



Mayor and Cabinet

Sanctuary Strategy

Date: 11 November 2020

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Assistant Chief Executive

Outline and recommendations

This paper sets out the proposed Council approach to supporting those seeking sanctuary. This is part of the Council's corporate commitment to be a more 'Open Lewisham' and to become a Borough of Sanctuary for those fleeing persecution and violence.

It is recommended that Mayor & Cabinet:

- Note the context for the development of a corporate strategy on sanctuary;
- Note the proposed strategy and the action planning framework it governs; and
- Approve the strategy and associated framework be taken forward to Mayor and Cabinet.

Timeline of engagement and decision-making

This report relates to one of the Corporate Priorities, Open Lewisham, which are set out in the Council Corporate Strategy for 2018-2022.

There have been no previous decisions taken on this item.

On 16 January 2020 a draft version of the Sanctuary Strategy was considered by the Safer Stronger Communities Select Committee.

During June-August 2020 a further draft version of the Sanctuary Strategy was provided by way of consultation to members of the Lewisham Migration Forum and considered at a meeting of the Forum on 12 August 2020.

1. Summary

- 1.1. This paper sets out the proposed Council approach to supporting those seeking sanctuary as part of the corporate commitment to become a borough of sanctuary.

2. Recommendations

- 2.1. It is recommended that Mayor & Cabinet:
- Note the context for the development of a corporate strategy on sanctuary;
 - Note the proposed strategy and the action planning framework it governs; and
 - Approve the strategy and associated framework.

3. Policy Context

- 3.1. The contents of this report are consistent with the Council's policy framework. It supports the priorities set out in the Corporate Strategy 2018-2022:
- Open Lewisham
 - Tackling the housing crisis
 - Giving children and young people the best start in life
 - Building an inclusive local economy
 - Delivering and defending: health, social care and support
 - Making Lewisham greener
 - Building safer communities
- 3.2. Of these, while several are indirectly met by this work, the Open Lewisham priority is most directly supported, including its three commitments, that:
- Lewisham will be a place where diversity and cultural heritage is recognised as a strength and is celebrated;
 - Hate crime will not be tolerated; and
 - Lewisham will be a Sanctuary Borough, welcoming those fleeing violence and persecution in their own countries and protecting the rights of all migrants, asylum seekers and refugees.

4. Background

- 4.1. A commitment to become a Borough of Sanctuary was ratified in the Corporate Strategy, 2018-2022, under the Open Lewisham commitment. The strategy sets out that:

“Lewisham will be a Sanctuary Borough, welcoming those fleeing violence and persecution in their own countries and protecting the rights of all migrants, asylum seekers and refugees.

We will become a recognised Borough of Sanctuary, working with partners to develop a pledge and practical steps we will take to welcome and include refugees in our activities, and to actively seek ways of supporting them wherever we can.

We will expand Lewisham's refugee resettlement programme, with a target of supporting a further 100 vulnerable families from Syria and other areas of conflict.”

- 4.2. The sanctuary movement is focussed on the City of Sanctuary Charter, and on community led commitments within local areas to see, broadly:

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- The voices of those seeking sanctuary are heard;
 - The contributions of those seeking sanctuary are acknowledged;
 - That those seeking sanctuary have fair access;
 - That good relations are fostered between those seeking sanctuary and other local residents; and
 - That good practice is shared to continually improve in the spirit of sanctuary.
- 4.3. To be successful, sanctuary work must be community led, and in Lewisham, this work is driven across the borough by the Lewisham Migration Forum, a consortium of local providers who work with refugees, asylum seekers and migrants in Lewisham including the Council. The Council is a founding member of this consortium, with the voting steering group membership held by Councillor Bonavia as Cabinet Member for Democracy, Refugees and Accountability.
- 4.4. The Council has already been working to improve the borough for all those who call it home, including those seeking sanctuary here. Some of this work has been happening in services, addressing the particular needs of those seeking sanctuary or adapting to be more accessible, and some of this has been through commitments including:
- supporting 100 refugee children as part of a campaign by Safe Passage;
 - passing a Council motion to ensure families with No Recourse to Public Funds (NRPF) supported financially under the Children’s Act 1989 are able to secure free school meals;
 - and removing the embedded Home Office worker who was previously part of the No Recourse to Public Funds service.
- 4.5. In addition, the Council has lobbied the Government to change policies or legislation that are detrimental to the welfare of refugees, asylum-seekers and migrants including:
- Calling for a suspension of the NRPF system during the Covid-19 pandemic;
 - Seeking a reinstatement of the UK’s refugee resettlement scheme as a viable safe and legal passage for sanctuary; and
 - Calling for the retention following the end of the post-Brexit transition period of the legal right to reunion for refugees with family in the UK.
- 4.6. Lewisham is currently at the forefront of sanctuary work in London, with strong community support coupled with the Council’s corporate commitment and the next steps are to see commitment to the principles formalised and commitments made across the borough to improve the landscape for those seeking sanctuary.

