, both of whom had been stabbed and had ended up in hospital because they had tried to restrain a guy with a knife. Those two young men talked about how, when they were first put into their hotel, they were allowed to go out for that one-hour walk that we will all remember being allowed. When they were out for their exercise, an elderly Scottish woman asked them, "How are you boys doing?" and fell into conversation with them. Once they were able to associate with others, she had them round to her home and fed them.

They told how she gave them a plastic container of good home-made Scottish soup to take home. They put it in the fridge in the kitchen, but, when they came downstairs next morning, desperately looking forward to their Scotch broth, they found that it had been thrown down the sink, because it was a foreign object in the fridge.

I am not telling the story as a criticism of the hotel staff, who did not know what it was, but to highlight the generosity of people in the community. On the one hand, there is good will

from Scots, who show great kindness to strangers once they are in among them and get to know them, but on the other, there must be professional help, which must be resourced—and that will involve robbing Peter to pay Paul.

I hope that one of the committee's recommendations might be to provide more courses for people to acquire counselling skills and recognise evidence of mental ill health. Our universities, further education colleges and community colleges in Scotland, which are terrific, should provide opportunities for people to skill up in the kind of provision that we need. I am talking about the stuff that falls short of florid mental health problems, which really need to be dealt with by doctors, psychiatrists and so on. Some of it is about counselling and helping people see why they are suffering grief.

In the House of Lords, I have asked how many people there have actually spent time with asylum seekers. For the most part, they have not. You have to sit and hear stories of people watching the members of their family being slaughtered in the most terrible ways, as is happening in Sudan just now. You hear about the rape of women. I am currently on the war crimes task force for Ukraine, and you hear about the abduction of children and the sexual violation of women in the presence of their family members—in front of their grandparents or the wee ones in the household. You hear about women not just being raped but being raped over and over by whole groups of men—I cannot begin to tell you. Getting over that is terrible. One thing that we are going to advise Ukraine on is the need to skill up people to be able to deal with the aftermath of that.

Let us be clear: there are ways in which we can speak to all our institutions about the roles that they can play. I am not sure that enough of our colleges are providing those kinds of training courses, and I think that there are those who volunteer who would be interested in acquiring additional skills so that they can do the work even better.

**Fulton MacGregor:** Thank you for that very thorough answer.

My next and final question is about Mears. As the convener said at the start of the session, we have heard mixed evidence on Mears. The third sector organisations have been particularly critical, while the local authorities and statutory organisations have been a bit more supportive. We also heard evidence from Mears itself. I am looking for your opinion, based on what you have picked up through your work. I suspect that individual people who work for Mears will, on hearing the sort of stories that we have heard, want to react and do good, but do they have the power—or the green light—to challenge the UK

Government, or do they live in fear of their contract?

**Baroness Helena Kennedy:** We never got to the bottom of where the decision came from to move people from the accommodation that they were in, partly because the Home Office basically refused to play or to participate. A woman and her son who had been in a small flat for a couple of years were moved; she then had to multiply the depression pills that she was taking, because of what happened. She ended up in a hotel room that she shared with her son, who was an adult. Do not get me wrong: the people who worked for Mears were decent people, too, and were full of kindness and so on, but they were often unskilled for the jobs that they were doing.

Who made the decision that it would be cheaper to put people into hotels that were empty because the tourist trade had gone? Who decided that there was another place to put people that was much less expensive than putting them into places where rent had to be paid? I think that it came from the Home Office. Did Mears go to the Home Office and say that an alternative had come up? That is possible, but of course Mears did not do it off its own bat—it came from the Home Office.

A decision was made, but nobody came forward to assist us in finding out how that decision was made; whether the proposal was scoped; whether people thought about the implications or consequences for welfare provision, the support systems that people might have established and the ways in which people's physical and mental health might be catered for; or whether there would be enough people during the Covid period to visit the hotels to see what the conditions were. Nobody would step forward to testify on any of that. I suspect that, down in London, they were all individually working from home and it was done in the rather chaotic way in which the Home Office has been working for rather a long time now.

It might be that more effort is now going into dealing with the backlog of people who are still waiting for decisions. The Home Office will have to deal with that anyway and is getting more staff in to do that. Although the decision was made in the Home Office, it refused, first of all, to hold its own inquiry. The people in the refugee support system called for a Home Office inquiry—a public inquiry—but it was refused, and then, when we held our inquiry and I asked the Home Office to participate, it did not do so.

Transparency and accountability are fundamental in a democracy. I am afraid that we have had less of that and more and more power going off to Home Secretaries to make decisions for which they are never held to account.

**The Convener:** Baroness, you have provided powerful, compelling evidence for our inquiry. I thank you for taking the time to speak to us and giving us all that information and insight.

We will now draw this evidence session to a close. I once again thank Baroness Helena Kennedy very much for attending.

**Baroness Helena Kennedy:** You are welcome.

**The Convener:** I suspend the meeting for a short time while we change over to the second panel of witnesses.

11:01

*Meeting suspended.*

11:04

*On resuming—*

**The Convener:** I welcome to the meeting Emma Roddick, Minister for Equalities, Migration and Refugees, and her supporting officials: Alison Byrne, interim director, equality, inclusion and human rights; and Aileen Harding, policy manager, asylum and refugee integration.

Members have had a chance to look at the committee papers. I invite the minister to make a brief opening statement before we open the floor to questions.

