

ANNEX 2 – Information for Questions 1 and 3

The information within the scope of this request is provided below. This advice was provided to and agreed by the 2021-2026 Welsh Government administration.

**Advice dated 3 August 2021: Equality and Inclusion (E&I) Programme –
Proposals for New Contracts (including Refugee and Asylum Seeker Services)****Background**

1. For at least the past decade, the Welsh Government has provided funds to support a range of actions supporting people with protected characteristics as defined by the Equality Act 2010. Following the 2021 Senedd elections, the First Minister has been clear that equality and a fairer Wales will remain priorities for the new Welsh Government.

4. Under MA-JH-1673-21 you agreed that the current E&I programme would be extended until 31 March 2022 to allow time for successor arrangements to be made. As agreed in MA-JH-1673-21, the new Equality and Inclusion Programme will include long-term strategic support and engagement and shorter-term project funding. This advice sets out the proposed approach to two aspects of our long-term support which will make important contributions to the overall programme but which we believe are best to continue to be delivered via service contracts. It also includes recommendation for a new contract for the delivery of small grants to support equality celebrations and commemorations. The longer timeframe associated with procuring services versus grants (approximately six months), means that decisions need to be taken more quickly on these three aspects to ensure contract award by Christmas 2021.

New Equality and Inclusion contracted services

9. Officials have considered the consultation responses received as part of consideration of the new Equality and Inclusion Programme and are satisfied that these proposals align with our consultation paper and the consensus of responses. Particularly, respondents agreed that budget provision should be provided for up to five years, that existing areas of work should continue, and work should directly support the long-term aims and objectives in our Strategic Equality Plan and community-specific plans (e.g. Nation of Sanctuary).

10. It is likely that Welsh Government's settlement will be a three year revenue settlement which would make it difficult to commit budget provision for five years. We therefore recommend that budget provision is allocated on a three year basis (the period for which we will have a budget settlement) with an option to extend the contract for a further two years. As part of the procurement process and documentation, we will ensure the contract is flexible to reflect as far as possible any changing circumstances during the lifetime of the funding.

11. The services will also maintain strong links with the Community Cohesion Programme – though funding for that Programme is currently not guaranteed beyond March 2022. We will expect the new providers to also collaborate with the recipients of other Equality and Inclusion Programme funding in order to ensure there is a cohesive delivery model which covers the whole of Wales and is intersectional in its approach. Intersectional collaboration will be a central feature of the new programme as a whole, with all funded organisations required to work closely with each other and the Welsh Government to help achieve our strategic equality aims.

12. We will ensure the specifications for new services enable us to carefully monitor demographic characteristic and inequalities experienced by service users, the performance of the contractor, and the inclusivity of services provided.

Financial and Governance Implications

15. The current Asylum Rights Programme contract provides £355,000 (plus VAT). If the procurement work for a new ‘Sanctuary Seekers Support Service’, is agreed budget provision of £355,000 (plus VAT) (a total of £1.065m plus VAT for 3 years and £1.775m plus VAT over 5 years) would need to be prioritised in the Equality and Community Cohesion BEL for financial years 2022-23 and 2023-24, which aligns with what we have provided in the last two years.

16. Equality officials have discussed the proposed new contracts with Corporate Procurement Services (CPS) and their advice is reflected in this MA. Advice from CPS colleagues is that if we aim to award contracts by Christmas 2021, we need to progress the procurement exercises immediately (procurement timetables are yet to be agreed with CPS). On this timeline, ministerial agreement to these proposals is required before the end of July.

17. Contracting these services on a five year basis would align well with the Director of Governance and Ethics recent advice that in future, where appropriate, it would be desirable to fund provision for a 5 year period. However, the current budget uncertainty and the scope for significant changes to the asylum and hate crime systems in the coming years, mean that officials have had to develop innovative proposals. Equality and Finance officials have discussed options and propose contractual awards for three years, with possible extension to five years where budget and other factors are favourable. (It is suggested that a similar approach might be taken for the main grants elements of the E&I programme.)

Recommendation

22. The Minister for Social Justice is asked to agree to officials beginning:

- procurement work for a new ‘Sanctuary Seekers Support Service’.

Legal & Statutory

24. Awards of funding will be made on and subject to the Conditions and under the authority of the Minister for Social Justice, one of the Welsh Ministers, acting pursuant to functions transferred under section 58A of the Government of Wales Act 2006.

Programme for Government

25. Funding this activity aligns well to the Programme for Government commitment to “*celebrate diversity and move to eliminate inequality in all of its forms*”. Specifically, the hate crime service and sanctuary seeker support service are actions contained within the Race Equality Action Plan, which the PfG commits us to implement and fund.

Equality

26. The proposal seeks to comply with the Public Sector Equality Duty (s149 Equality Act 2010) by directly advancing equality in Wales. The support which will be funded also seeks to foster good relations between communities.

