

## **Where does the buck stop? UK Home Office and other statutory body responses to allegations of human rights violations in two Serco-run hotels housing people seeking asylum.**

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**Funding details:** This work has not been supported by any Funding Agency. Expenses incurred in order for hotel residents to meet with us were paid through unrestricted donations to RAPAR.

**Conflict of interest statement:** The authors declare that there is no conflict of interest.

**Acknowledgements:** The heartiest of thank yous to all RAPAR members who have enabled this research and to all the hotel residents who have shared their experiences with us. Solidarity.

**Visuals:** This article does not include visuals.

### **Abstract:**

RAPAR applies our participatory action research methods to amplify the living experience of families seeking asylum in the UK who are in 'contingency accommodation', aka 'hotels', and claiming human rights abuses on these sites. From all over the world, these people are without status in the UK and are therefore without recourse to the public funds that are, theoretically, available to everyone living in the UK with status. Their complete legal dependence on the Home Office and its subcontractors to 'look after' them and deal with any complaints begs the question: why would anyone *choose to challenge* any organisation about human rights violations when that same organisation exercises such profound control over their day to day living reality? The data comprises contemporaneously collected evidence from individual correspondence, questionnaires, semi-structured conversations and case studies with hotel residents. Our preliminary analysis demonstrates considerable failures of statutory bodies in implementing their statutory duties. No evidence of meaningful investigation by any implicated statutory authority, or their privatised subcontractors, into the human rights violation allegations asserted by hotel residents has been produced. The Local Authorities and the NHS insist that the Home Office is responsible for hotel residents within their boundaries. In turn, the Home Office, including Greater Manchester Police and sub-contractors Serco and Migrant Help, have failed to address the allegations in any transparent way.

We call for immediate action that enables hotel residents to safely protect themselves and stimulates inclusive solution-making, with them, to end these human rights violations.

# Introduction

Refugee and Asylum Participatory Action Research (RAPAR)<sup>1</sup> is an independent non-government organisation (NGO) based in Manchester UK. Since 2001, it has been ‘working together to achieve equal human rights’ with displaced people from around the world including Afghanistan, Albania, Congo, Eritrea, Iran, Iraq, Kuwait, Nigeria, Pakistan, Sierra Leone, Somalia, Sudan (this list is illustrative not exhaustive) using participatory action research methodologies: the PAR of RAPAR (Freire, 1970; Lewin, 1946; Revans, 2011).

Recently, RAPAR submitted to the UN evidence of human rights abuses in the UK (ATD Fourth World, 2023) through a coalition called GRIPP ([gripp.org.uk](http://gripp.org.uk)), which includes ATD Fourth World, and is supported by Amnesty International.

RAPAR has for years been challenging conditions in state-funded accommodation for people seeking asylum. We have focused on the global corporation, Serco, who have been contracted by the UK’s Home Office with providing asylum accommodation in Greater Manchester. We start here with a preliminary analysis of how some statutory bodies are failing to implement their statutory duties for people seeking asylum, based on reports from families seeking asylum who are claiming human rights abuses. The statutory bodies covered here include the Home Office (HO) and their privatised sub-contractors Serco and Migrant Help (MH), two local authorities (LAs) in Greater Manchester, an NHS Hospital Trust, and Greater Manchester Police (GMP).

By way of context, people seeking asylum are allocated what are now known as ‘contingency’ hotel places by the HO pending the processing of their asylum claims and/or their movement out of contingency accommodation into other accommodation (House of Commons Library, 2020). However, recently, the Independent newspaper noted a significant system flaw when it reported that HO rules in the asylum processing system mean that people in hotels cannot be formally granted refugee status (Dearden, 2023). This imposed ‘catch-22’ means that residents therefore are forced to live in hotels for indefinite periods. Further, since April 2022, residents have also been confronted with the government’s Sword of Damocles in the form of its intention to move asylum processing offshore (Home Office, 2022).

## Co-creating the data

The lead author, who initiated RAPAR and is still a member, directed empirical data co-creation with self-selected participants seeking asylum who were/still are residents in HO-contracted, Serco-controlled hotels in the north-west of England, between February 2022 to date<sup>2</sup>.