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** Thank you, for the introduction and for inviting me to be here to speak to the committee on what is, of course, world refugee day. Following this meeting, I will be attending an event organised by the Scottish Refugee Council as part of refugee festival Scotland, which is in its 22nd year. More than 120 events are taking place across Scotland this week, co-ordinated by the Scottish Refugee Council, and this year's theme is hope. I recognise that the Scottish Government and the Scottish Parliament have a crucial role to play in providing that hope to asylum seekers.

The Home Office is, of course, responsible for UK asylum and immigration policy, including no recourse to public funds and restricting asylum seekers right to work; operation of the UK asylum system, including decisions on how it operates; and provision of asylum accommodation and support.

I recognise that many essential services are devolved and the responsibility of the Scottish Government and local authorities, which play a key role in supporting asylum dispersal. I have been amazed by the on-going and constant efforts of Scottish third sector organisations in making an invaluable contribution to supporting asylum

seekers in Scotland. We are proud to support those organisations, and the Scottish Government is providing nearly £1 million to third sector organisations in 2023-24 for refugee integration work.

We have taken a human rights-based approach to our policy on asylum, with our "New Scots Refugee Integration Strategy 2018-2022" being clear that integration should be supported from day 1 of arrival. We are clear that that applies whether a person first arrives as a refugee or as someone who is seeking asylum.

The new Scots strategy was developed and led in partnership by the Scottish Government, the Convention of Scottish Local Authorities and the Scottish Refugee Council, and it helped Scotland to secure £6 million from the European Union's asylum, migration and integration fund, which went towards a £6.6 million project to support refugee integration.

I am committed to working with our new Scots partners to refresh the strategy, building on work to date, and ensuring that it continues to be informed by refugees, people seeking asylum and those with experience of supporting both groups in our communities.

The ambition of new Scots is the right one: to support everyone so that they have the best shot at integrating, and to ensure that they are properly supported and able to realise their human rights. However, I stress the difficulty in achieving that fully within the constraints of devolution. For example, we are providing more than £1 million to support the delivery of our ending destitution together strategy, which improves support for people with no recourse to public funds, including many asylum seekers.

We do not believe that anyone should be pushed into destitution, but we have no power over whom NRPF is applied to, nor can we support those with NRPF to access Scottish benefits or the Scottish welfare fund.

The British Red Cross is a valued partner in delivering crisis funds to those who need them, including asylum seekers with NRPF. However, it should not be necessary to resort to crisis funding to make sure that someone is not made destitute, and Scottish ministers continue to raise issues and concerns about NRPF with the UK Government.

At this point, I would like to mention briefly the Illegal Migration Bill and the opposition of the Scottish Government and Scottish Parliament to it. The Parliament, of course, debated and agreed a motion describing the bill as "dehumanising and immoral". The bill is currently at its committee stage with the House of Lords, with a report expected in early July.



The Scottish Government is clear that the bill will prevent people, including those being human trafficked, from accessing safety and support in Scotland, and we believe that the UK Government should withdraw it immediately. We know that trafficking victims are often suffering from severe trauma, that they have little choice about their movements and that they are frequently unaware of their location or how they entered a country. Therefore, removing existing protections based on how they entered the UK is irresponsible and indefensible. It will make victims much less likely to seek help, tightening the grip of perpetrators, and therefore making the job of the Scottish Government in supporting victims of human trafficking—a duty that we take extremely seriously—very difficult.

That is why we are seeking to withhold consent on key clauses that impact on the competence of Scottish ministers and our ability to operate in devolved areas. On Thursday, I will attend a summit on the Illegal Migration Bill that will also be attended by key stakeholders. Convener, I extend an offer to write to you following that summit to share any key insights.

I will end my remarks by highlighting our wider work through introducing a bill on human rights and continuing to pressure the UK Government for further powers to be devolved on, or at least for improvements to be made to, the immigration system and setting out a vision for an independent Scotland that enshrines human rights in a written constitution. We are committed to doing whatever we can to help the people who need it most.

There is more to do and there are significant challenges, which is why we are committed to working with our partners to refresh the new Scottish strategy, building on the work that has been done to date and continuing to ensure that it is informed by lived experience as well as organisations with expertise in supporting people.

I have been interested to read about the important work that the committee has carried out, and I look forward to hearing members' questions.

**The Convener:** Thank you for your opening statement, minister. You will be aware that Baroness Helena Kennedy gave evidence to the committee just prior to your appearance. One of the recommendations of her inquiry was for a review of the right to work. I will throw the subject of free bus travel into my question as well.

Applying the right to work would not only result in economic benefit for Scotland; it would establish human dignity for people by enabling them to provide for their families and not be a burden in any way. What powers would the Scottish Government require if refugees and asylum seekers are to have such a right? Are

communications with the UK Government taking place on that issue?

**Emma Roddick:** Absolutely, convener. Such conversations have been happening in the long term, and they are on-going. We have been particularly keen on applying the right to work to asylum seekers, alongside removing NRPF, because such measures would allow integration, as is set out in our vision whereby people would be allowed to integrate from day 1 and, as you say, be economically active during their time here.

The powers that we would need sit within the wider asylum and immigration power that the UK Government holds. We have requested more power over the rights and entitlements of asylum seekers and other migrants, and we will continue to pursue that.

