

# Agenda – Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

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Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 1 – Y Senedd	Naomi Stocks
Dyddiad: Dydd Mercher, 1 Mawrth 2017	Clerc y Pwyllgor
Amser: 09.00	0300 200 6565
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Rhag-gyfarfod (09.00 - 09.15)

## 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

## 2 Bil yr Undebau Llafur (Cymru) – sesiwn dystiolaeth 5

(09.15 – 10.15)

(Tudalennau 1 – 17)

- Claire Vaughan, Cyfarwyddwr Gweithredol y Gweithlu a Datblygu Sefydliadol, Ymddiriedolaeth GIG Gwasanaethau Ambiwlans Cymru
- Sarah Morley, Cyfarwyddwr Gweithredol y Gweithlu a Datblygu Sefydliadol, Ymddiriedolaeth GIG Felindre
- Kate Lorenti, Cyfarwyddwr Adnoddau Dynol Dros Dro, Bwrdd Iechyd Lleol Prifysgol Abertawe Bro Morgannwg
- Joanna Davies, Cyfarwyddwr y Gweithlu a Datblygu Sefydliadol, Bwrdd Iechyd Prifysgol Cwm Taf

## 3 Bil yr Undebau Llafur (Cymru) – sesiwn dystiolaeth 6

(10.15 – 11.15)

(Tudalennau 18 – 22)

- Y Cynghorydd Tudor Davies, Cadeirydd, Awdurdod Tân ac Achub De Cymru
- Phil Haynes, Cyfarwyddwr Gwasanaethau Pobl, Awdurdod Tân ac Achub De Cymru
- Y Cynghorydd Suzanne Paddison, Aelod o'r Awdurdod Tân, Gwasanaeth Tân ac Achub Canolbarth a Gorllewin Cymru



- Kevin Jones, Prif Swyddog Adnoddau Dynol a Chyfarwyddwr Adnoddau, Gwasanaeth Tân ac Achub Canolbarth a Gorllewin Cymru
- Gary Brandrick, Prif Swyddog Tân Cynorthwyol, Awdurdod Tân ac Achub Gogledd Cymru

#### **4 Papurau i'w nodi**

**Gohebiaeth gan Ysgrifennydd y Cabinet dros Gymunedau a Phlant yn ymwneud â ffoaduriaid a cheiswyr lloches**

(Tudalennau 23 – 26)

**Gohebiaeth gan Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol yn ymwneud â'r Bil yr Undebau Llafur (Cymru)**

(Tudalennau 27 – 31)

**Gohebiaeth gan Gadeirydd y Pwyllgor Deisebau mewn perthynas â deiseb i Wahardd Codi Ffioedd Asiantau Gosod ar Denantiaid**

(Tudalennau 32 – 38)

**Gwybodaeth ychwanegol a ddarparwyd gan Gyngor Ffoaduriaid yr Alban ynghylch yr ymchwiliad i ffoaduriaid a cheiswyr lloches**

(Tudalennau 39 – 76)

#### **5 Cynnig o dan Reol Sefydlog 17.42 (vi) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod**

**Egwyl (11.15 – 11.25)**

#### **6 Bil yr Undebau Llafur (Cymru) – trafod y dystiolaeth a ddaeth i law o dan eitemau 2 a 3**

(11.25 – 11.45)

#### **7 Bil Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru) – trafod yr amserlen**

(11.45 – 11.55)

(Tudalennau 77 – 80)

**8 Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru – trafod  
yr adroddiad drafft**

(11.45 – 12.30)

(Tudalennau 81 – 126)

Mae cyfyngiadau ar y ddogfen hon

### **Introduction**

1. We welcome the opportunity to contribute to the Equality, Local Government and Communities Committee consultation into the Trade Union (Wales) Bill.
2. The Welsh NHS Confederation represents the seven Health Boards and three NHS Trusts in Wales. The Welsh NHS Confederation supports our members to improve health and well-being by working with them to deliver high standards of care for patients and best value for taxpayers' money. We act as a driving force for positive change through strong representation and our policy, influencing and engagement work.
3. NHS Wales Employers is hosted by and operates as a part of the Welsh NHS Confederation. NHS Wales Employers supports the strategic workforce agenda of the NHS in Wales from an NHS employers' perspective. NHS Wales Employers supports the employers with workforce policy development, practical advice and information, and enables the NHS Wales Workforce and OD community to network and share knowledge and best practice. NHS Wales Employers work closely with trade unions when dealing with workforce policy and procedures.
4. Our response, which has been developed with our members, including Directors of Workforce and Organisational Development (OD), highlights the key issues and areas of interest for the NHS in Wales.