Well-being of Future Generations (Wales)

27. The E&I programme contributes substantially to a number of the well-being goals, including a more equal Wales, a Wales of cohesive communities, a resilient Wales, a prosperous Wales, and a globally responsible Wales. Both the extension of the current programme and the new phase as outlined in this advice are expected to continue this contribution.

United Nations Convention on the Rights of the Child (UNCRC)

28. The E&I programme also contributes to compliance with the UNCRC in Wales, by the Welsh Government and others. Both of these proposed contracts will provide specific support to children and young people.

Welsh Language Standards

All contracted services will be required to comply with fully bilingual working across all strands, not only to comply with statutory duties but also to demonstrate that promoting equality in Wales must include linguistic equality, especially (but not only) in relation to the Welsh language.

Annex 2 – Proposed aims of new services

Sanctuary Seekers Support Service

1. As with the Hate service, we will develop branding in-house which will be used on all publications and marketing material relating to the service's work. This is again aimed at supporting an easier transition between providers, if

required, and differentiating between the provider's work on our behalf and other work which they may undertake.

2. 'Sanctuary seekers' encompasses refugees and asylum seekers, refused asylum seekers, other groups seeking or receiving International/Humanitarian Protection, and other migrant groups who may be fleeing a well-founded fear of persecution.
3. We propose that the requirements for the new service are structured around two key themes:
 - Theme 1 – Supporting Sanctuary Seekers
 - Theme 2 – Community integration

Theme 1 – Supporting Sanctuary Seekers

4. As with the existing service, the new provider would be expected to establish physical drop-in services in Cardiff, Newport, Swansea and Wrexham. These drop-ins would need to include confidential spaces to enable the delivery of advice and participation in online interviews or hearings. In addition, the new service would need to have a virtual 'drop-in' which would enable services to support sanctuary seekers pan Wales.
5. The virtual aspect of the service had to be developed urgently as a result of Covid-19 but was quickly re-purposed to support individuals transferred to the Penally army training camp. As we work towards greater local authority participation in the asylum dispersal system, this will need to be developed yet further.
6. The service will provide holistic casework advice and support for those in the asylum system, including help navigating the system, ensuring access to healthcare, education, language tuition and other relevant services.
7. We will continue dedicated OISC regulated immigration legal advice will be provided for people seeking sanctuary who are not eligible for Legal Aid.
8. We will continue dedicated advocacy support for young people in the asylum system or granted refugee status, including peer support and advocacy with social services departments and other relevant agencies.

Theme 2 – Community integration

9. The service would establish a peer mentoring programme to support the positive inclusion of sanctuary seekers. This would involve dedicated interventions to reduce inequalities and support the integration of women, LGBTQ+ individuals and disabled people seeking sanctuary.
10. The service will coordinate a pan-Wales online peer advocacy group, including support for digital literacy to enable full participation.

11. The service will undertake a train-the-trainer programme with sanctuary seekers to enable ongoing self-advocacy training delivered to Welsh public authorities and other key service providers.
12. We will increase awareness of migrant rights and the law relating to people seeking sanctuary, including how to stay safe, working with the police, hate crime, domestic abuse, mental health, modern slavery and Female Genital Mutilation.
13. The service will work with key partner agencies to develop policies which support positive engagement and successful inclusion of people seeking sanctuary. This will include close engagement with the Community Cohesion Programme.
14. The service will tackle stereotypes about people seeking sanctuary amongst the general public, including proactive work with traditional and social media. Each week the service will coordinate Refugee Week activities across Wales and host an annual Nation of Sanctuary awards.

Other considerations

15. Since the contract for the existing service was let, there have been major changes to the refugee and asylum system in the UK. These changes are likely to continue through the recently introduced Nationality and Borders Bill. The new service will need to be adaptable to these changes.
16. Towards the end of the initial 3 year period we will review the contract to ensure all parties are able to adapt to any changes which may arise. If agreement cannot be reached then the contact will cease at the end of year 3, with a new procurement exercise launched to find an appropriate provider. However, if agreement is reached, the 5 year contract will extend to 5 years as intended.
17. Ideally, this service would ensure newly recognised refugees would be supported to access alternative accommodation, bank accounts, social security payments, and employability, entrepreneurship or job search, as well as other relevant services. Currently this aspect of support is undertaken by Welsh Refugee Council under an annual grant agreement as part of the Homelessness Prevention Grant.
18. Equality and Housing officials believe that a more holistic and effective service can be provided to refugees by combining these two Welsh Government funding streams into one service. We will continue to explore options to achieve this outcome, including the implications of a potential shift from the current model of grant funding the Move On element, to a single procured solution. This will include consideration of the funding mechanisms to achieve

this. Further advice will be submitted to the Minister for Climate Change and the Minister for Social Justice on this in due course.

19. It is our intention to evaluation the service during the lifetime of the contract.

5 August 2021 – Private Secretary to Jane Hutt MS, Minister for Social Justice confirmed:

Thank you for submitting this MA. I can confirm that the Minister for Social Justice has agreed the following recommendations:

- procurement work for a new ‘Sanctuary Seekers Support Service’.