On bus travel, I point out that our existing approach has not been exclusive of asylum seekers. As it stands, our concessionary travel scheme allows for asylum seekers who meet the current criteria, including being aged under 22 or over 60 or being disabled, to acquire free bus travel. We estimate that around a third of asylum seekers in Scotland are currently eligible for it.

I will bring in Aileen Harding to say a bit more about the current pilot on bus travel. Once we have further information about how it is being used by asylum seekers and the types of journeys that are being carried out, we will be more than happy to explore how much it would cost the Scottish Government to extend the scheme and what justification there could be for extending it to one cohort other than simply on the basis of age and disability.

**The Convener:** It would be helpful to obtain more information. The issue of free bus travel has come up time and time again. Third sector stakeholders with lived experience have all raised it in their evidence. Would Aileen Harding like to come in on that?

**Aileen Harding (Scottish Government):** The programme for government already contains a commitment to consider how best to provide bus travel, which could be through concessionary travel or other routes such as third sector schemes. A conclusion has not yet been reached on that because work on exploring it in line with the programme for government commitment is continuing.

A pilot is currently running in Glasgow that builds on knowledge from third sector organisations, which I know have given evidence to the committee and which themselves have provided support in the past. We really appreciate the information that they have been able to share with us on the schemes that they have run. The specific information that we are seeking from the

current pilot is on matters such as how people use bus passes and how many journeys they make, so that we can get more information on the likely cost of either extending concessionary travel or making other provision. We recognise that there is evidence of need out there, and it has been raised with us.

We are running a pilot that we hope will provide more evidence on what the cost element might be to enable a calculation to look at that, and to inform us on how that benefits people who are seeking asylum, so that we can use that to inform further consideration in line with the programme for government commitment. The pilot will run until July. It is being run in Glasgow specifically because that is where most asylum seekers are currently, but we are also alive to the fact that dispersal is widening so we need to consider how best to provide bus travel across Scotland rather than just specifically in Glasgow.

11:15

**Rachael Hamilton:** Ms Harding, you have just answered my next question. There is a concentration of asylum seekers in Glasgow. Does the Scottish Government believe that one of the reasons why local authorities are not taking asylum seekers is that they cannot provide transport, so asylum seekers tend to seek areas in cities that have an infrastructure? What is the Scottish Government doing about that, beyond those issues with the challenges around bus travel?

**Emma Roddick:** First, we are in the process of widening the dispersal of asylum seekers to other local authorities but we have been clear that, although a lot of work has been done and experience and knowledge has been built up among those who work in partnership in Glasgow to support asylum seekers, a lot of work also needs to be done to ensure that the support and the services are there once the dispersal is widened. Local authorities will have many different reasons, depending on which council it is, for hesitating to accept asylum seekers. We will learn a lot from the pilot. Transport in a city is very different to transport in a suburban or rural area, but the pilot will inform us of the cost that is likely to be inflicted.

I will bring Alison Byrne in to say some more about asylum dispersal.

**Alison Byrne (Scottish Government):** One of the challenges for Scottish local authorities is the Home Office funding to support asylum dispersal. That was put in place only in the past year and it allows local authorities to think differently about how they can support the wider dispersal of asylum seekers in Scotland.

**The Convener:** On having no recourse to public funds, minister, you mentioned that asylum seekers and refugees have different statuses and are assessed differently. In response to the war in Ukraine, the Scottish Government took on the role of supersponsor. During the past few weeks, we have heard evidence from asylum seekers and refugees from countries such as Afghanistan, Eritrea and Sudan who in no way wish to see and end to the amazing work and support that Scotland has provided at Government level and public level towards the Ukrainians. However, they felt that there was a disparity between the levels of treatment of different refugees from different countries. I am therefore interested in the minister's and Scottish Government's view on that. Unfortunately we live in a turbulent world, so what criteria would the Scottish Government use for supersponsor status in the future?

**Emma Roddick:** First, the resettlement of people from Ukraine was a reaction to a difficult event—the illegal invasion of Ukraine—but we were led there by decisions made at the UK level. Displaced Ukrainians in Scotland and the UK have the right to work and access benefits, so they are in a very different position to those asylum seekers from other areas or those who took different routes in. That is one of the reasons why we have been clear that there needs to be safe and legal routes into the country, because if you do not provide safe and legal routes, all that is left are unsafe and illegal routes.

I can completely understand why someone seeking asylum would look at the support that has been given to Ukrainians and wonder why it has not been extended to everyone else, but the unfortunate answer is that we do not have the ability to treat asylum seekers in the same way.

I know that integration into the community has been successful in relation to Ukrainians who are displaced here at the moment. For example, they have been able to get into work; I think that 85 per cent of those in Edinburgh, for instance, are in work. They have also been able to access services in Ukrainian due to the large cohort that have very similar needs and backgrounds.

We are discussing very different cohorts here, and we are simply not able to do things in the way that we reacted to Ukraine and Sudan in relation to expanding social security access to people with, for example, NRPF.

**Maggie Chapman:** Good morning, minister. Thank you for being with us this morning. I am interested in exploring some of the possibilities for action that we have around use of hotels. We know that hotels have increasingly been used not as temporary or short-term accommodation, as was originally intended, but have become institutionalised accommodation across the piece.

We see that not only in Glasgow, but in other parts of Scotland including Falkirk and Aberdeen.