Now numbering around 45,000 living in hotels (Dearden, 2023a) across Britain and, theoretically, receiving £9.10 per week in cash per person, some resident families approached RAPAR with allegations of human rights violations in two HO hotels. The data comprises extracts from individual

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<sup>1</sup> RAPAR’s website is at [rapar.co.uk](http://rapar.co.uk)

<sup>2</sup> This ongoing project in RAPAR has received ethical approval from the University of Huddersfield.

correspondence, precis commentary derived from 30 completed questionnaires by parents about their children's schooling, 18 first-person, semi-structured collaborative conversations, and two case studies of families where we collect evidence contemporaneously and over time, one of which is ongoing.

In late February 2022 the lead author was contacted by a Greater Manchester resident volunteering through another NGO at one of the hotels. Anne (not her real name) reported in email correspondence (21.02.22) that she was very concerned that: *'...it is the statutory right of children to receive education, and this simply is not happening [in the hotel]'* and that none of the NGOs working in the hotel had publicly exposed or challenged this situation. Disturbed by this claim, the lead author approached the leadership of another NGO - Care4Calais - she knew to be volunteering in hotels, who confirmed that this was the case. While a discussion about the implications of the role of NGOs in the hotels is beyond our scope here, it is important to note that this is how this learning began.

Follow up discussions with Anne revealed a litany of concerns about human rights violations in one hotel. The lead author invited Anne to apply to join RAPAR and help to seek out direct contact with hotel residents. In turn, building upon the high trust that Anne had already fostered with residents, 30 families came forward in the spring of 2022 and RAPAR worked with them to complete and submit the questionnaires necessary to secure school places.

Simultaneously, RAPAR began to publicly profile these human rights violation allegations. In early April 2022, Manchester LA formally responded by email to RAPAR's queries about the numbers of all children who had been in one hotel and the length of their stays. The LA explained, HO information:

*'has not been shared with the LA, although this information has been requested on a number of occasions by LAs and by the GM [Greater Manchester] Strategic Migration Partnership...the Admissions process takes time and the majority have not received an offer before they are moved into more suitable accommodation.'*

Around that time, a RAPAR press release precipitated the first exposure in the national media describing the nature and potential scale of the problem of children not in statutory education (Zeldin-O'Neill, 2022).

RAPAR then conducted more in depth semi-structured conversations about residents' experiences more generally. This resulted in the publication of an open letter to the City Solicitor of Manchester City Council (RAPAR, 2022a) and the development of a first case study with a family in the summer of 2022. With a school age child, this family raised extremely disturbing safeguarding allegations against Serco and RAPAR immediately enabled the family to report them, in writing, to the Member of Parliament (MP) in whose constituency the hotel was located. In turn, this precipitated a formal interview of the family by representatives from GMP and Manchester LA Social Services in late July 2022. However, in September 2022, the lead author was forwarded an email from the MP to the resident advising that *'it has been confirmed that there is no current role for Children's Services or GMP'*. At this juncture, the family stepped away from pursuing the matter any further. To date, neither they nor RAPAR have received any evidence of any systematic investigation into the allegations raised by the family and RAPAR and, therefore, no information that can explain why neither the GMP nor Manchester LA services have an investigative role and who, if anybody, does.

However, as a trusted individual, Anne continued to support other residents coming forward. 18 families from a combination of this first hotel, and then a second hotel in neighbouring Stockport that came to our attention, taking part in conversations. They brought forward their issues of concern and allowed the lead author, with other RAPAR members helping and offering simultaneous translation (Temple, 1997), as needed, to ask additional questions to them about the issues raised with her. In turn, the lead author anonymised and unrelated their data, sharing it with lawyers seeking to evolve some kind of legal challenge about conditions in the hotels, and then composed a second open letter, this time to Stockport Council (RAPAR, 2022b), who responded to confirm some of the allegations made in the open letter (RAPAR, 2022c).

As these developments unfolded, the father of one family in the second hotel took the individual decision to begin a hunger strike to protest both hotel conditions and the complete failure of any statutory bodies that he had approached to properly investigate and thereby halt further abuses. Three days after beginning that strike and becoming an emergency hospital admission in consequence, he contacted RAPAR. This family has come to occupy a position at the forefront of the issue<sup>3</sup> and, most recently, has been joined by a whistle-blower, a former Serco hotel employee, who contacted RAPAR to confirm the truth of the allegations being made by hotel residents (RAPAR, 2022d).