5. Strategy development

- 5.1. While the Lewisham Migration Forum leads on the borough-wide work around sanctuary, the Council will have its own application of the sanctuary principles as they relate to the work the organisation undertakes, while also recognising and respecting the structures and governance of the organisation. The proposed corporate approach seeks to align with the national movement and the local work being led by the Lewisham Migration Forum, without compromising the work of officers who must be governed first by the law and the Council’s constitution. Where the Council is constrained by law or national government policy in its aspiration to apply sanctuary principles in its services, it shall consider how best to campaign for reform.

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- 5.2. The strategy sets out the equalities perspective of the sanctuary work. Sanctuary is a thematic equalities issue – it relates to a group of individuals who will all have at least one protected characteristics under the Equality Act 2010, and who often have intersectionality of protected characteristics. Sanctuary is ultimately about reducing the marginalisation of refugees, asylum seekers and migrants.
- 5.3. Already in the Council there is work happening which is delivering on sanctuary. As part of this discussions have already been taking place across the Council to map together the wide range of work that the Council undertakes to meet the service needs of refugees asylum seekers and migrants as well as the functions that the Council performs that impact upon this client group.
- 5.4. There are also service areas at the Council which have clear, direct engagement with refugees, asylum-seekers and migrants. These include the following work areas:
- Refugee Resettlement Programme, based in Housing Services;
 - No Recourse to Public Funds, based in Housing Services;
 - Unaccompanied Asylum-Seeking Children who are referred to Children’s Social Care;
 - topical advice on issues like Windrush and Brexit, coordinated centrally through the Policy Hub; and
 - Community Cohesion work in Crime Enforcement and Supporting People.
- 5.5. Beyond these areas of work and policy which clearly align to sanctuary, all services are likely to have some service users who are refugees, asylum seekers or migrants, and sanctuary for the Council is about all services having an understanding and explicit consideration of these individuals in service development, design and delivery. In many services, this is already happening and the aim of having a strategic approach is to draw it together, share and celebrate good practice, continually improve and deliver a better Lewisham for all.
- 5.6. The Sanctuary Strategy will:
- Promote awareness of the Council’s commitment and formalise the aspiration of the Corporate Strategy, taking the work forward from ‘we will’ towards ‘we are’;
 - Give officers clarity of what sanctuary means and how it relates to the work they are carrying out, with clear guidance that relates sanctuary work to equalities work and good service design and delivery; and
 - Set the expectation, providing the tools to meet the expectation and embedding performance management of this corporately to ensure that the objectives are met.
- 5.7. This strategy, contained at Appendix A, and the framework proposed within it will see all services translating the Corporate Strategy commitment into service level activity which will mean tangible change for residents seeking sanctuary.

6. Impact of Covid-19

- 6.1. The impact of Covid-19 on the Council’s sanctuary borough work has been significant. In response to the pandemic, the Council acted quickly to co-locate information for refugees, asylum seekers and migrants on a single page on the Council’s website. This has helped to ensure that refugees, asylum seekers and migrants have been able to access relevant information and services that they need at a critical time for them.
- 6.2. In addition to this, the Council has continued to liaise closely with partners in the voluntary and community sector, who have been reaching out to communities at risk in

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the borough and supporting them with services such as food parcels.

- 6.3. There is however a recognition that more needs to be done to better and fully understand the impact of Covid-19 on refugees, asylum seekers and migrants in the borough. Anecdotally, because these communities are more likely to be of BAME heritage they are also most likely to be in the highest categories of risk for Covid-19 infection and mortality. As the Council continues with its gathering and analysis of data relating to better understanding the context and impact of Covid-19 in Lewisham, additional efforts will be made to gain insight and understanding as to what the impact of this has been on the borough's refugees, asylum seekers and migrants.

7. Next steps

- 7.1. Adoption of the strategy will mark the beginning of Lewisham as a Borough of Sanctuary, formalising the aspiration and denoting the move from working towards, to working to maintain. This will be followed by formal recognition of Lewisham by the City of Sanctuary movement as a Borough of Sanctuary, which is expected to take place in due course.
- 7.2. Work will need to continue and a consistent drive for sanctuary will be required to ensure that the borough continues to be a welcoming one for those seeking sanctuary here. Sanctuary is not a one-off piece of work, but is about culture change, which must be maintained if the sanctuary designation is to remain legitimate.
- 7.3. A Sanctuary Borough Programme Manager post has been recruited to, which is co-ordinating sanctuary work across the Council. This post is already working to populate the Council's first annual sanctuary action plan and follow the processes set out within the strategic framework. As part of this, a report will be delivered to Corporate Equalities Board and Executive Management Team against the plans in the next financial year.
- 7.4. Appendix B shows an example set of actions as an indication of how the corporate action plans will be populated in line with this strategy. It should be noted that the impact of Covid-19 has meant that progress on the action plan has been delayed as a number of key services are focusing their efforts on responding to the pandemic. It is important that going forward, this work is managed sensitively and cognisant of the impacts and learning opportunities arising from the pandemic.
- 7.5. The Council, as a member of the Lewisham Migration Forum, will also continue to support the borough-wide action plan and will feed into this the work taking place within the Council.