What are the priorities in ensuring that we move people out of hotels as early as possible? We know that hotels are not the best places for people to be and that asylum seekers do not necessarily have the mental healthcare and other healthcare support that they should have. Hotel accommodation also ghettoises them, makes them targets and identifies them very clearly as a community of asylum seekers living in that one place. What are the Scottish Government's priorities for ensuring that institutionalised use of hotel accommodation shifts?

**Emma Roddick:** I have been very interested in the evidence that the committee has gathered on hotels—keeping in mind that placement of asylum seekers in hotels—or, rather, temporary accommodation—is a decision that is wholly reserved to the UK.

It is important to go back to my answer to the convener's previous question. Asylum seekers not having the right to work and not having recourse to public funds makes their placement in hotels very different to how it would be for other cohorts. We are clear that there is a time to use hotels and that there are appropriate circumstances for that. However, we do not see asylum seekers waiting for a decision on their immigration status as appropriate circumstances.

I completely agree about use of the word "temporary": if we are providing people with temporary accommodation, it needs to be clear that it is temporary. Given the length of waiting times for decisions around immigration status and the uncertainty that asylum seekers face, I think that it is not fair to use the word when we place asylum seekers in hotels in Scotland.

**Maggie Chapman:** We heard from Baroness Helena Kennedy this morning that one of the challenges is that local authorities and others are finding that they do not have the capacity to move people out of hotels, because other accommodation is not available. I appreciate that provision of housing is within the powers of the Scottish Government. Health and social care support is also clearly devolved and within our capabilities.

Is the Scottish Government thinking of working differently with local authorities and third sector partners to make sure that asylum seekers, while they are in what is pretty horrendous hotel accommodation, get the best possible healthcare, social care and other support in that—as the minister said—"temporary" situation?

**Emma Roddick:** First of all, the Home Office is responsible for matching refugees to properties. On health and social care support, the Scottish

Government has always been clear that asylum seekers and refugees have access to NHS services. They can register with a general practitioner. The same goes for other devolved services, including education: a child who is seeking asylum or who is a refugee has the right to an education, just like anyone else.

I go back to funding for local authorities. We have long highlighted that the UK Government's asylum dispersal funding is inadequate. Having met partners in COSLA and local authorities, I know that that is being felt at the moment. There is a great deal of fear about increasing asylum seeker provision without having extra funding. If the committee were minded to back our calls for the UK Government to provide more funding and clarity around that, that would be very welcome.

**Maggie Chapman:** One of the things that we heard very clearly from organisations supporting asylum seekers, the asylum seekers themselves and this morning's first panel, was that there is a lack of funding for third-sector organisations. A lot of money is going to hotel providers and Mears, but no funding goes directly from the Home Office to third sector support organisations. That is completely back to front in my view. I could use other words to describe it, but I will not.

In the past couple of weeks, we have spoken to asylum seekers in various situations, and the joined-upness of services has been an issue for some folks. In addition to the public transport pilot in Aberdeen that you mentioned, one of the bus providers in Aberdeen did work with the Grampian Racial Equality Council and got bus service provision for asylum seekers who have been sent there. That kind of thing is so important, especially if people have to travel further afield. No one wants to sit in a hotel room for most of the day, only leaving to eat food that may or may not be culturally sensitive, or perhaps to get out for a walk to nearby facilities. There are consequences for people's mental health in not having the additional services; they might not seem like matters of life or death, but they are fundamental to being human.

What more can the Scottish Government consider doing, either through the new Scots strategy or the ending destitution together strategy, to ensure that we look at the whole picture? We cannot look at services in silos and say, "You get your healthcare from your GP and you get your housing when that is worked out between the Home Office and the local authority." We need to look at asylum seekers as whole human beings. I am interested to know what more we could be doing within the powers that we have.

**Emma Roddick:** I completely appreciate the points about mental health impacts and support. We are working with a Glasgow-based mental

wellbeing project to better support people who are facing such challenges.

On third sector funding, as I said in my opening statement, we have provided more than £2 million from the two funding streams that Maggie Chapman mentioned. Much of the funding from the ending destitution together strategy goes to the British Red Cross to provide crisis grants to people who are at risk of destitution. However, we have to be sure that they are close to destitution due to NRPF, not having a right to work and having difficulty getting appropriate housing.

It is very difficult to continue to fund at such levels to mitigate failures in the UK Government's immigration system, given that that is not something that we are able to change. However, we have a duty to try to make things better around the edges. I would much prefer to make big changes to the rights and entitlements of asylum seekers by saying that we will remove NRPF and give people the right to work. Given that we cannot do that, we are left to provide crisis grants and other support through different means.

**Maggie Chapman:** Finally, I have a quick question—or, perhaps, more of a point to flag up.

We have heard when speaking directly to asylum seekers over the past couple of weeks that when their status changes—when they get a decision and become refugees—it is almost as though they are dropped. Some support networks exist within the hotel structures, or people build up relationships with organisations, but when they get settled status or refugee status, they cannot access those any more because they are no longer asylum seekers. That is something for us to watch so that, in the transition from asylum-seeker status to refugee status, people do not fall through the cracks and, therefore, end up even more in need of crisis funding.

11:30

**Emma Roddick:** I hope that you understand the reason why resources are pushed towards asylum seekers. In international law, no distinction is made, but there is a distinction for rights and entitlements in the UK. The difficulty is that people are being forced into destitution and that is where the limited money has to go. However, it is important to pick up on such points as we develop the refreshed new Scots strategy.