## A note on the data

This small, self-selected sample of families and one former Serco employee came to RAPAR because they knew that they must and can speak out about the violations experienced to an NGO committed to working 'with' as opposed to 'on' or 'for' them. It is difficult to overstate the risks involved for these families. From all over the world, people living in contingency accommodation are, by definition, without status in the UK and therefore without recourse to public funds (Home Office, 2020; Shelter England, 2021) that are, theoretically at least, available to everyone living in the UK with status. They are completely dependent on the HO and its subcontractors Serco and MH who are being very handsomely paid (Corporate Watch, 2022; Howard, 2019) to 'look after' the hotel residents and deal with any complaints. In practice though, one of the allegations raised by residents is that hotel staff threaten them with putting 'notes' on their asylum applications if they complain<sup>4</sup>. This threat underscores the risk that those who came forward took - knowing as they all do the contradictions and injustices of the asylum system, any fear that their asylum claim may be compromised was profoundly affecting.

The 'sample' for evidence collection in this case was small and the evidence collection took place in only two sites. Nonetheless, the high stakes involved in coming forward only further validate the veracity of the claims being made by residents. We ask you to consider: why would anyone *choose to challenge* any organisation that exercises such profound control over their day to day living reality?

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<sup>3</sup> Details of the campaign are here: [Seeking Safety, Looking for Justice \(rapar.co.uk\)](https://rapar.co.uk)

<sup>4</sup> See open letter on yumpu.com: [290622 open letter to MCC City Solicitor \(yumpu.com\)](https://yumpu.com)

# Key findings

The main findings that have emerged from the analysis of the evidence and subsequent actions (e.g., open letters) indicate significant derelictions of duties on the part of statutory organisations charged with working with people seeking asylum in various ways.

## Overview of allegations

The open letters from RAPAR to Manchester (RAPAR, 2022a) in July, 2022 and Stockport (RAPAR 2022b) in November, 2022 LAs respectively, itemise all the human rights violations alleged by residents at that time. Specifically, the Stockport hotel hunger striking family have made allegations of theft, assault, and abuse to all the statutory authorities who have any or responsibility in relation to Stockport hotel residents, and against Serco staff in particular.

Although she has never worked at either of these hotels, the whistle-blower's (referred to here as Jane, not her real name) testimony confirms such behaviours and actions by Serco staff as consistent with her experience as a former Serco hotel worker. Her additional safeguarding allegation is that *'Most of the staff are not trained in social care, they have worked in hotels and other jobs but have no idea about procedures relating to safeguarding, for example... Two members of staff were convicted sex offenders and they both left the hotel. Jane says one of them only left after his DBS check came through but he had already been working at the hotel for five or six months'*.

Other accusations include the failure of LAs to ensure children's enrollment in schools, and the failures of other organisations (e.g., MH) to ensure that needs are met and rights ensured in hotels.

## Overview of statutory responses to date

As far as RAPAR is aware, all the children in the Manchester and Stockport hotels are now allocated school places. Irrespective of their immigration status, every child aged 16 and under in the UK is entitled to full time education (Education Act 1996). Therefore, for the periods of time when they were without schooling, some of these hotel residents had these rights violated. Arguably, had RAPAR's investigations into the first hotel not gained national media coverage about this outrage (Zeldin-O'Neill, 2022), that situation could have continued it was only then that Manchester City Council acted). This supposition is further reinforced by the LA responses to RAPAR pointing out ongoing difficulties in accessing accurate information about how many children are being put into hotels in their areas. There does not appear to be any compulsory disclosure mechanism whereby the HO tells local LAs what children are coming into their boundaries, how old they are and/or what their educational needs and levels are. Neither are we aware of any legal attempt from any statutory quarter to alter this dynamic and compel disclosure.

Further, in specific relation to the Stockport Hotel, Stockport Council advised in email communication to the lead author that *'Stockport Council has had no input into the placing of asylum seekers in this hotel and receives no funding to enable us to provide the kind of services needed to support the number of asylum seekers placed within the borough. Nor do we have any responsibility to manage the conditions of the hotel beyond statutory health and safety measures'*.

In short, information on arrivals, numbers of residents, and statutory needs, is scarce, if available at all.