8. Financial implications

- 8.1. The Sanctuary Borough Programme Manager post is a temporary post for which additional corporate funding has been provided. Any other measures related to implementing the Sanctuary Strategy and associated framework are expected to be met from existing budgets.

9. Legal implications

- 9.1. There are no specific legal implications for this report, save for noting that when pursuing its undertaking, the Council must comply with the provisions of the Equalities Act 2010.
- 9.2. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality

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duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 9.3. In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 9.4. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.
- 9.5. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 9.6. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 9.7. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
 - [Meeting the equality duty in policy and decision-making](#)
 - [Engagement and the equality duty: A guide for public authorities](#)
 - [Objectives and the equality duty. A guide for public authorities](#)
 - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 9.8. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

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10. Equalities implications

- 10.1. There is no definitive measure of the number of refugees, asylum seekers and migrants living in Lewisham. While there are specific legal definition of 'refugee' and 'asylum' seeker', any definition attributable to 'migrant' is largely subjective.
- 10.2. For the purposes of this report a crude proxy measure for the number of refugees, asylum seekers and migrants living in Lewisham is the 'passports held' data from the 2011 Census. This suggests that some one on five Lewisham residents holds a foreign passport. Another crude estimate based on Lewisham's Electoral Roll suggests that nationals of more that 70 countries are resident in the borough.
- 10.3. It is also estimated that that refugees, asylum seekers and migrants are more likely to be of BAME heritage. This is borne out by data from the 2011 Census which shows that residents of Black /African/ Caribbean heritage represent 27% of the BAME population, Asian/ Asian British represent 9.2% of the BAME population and those of Mixed/ Multiple Ethnicity represent 7.4% of the BAME population. As already set out in this report, this presents significant real-world socio-economic challenges as it relates to Covid-19. However, there are also very practical service related issues for refugees, asylum seekers and migrants as it relates to:
 - ESOL classess
 - Housing and homelessness
 - EU Settled Status
 - Schools
 - Employment
 - Access to health services
 - Access to local community networks

11. Climate change and environmental implications

- 11.1. There are no specific environmental or climate change implications to this report.

12. Crime and disorder implications

- 12.1. There are no specific crime and disorder implications to this report.
- 12.2. Section 17 places a duty on partners to do all they can to reasonably prevent crime and disorder in their area. The level of crime and its impact is influenced by the decisions and activities taken in the day-to-day of local bodies and organisations. The responsible authorities are required to provide a range of services in their community from policing, fire protection, planning, consumer and environmental protection, transport and highways. They each have a key statutory role in providing these services and, in carrying out their core activities, can significantly contribute to reducing crime and improving the quality of life in their area.
- 12.3. Work to promote Lewisham as a place of sanctuary for those seeking it will involve extensive work with the community to foster good relations and promote community

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cohesion.

13. Health and wellbeing implications

- 13.1. There are no specific health and wellbeing implications to this report.
- 13.2. Work to promote good and fair access to health services for all, including those who may currently face barriers amongst those seeking sanctuary, will seek to improve health and wellbeing amongst these marginalised groups.

14. Background papers

- 14.1. There are no background papers for this report.
- 14.2. There are three appendices to the report:
 - Appendix A – Draft Sanctuary Strategy
 - Appendix B – Sample Action Plan
 - Appendix C – Equalities Analysis Assessment

15. Glossary

Term	Definition
Refugee	<p>A refugee is someone who:</p> <ul style="list-style-type: none">• has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; and• is outside the country of their nationality; and• is unable, or owing to their well-founded fear unwilling, to avail themselves of the protection of that country. <p>In the UK, a person becomes a refugee when government agrees that their application for asylum meets this definition (taken from the Refugee Convention) and recognises them as a refugee. The other route for refugee status in the UK is to be accepted onto one of the dedicated resettlement schemes prior to arrival.</p>

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Term	Definition
Asylum seeker	An asylum seeker , or a person seeking asylum , is someone who has left their country of origin and formally applied for asylum but whose application has not yet been concluded, where asylum is protection or safety given by a government to people forced to leave their own countries for fear of persecution.
Migrant	A migrant is someone who has moved from one country to another, not for reasons of asylum or refuge. Often the move is for work, education or to be with family.

16. Report author and contacts

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- 16.2. For further information on the financial comments in this report, please contact John Johnstone, Acting Group Finance Manager, Financial Services on 020 8314 7736 or by emailing john.johnstone@lewisham.gov.uk.
- 16.3. For further information on the legal comments in this report, please contact Petra Der Man, Principal Lawyer, Legal Services on 020 8314 6440 or by emailing PetraDerMan@lewisham.gov.uk.

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