**The Convener:** Paul O'Kane joins us online.

**Paul O'Kane:** Good morning, minister and officials. I am keen to explore further, if we can—*[Inaudible.]*—Scottish Government's response to the Illegal Migration Bill. *[Inaudible.]*—with the UK Government. Will the minister share with us what interactions she has had on the bill with the UK

Government and what representations have been made and to whom?

**Emma Roddick:** I think that I picked up enough of that, convener, if you want me to answer.

**The Convener:** Yes. The general thrust was about what communications you have had about the Illegal Migration Bill and with whom.

**Emma Roddick:** We had the debate in Parliament, which informed our way forward. The Cabinet Secretary for Social Justice wrote to Robert Jenrick to reiterate the Scottish Government's opposition to the bill on 25 April, then we led the political debate in opposition to the bill's provisions in the Scottish Parliament.

On 30 May, we lodged our legislative consent memorandum in the Scottish Parliament. There will be an opportunity to discuss that in a parliamentary debate. The LCM recommends that consent not be given to clauses 23 and 27 of the bill, which are the clauses to which I referred in my opening statement. We believe that they would significantly alter the competence of the Scottish ministers and our ability to meet our international human rights obligations to support victims of human trafficking, including children. Officials and ministers have continued discussions with the UK Government to make it clear what we oppose and why.

**Aileen Harding:** To be clear, I point out that the Scottish Government lodged the LCM on 30 May. The LCM is going through the process to determine whether Parliament considers the bill to be relevant for a debate on the LCM. The Scottish Government's view is that it is a relevant bill, but the LCM has to go through parliamentary processes and be accepted before a debate can be scheduled on it.

**Paul O'Kane:** Can you hear me, convener? I think that there was an issue with the previous question.

**The Convener:** I can hear you. You cut out periodically, but very briefly.

**Paul O'Kane:** Given the context, might we hear from the Government about what is being done in the devolved context? The Human Trafficking and Exploitation (Scotland) Act 2015 is legislation under which we seek to challenge much of what we have been talking about in the inquiry. Will the minister say something about progress on that?

**Emma Roddick:** Certainly. The Scottish Parliament passed the act unanimously in 2015, which shows the strength of feeling across all parties about doing more to support victims of human trafficking.

Police Scotland continues to work closely with partners in the UK and beyond to share

intelligence and co-ordinate work. We are bringing in as much knowledge and expertise as we can so that we are able to approach that work as widely and effectively as possible. However, we are very concerned that, should the bill pass in its current form, we would be severely limited in our ability to identify then support victims, because they would have the extra burden of not being able to come forward and explain their situation, given the potential for their removal from the UK.

**The Convener:** I go to Rachael Hamilton.

**Rachael Hamilton:** Minister, how many Ukrainians are still living on cruise ships in Scotland?

**Emma Roddick:** I do not have the exact number to hand. To give a bit of context, I point out that the number is currently changing every day because the disembarkation of the MS Victoria is getting to the final stages; every single day, a significant number of Ukrainians are moving off the ship.

I do not know whether my officials have our most up-to-date figures on that.

**Rachael Hamilton:** While you are looking for the figures, I have another question. Where will the Ukrainian refugees be moved to?

**Emma Roddick:** The full variety of accommodation options in which Ukrainians are currently living in Scotland is being used for those who are coming off the ship. We have had significant interaction with the private rented sector on what is on offer, in particular in Edinburgh.

Ukrainians have been matched with host families across Scotland, and there have been specific movements in relation to the £50 million that was made available to local authorities to upgrade empty and void properties. When the properties that we have managed to bring back into use have come online, Ukrainians who have been on board the vessel have been matched with them.

We have not managed to find a specific number for you, but we can definitely write back to the committee with the most up-to-date statistics.

**Rachael Hamilton:** Who pays for the accommodation? You mentioned that there is a £50 million fund. Is that part of the Ukraine longer term resettlement fund?

**Emma Roddick:** That is the specific funding that was made available for local authorities to use only for empty and void properties. Once Ukrainians move out of those properties, they will be available for social use by the local authorities.

**Rachael Hamilton:** Is that temporary accommodation?

**Emma Roddick:** It is temporary, in that most Ukrainians who are living in Scotland would consider any place in which they are currently living to be temporary, but it is not temporary accommodation in the way that hotels and vessels are.

**Rachael Hamilton:** Thank you for offering to get back to the committee with the number who have moved off the cruise ships. It would be interesting to know how many have moved, as you described, to a variety of accommodation, whether it is a hotel, a private rental or social housing.

I am interested in the number of houses that are becoming available in local authority settings for asylum seekers who have settled refugee status and Ukrainian refugees. How is there parity in the offer of housing to move individuals from hotels or cruise ships to accommodation?

**Emma Roddick:** We have managed to collect extensive data on where Ukrainians are moving to from the ship and where people are going and why. It is a lot easier to do that when they are all based on board the ship at first, with all the support services around them. Those statistics are being collected, and we have gained quite good insight for future planning in terms of how many want to go to Ukraine in the near future and how many are thinking much further ahead or want to leave Ukraine permanently altogether.

I am sorry—I have forgotten your second question.