In addition, to date, the allegations by members of this highly vulnerable population of severe and profound safeguarding concerns, the HO and their subcontractor, Serco, have precipitated blanket denials (RAPAR, 2023). MH are paid to investigate such complaints, but with the exception of one allegation of theft where they offered inadequate compensation, they have reported that they have not found any grounds to uphold complaints: they have also failed to offer any evidential demonstration of the validity of their positions, e.g., corroborating CCTV recordings that residents making allegations have repeatedly requested.

In terms of the NHS, three days after the then hunger striker entered Stockport's NHS hospital at Stepping Hill in early November 2022, a hospital social worker assessed the father and subsequently reported an assault that had taken place against the family in the hotel, as reported to her, to GMP. A crime reference number was generated, sent to the hunger striking father, and forwarded to RAPAR on WhatsApp. To date, there has been no further written communication from GMP with the father about this reported crime.

In the aftermath of making this report, the hospital's safeguarding officials indicated that they were in direct communication with counterparts within Stockport Council with a view to securing appropriate accommodation away from the site of abuse that had been reported to the police. However, subsequently, the hospital advised in an email to RAPAR that,

*'the allegations had been raised to Greater Manchester Police and through to Stockport Adult Social Care at Stockport Metropolitan Borough Council (and the) Trust did also raise these concerns with adult safeguarding at the Stockport Metropolitan Borough Council Local authority, however the Council has responded indicating that as \*\*\*\* has no care and support needs under the Care Act 2014 there is no requirement for a safeguarding enquiry led by Social Care at the Council. I understand that SERCO themselves are investigating the concerns that \*\*\*\*\* has raised and the police are also aware.'*

Twelve days later, GMP, in the presence of hospital safeguarding officers and Serco staff, verbally asserted that the allegations of assault had been investigated and that it had been concluded by all involved statutory bodies that no further action would be taken. Then both the father and mother (who also has health issues) were forcibly removed from their hospital beds and arrested and charged (Tullis, 2022).

Citing the Care Act 2014, and the provision offered under Section 95 of the Immigration and Asylum Act 1999, Stockport Council are asserting that the parents do not qualify as vulnerable adults and the child is not eligible for support under Section 17 of the Children Act of 1989<sup>5</sup>. These positions, like those of the HO and Serco, rely on the previous outcomes from Serco and GMP that their investigations into allegations of assault, abuse and theft have determined no further action. However, the family have not been offered any evidence of any investigation having taken place.

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<sup>5</sup> These actions are also now the subject of litigation and we are, therefore, constrained from writing about this further at this time.

Currently, through RAPAR's networks, the family is being temporarily hosted in the community by local residents who live near the child's school. Several legal actions are in process, funded by a combination of legal aid and pro bono work.

This summary has briefly presented the failings of the HO, MH, Serco, the NHS, and LAs, in their statutory responsibility towards people housed in 'contingency hotels'. Drawing particularly on the experiences and testimonies of some residents, and one family, the summary (limited by word count) sets out particular concerns around statutory failures.

### Conclusions for now

There is no evidence of any meaningful investigation by any implicated statutory authority, or their privatised sub-contractors, into the human rights violations alleged by hotel residents. Nevertheless, the LAs and NHS are insisting that, ultimately, the HO is responsible for hotel residents within their boundaries. In turn, the HO, including GMP and HO sub-contractors, Serco and MH, continue to fail to transparently address the allegations.

The living experiences of these hotel residents has become a palpable and contemporary example of how *'Entitlement to welfare benefits and housing [for Ukrainian nationals] is intrinsically linked to immigration status'* as discussed in the Ukrainian article in this edition. The *'complicated interaction between immigration status and benefit entitlement [raises] significant concerns about safeguarding and exploitation'* (Charity Commission, 2022) right now, in these hotels. These experiences are ongoing.

Finally, some of the allegations referenced here are the subject of current litigation in which case, hopefully, the outcomes from that litigation will be instrumental for constructive policy changes in the future. In the short term however, additional resources and the expansion of our network to enable more residents in contingency accommodation to safely and anonymously report through a mechanism that is functioning under clear data control and non-contamination conditions could help to further corroborate our conclusions. It could also stimulate inclusive action, involving residents themselves, that ends these human rights violations.

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