**Rachael Hamilton:** It was on parity.

**Emma Roddick:** I point out that the supersponsor status for Ukraine is unique, so there is not parity because the Scottish Government does not have that formal role in respect of other immigration routes. We would, if we had the powers that we have been asking for to enable us to set our own controls over immigration and our own rights and entitlements for those who are seeking asylum or for refugees—but we do not.

The many successes of the Ukraine supersponsor scheme—including the support that has been offered to people who have arrived here under it and the partnership working with COSLA, local authorities and third sector partners—demonstrate what can be done if we take the approach of treating people with dignity and respect, allowing them the right to work and making sure that varied types of accommodation are available to them, based on their needs. We saw the working between local authorities—council representatives from across Scotland came on to the ship to speak to people living there about what was on offer in their area. That is a great demonstration of what can be done if we take the human rights-based approach.

**Rachael Hamilton:** I will ask about the new Scots strategy, which Paul O’Kane—I think—asked a question about. There has been debate about how that is working. The strategy seems to use an umbrella term for a lot of groups of people. The committee has not had the opportunity to speak to any Hongkongers. We know that about 166,000 Hongkongers have come to the UK, but a very small number have come to Edinburgh—just a few hundred. I am interested in knowing whether the Scottish Government has analysed why so few Hongkongers want to live, work and stay in Scotland.

**Emma Roddick:** Information is always coming through, and I recently had an interesting discussion, through Reform Scotland, about the routes that Hongkongers are taking and why people are moving where they are moving. That seems to be based very much on where there is particular information or an existing diaspora that says that a place works for them. We find with cohorts that are in Scotland and are continuing to move to Scotland that they are drawn here by people whom they know who came from the same country, and by their families who are living in a particular place.

**Rachael Hamilton:** I agree—the statistics show that a lot of Hongkongers have settled in Manchester, Salford and other areas in the north-west.

Hongkongers who have come here—there are just a few hundred—recently had a round-table event, at which people said that they do not feel welcome. It is important for us to understand the impact that choosing to come to Scotland has had on them, so it would be welcome if the Scottish Government would analyse that. That relates to my comment that the new Scots strategy uses what is perhaps an umbrella term rather than looking specifically at cultural identities and understanding people for who they are, rather than as part of a group of people who have been displaced.

**Emma Roddick:** Absolutely. It is important to keep remembering that, even though “new Scots” is an umbrella term for all different groups of migrants, the groups are not homogeneous—even among refugees and asylum seekers. They have various needs and expectations on arriving in Scotland.

On Hongkongers, theirs is the kind of lived experience that will be valuable when we shape the refreshed strategy. As we form the new strategy, we can absolutely engage with the people who have raised such concerns and ensure that they are taken into account. I hope that those people will feel that the next strategy is much more relevant to them, if they have managed to feed into the process.

**Rachael Hamilton:** Convener, do you want me to ask my question about English for speakers of other languages, given that it is part of this issue?

**The Convener:** Go ahead.

**Rachael Hamilton:** On the welcoming strategy, we heard evidence from various stakeholders that access to ESOL is challenging. What solutions does the Scottish Government propose for addressing that?

11:45

**Emma Roddick:** It is certainly very challenging. I am aware that the current demand for ESOL services for people who are displaced from Ukraine is putting a lot of pressure on providers and increasing waiting times. We are looking at ways of supporting that.

I again point out that there is a funding issue here, because asylum dispersal is not specifically funded by the UK Government. We do not have control over what sort of, or how much, ESOL provision is needed, but we still have to provide it. There are challenges about where the funding comes from.

**Rachael Hamilton:** That is interesting. I think that the committee should dig more deeply into what kind of ESOL is required, because I am not quite sure what you mean. The other day, I met a Ukrainian refugee who said that she was privately funding her own ESOL and taking virtual lessons to ensure that she could get work in Scotland. What do you mean when you talk about that requirement?

**Emma Roddick:** At the moment, colleges are working with community planning partnerships, because there will be different need and demand in different areas. Online training is a good example of that. There will be certain settings where it is difficult to get people into a room together, but in other places there are language cafes, which seem to work well for certain people—though not everyone—because the cafe is a relaxed, conversational, informal setting where some people are more able to pick up a language.

Because there are different kinds of ESOL provision, it is important that local communities can feed into that to ensure that provision is based on local need. That can be particularly true in rural areas; some people might prefer online lessons to travelling, although others might be unable to access online provision.

**Karen Adam:** I have a few questions about what we can do here in Scotland and what is within our competence. Witnesses in the past few weeks have told us about areas that fall within the UK Government’s remit—and, earlier today, Baroness Helena Kennedy told us about issues

with the Home Office—but we do have competence in some areas. Are there areas within our competence that we might not currently be using, but which you feel could be used to address some of the issues faced by asylum seekers in Scotland?

**Emma Roddick:** We are doing what we can to support asylum seekers. We do not exclude people, although we have seen that attitude in other settings. We are inclusive, and asylum seekers can access Scottish public services such as the NHS, schools and the baby box. The member will know that, yesterday, we published our vision for the constitution of an independent Scotland. We would enshrine human rights for everyone in a written constitution.

We are trying to take that approach even now, as a devolved Government. Our human rights bill is out for consultation, and we are seeking views on how best to incorporate international treaties, as far as possible and within our devolved competence, into Scots law. We do not seek to treat people differently on the basis of how they got here or what their personal circumstances are.

A lot of work is going on at the moment across Government to embed that approach. All ministers must have that human rights-based approach in mind and we are embedding equality in everything that we do. There is no gatekeeping to prevent asylum seekers from accessing any of the devolved services that we provide, including the baby box, education or the NHS.

**Karen Adam:** That is really good to hear. I also note that the Scottish Government is extending tuition fee support to asylum-seeking children from August this year and that a guardianship system is coming into place. Please give us a brief outline of what that will look like and how it will help our asylum-seeking children.

**Emma Roddick:** Absolutely. Before I bring in an official to respond, I will just say that that is one of many examples, because we are also making sure that progress made on childcare and early learning is expanded to asylum seekers. It goes back to the principles of our new Scots strategy. Integration from day 1 is absolutely the goal, which is why we are expanding rights and services to asylum seekers as much as we can—and, indeed, we are looking to do more of that every day. For example, we are asking the UK Government to remove the Scottish welfare fund from the list of excluded benefits under NRPF. We are pushing for whatever we can to expand provision to asylum seekers.

I will bring in Aileen Harding to say a bit more about tuition fees.

**Aileen Harding:** Tuition fees support will, from this academic year, enable young asylum seekers

who made their asylum application before they turned 18 to continue their learner journey, as they will be able to progress from school if they are offered a place at university. They will be able to apply for their tuition fees in the same way that any other student can do, and therefore not have that artificial break in their education while they wait for a decision from the Home Office. Once someone has refugee status, they can apply to the Student Awards Agency for Scotland in the same way and with the same eligibility as other students who are resident in Scotland. The change will extend that specifically.

I am aware that colleagues are looking at the outcome of the consultation on access to education that was undertaken earlier this year, so they will be looking at the issue further. That might include consideration of other groups of asylum seekers or others who currently cannot access and will not benefit from the change that is coming in.

The change is a real benefit to young asylum seekers, who will not have that artificial break while they are waiting for a decision, and who will be able to continue their education with their peers.

**Karen Adam:** That is fantastic to hear. We know from asylum seekers' witness testimony that the uncertainty really affected their mental health, so avoiding any such breaks is particularly important.

What does the guardianship programme look like?

**Aileen Harding:** The guardianship service has actually been running for some time—since 2010—on a non-statutory basis. The significant change is that it was placed on a statutory basis on 1 April.

The service provides specialist support to unaccompanied asylum seekers and trafficked children who arrive in Scotland. Those children are looked-after children, and the benefit of the guardianship service is that someone works with the child. Guardians can advocate for the child, ensure that they are aware of the services that they can access and, if there are barriers to access, support them in accessing those services.

**Fulton MacGregor:** Good morning—just—to the minister and her officials. Thanks for your evidence thus far.

I have a few areas to ask questions about, the first of which is mother and baby units. Over the past couple of weeks, we have met in private with asylum seekers in what have been very powerful sessions, and my colleagues have already gone over some of the issues that were raised. In a session two weeks ago, mother and baby units

were talked about quite a lot; indeed, in one particular group that I was on, I heard some quite horrific stories about them.

Has the Scottish Government made representations to Mears or the Home Office on the use of mother and baby units? What is the Scottish Government doing to ensure that asylum-seeking mothers with babies are being supported? I should have said that the concerns that we heard were about the unit in Glasgow.

**Emma Roddick:** Absolutely. I am aware of the concerns that the member raises. Of course, the accommodation in Glasgow stopped being used as a mother and baby unit last year. The Scottish Government made representations back in 2021; it was before the election, so Aileen Campbell was the relevant cabinet secretary. Representations were made, and we have been clear that there are concerns about the provision with regard to how safe and secure it was for the people who were placed there.

**Fulton MacGregor:** That is good to hear. I think that the women who spoke to us that day will welcome hearing the Scottish Government respond so categorically.

Similarly, we have heard right through our evidence sessions quite a lot about provision for interpreters, which is something that you are probably aware of, minister. We have heard a lot of concerns about inconsistencies in the provision of interpreters and the quality of interpretation; indeed, we have heard from asylum seekers that, sometimes, interpreters do not interpret what the person for whom they are interpreting has said. Are you aware of those concerns? What more can the Scottish Government do to address them?

**Emma Roddick:** Again, it is the Home Office that holds overall responsibility for the delivery of interpretation and translation services. However, asylum seekers living in Scotland have the same access rights to interpretation as refugees do. It is provided at the point of need, so I appreciate that there will be differences, because funding is sourced in different ways. I am more than happy to look more closely at the evidence that the committee has gathered.

**Fulton MacGregor:** Thanks very much for that. When we produce our report, the issue will be highlighted, because of the amount of evidence that we have heard on it from organisations and individuals.

My second line of questioning is on Mears, about which we have heard varying evidence. Broadly speaking, I would say that third sector organisations were fairly critical of the service that Mears provides. However, Mears itself—unsurprisingly—and statutory services such as local authorities were more positive. What is the

Government's understanding of the relationship that Mears has with statutory agencies and community organisations? Are there regular meetings between the Government and Mears? I do not know whether anybody else is involved in those meetings.

**Emma Roddick:** There has been engagement with Mears Group in the past. However, as Fulton MacGregor will appreciate, the Scottish Government does not have a place in the contract between the UK Government and Mears Group—it is entirely between them. The UK Government sets the criteria for the contract, and Mears delivers it. That said, the committee certainly has a place in scrutinising how the relationship is working and whether the contract is meeting expectations.

I will bring in Aileen Harding to say more about engagement by officials.

**Aileen Harding:** At official level, the Scottish Government has discussions that include Mears. Those are not direct discussions with Mears as an individual organisation, however; they take place through the asylum structures in Scotland. There are regular meetings of the asylum partnership board, which is chaired by Susanne Millar of the Glasgow city health and social care partnership, who has given evidence to the committee. There is also discussion at operational level through the delivery and procurement group, which is chaired by COSLA. Scottish Government officials engage in those meetings, as do Mears, Migrant Help and local authorities, with a particular focus on asylum dispersal.

We engage with Mears through those meetings. In addition, I am aware of but am not directly involved in meetings that Mears has with a third sector group, but the committee would have to seek more detail about that from Mears directly.

**Fulton MacGregor:** Thanks for that. I appreciate that the contract is with the UK Government, but, in the meetings that you have described, does the Scottish Government get an opportunity to raise the concerns that we have heard about Mears? Is there an opportunity at those meetings to discuss how Mears operates in Scotland?

**Aileen Harding:** If concerns are raised with us or, equally, with local authorities, those meetings provide a space that enables us to raise concerns with Mears and Migrant Help. Such participation and engagement have enabled discussion about widening dispersal to take place in Scotland.

As has been said, the contract and the terms of what has to be delivered still sit with the Home Office and the contractor, but it is helpful to have operational-level discussions in the dispersal space in Scotland, particularly with regard to trying



to ensure that there are no unintended barriers to accessing services and such things. We are encouraging the Home Office to recognise and engage with those structures on any plans around asylum dispersal in Scotland.

12:00

**Fulton MacGregor:** Thanks very much for that.

My final question will be very brief, convener. In her response to Karen Adam, the minister mentioned the paper that was published this week—just yesterday, actually—on independence, a constitution for Scotland and the protection of rights. Will the minister outline how she thinks such a constitution will impact directly on asylum seekers in Scotland? As we have all heard, they are being treated in the most appalling way by the current UK Government regime.

**Emma Roddick:** First, I would say that the enshrining of human rights in Scots law will benefit absolutely everyone. However, asylum seekers are a particularly good example of the real-life impact of having those rights realised in a country and being able to access justice if those rights are not being met.

As for the ability to be supported by the Government, the right to access housing, the right to access education and all of those things have a real impact on everyone's lives. However, when we look at asylum seekers as a cohort, now, in Scotland, we see that, for those groups, there are areas where the human rights in the treaties that we are looking to incorporate are not being met. If those rights are set out and if, of course, we stick to them and ensure that, in everything that we do—for example, when we are assigning budgets and making policy decisions—we have human rights in mind and are prioritising on the basis on meeting the human rights of everyone in the country, it will absolutely have a real-life impact.

**The Convener:** Rachael Hamilton has a supplementary.

**Rachael Hamilton:** It is just a point of clarification. Minister, you have twice mentioned the devolved responsibilities for ESOL, and you have also said that asylum seekers have a right to education. Is ESOL delivered through Education Scotland?

**Emma Roddick:** As ESOL has been integrated with the adult learning strategy, it is delivered by colleges, but in partnership with community planning partnerships to ensure that there is local engagement and local tailoring.

**Rachael Hamilton:** I just wanted to clarify what you said earlier with regard to the Home Office being responsible for ESOL.

**Emma Roddick:** What I said was that asylum dispersal funding should meet all the services that

require to be provided by the Scottish Government or local authorities, so—

**Rachael Hamilton:** But learning the English language is part of the right to education.

**Emma Roddick:** I am speaking about the impact on services of having asylum seekers in a particular area. That comes with specific needs that come under reserved matters, but it also impacts on devolved services. Asylum dispersal funding must ensure that it is meeting the extra cost and service provision needed.

**Rachael Hamilton:** I am still not understanding what the difference is. I just—

**The Convener:** I must intervene, as we are coming to the end of our session. I am sure that the minister will be more than happy to answer any further questions from the committee that are put in writing, and we will then have clarity with regard to phraseology and understanding. I am sure that you will be happy to do that, minister.

**Emma Roddick:** Indeed.

**The Convener:** With that, we have come to the end of this session. The time has gone very quickly. This has been, in fact, the final live session for our inquiry, and I thank the minister and her officials for attending.

This morning, we heard from Baroness Helena Kennedy and, over the past few weeks, from a wide variety of stakeholders who are doing amazing work up and down the country. We have also heard from local authorities and Mears, and we have received many written testimonies.

We have also undertaken two sessions in private, when we went out into communities and spoke to asylum seekers and refugees to hear their voices directly. It was invaluable to see the person and not just talk about the issue in the abstract. We now face the challenge of putting all the evidence together and creating a report over the summer.

We asked the UK Government to take part in our inquiry, but unfortunately, no response was received from it. I would have liked to have said that our inquiry was comprehensive but, due to the lack of response from the UK Government, it is not. However, I feel that we have captured a wide range of voices across all the themes that concern asylum seekers and refugees.

On that note, I once again thank the minister and her officials for attending, and I draw to a close the public part of the meeting.

12:05

*Meeting continued in private until 12:19.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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