### **Overview**

5. In general, partnership working between employer organisations (the seven Local Health Boards and three NHS Trusts) and trade unions works well in NHS Wales. The NHS in Wales currently employs around 86,500<sup>i</sup> staff, providing a significant contribution to both the national and local economy. The cost of the NHS workforce for 2015/16 was circa £3.3 billion.<sup>ii</sup> Throughout the years the NHS in Wales has established effective working relationships with trade unions. This relationship has supported the development of effective and mutually beneficial solutions to a number of significant challenges which the service has addressed, but will continue to face in the future.
6. As changes in demographics and our lifestyles have resulted in a dramatic rise in demand on the health and care services, it has become increasingly clear that a transformation in the way treatment is delivered is required if the NHS is to meet the needs of a future population. A sea-change in the way services are designed is vital. A key aspect to driving this, and successfully putting NHS Wales on a sustainable footing, is the workforce.
7. With an ageing population and a rising number of people with complex and chronic conditions, the workforce must be ready to evolve and respond to the challenges ahead. As well as meeting the future needs of the population, the workforce must also develop new ways of working to address concerns about an expected shortfall in the future NHS workforce, especially for certain types of jobs and in different regions of Wales. Future demand for health and social care will not be met unless we plan, develop and use the health and social care workforce differently.

8. It is our view that the NHS's workforce challenges are best addressed by an efficient, engaged and productive workforce, where there is regular consultation and ongoing dialogue with our staff. A key element of this approach is through social partnership with trade unions representing NHS staff. To this end, we support the Welsh Government's commitment to strong, stable and effective workforce relationships, and its ongoing commitment to social partnership and subsequently the improvement of key public services in Wales.

### **Terms of reference**

**The general principles of the Trade Union (Wales) Bill and the need for legislation to ensure the continued and effective delivery of public services by dis-applying certain provisions of the UK Government's Trade Union Act 2016 as they apply to devolved Welsh authorities.**

- **The 40% ballot threshold for industrial action affecting important public services.**
9. Strike action in the NHS in Wales over the last decade has been minimal, despite considerable organisational change and the introduction of significant changes to NHS contracts terms and conditions. When there has been industrial action, the impact has been managed through partnership discussions so as to ensure that essential services are maintained and trade union members are able to exercise their right to withdraw their labour. Notwithstanding this, when strike action does occur it can lead to service disruption, an impact on patients and loss of activity, especially when clinical departments are involved.
  10. Section 2 of the Trade Union Act 2016 (the TU Act 2016) has introduced a new requirement that in all ballots for industrial action at least 50% of the trade union members entitled to vote must do so in order for the ballot to be valid, with the additional condition that a simple majority (i.e. more than half) of the votes cast must be in favour of industrial action in order for action to go ahead. In the context of this consultation, we note that this provision is not being dis-applied.
  11. Section 3 of the TU Act 2016, which this Bill is seeking to dis-apply, introduced the further "support requirement" that 40% of all trade union members in important public services, such as the NHS, are entitled to vote in a ballot leading to industrial action should be in support of that action. This is in addition to the 50% participation threshold introduced by Section 2 of the TU Act 2016. The reality of this provision is that if there is a dispute comprising 100 staff, at least 50 members of staff will need to vote and of those 50, 40 would need to be in support of industrial action e.g. 80% of the turnout in this example.
  12. As employer's we recognise and understand the rationale for the provision set out in Section 3 of the TU Act 2016, in particular given our duty is to ensure that we are able to provide for the continuity of NHS service provision without disruption. However, we are concerned that the new requirements on ballot thresholds may have unintended consequences on the conduct of industrial relations. The emphasis for both parties, the employer and the trade union, should always be focussed on resolving any dispute. The requirement to reach both a 50% turnout and a 40% threshold may lead to trade unions concentrating more on tactical aspects of the management of a dispute e.g. targeting turnout in areas where support for strike action may be higher, rather than working with managers and employers (such as Local Health Boards and Trusts) to reach a resolution.
  13. Given the points noted above, we feel that there are broader considerations which need to be taken into account regarding the dis-application of this provision. We value social partnership and the need to ensure that all parties remain solution focussed and work together to resolve any disputes which may arise.

14. While we understand the rationale behind Section 3 of the TU Act 2016 and what it is seeking to achieve in ensuring that “important public services” are maintained without disruption, we note that the new requirement, as outlined in Section 2 of the TU Act 2016, setting out that at least 50% of the trade union members entitled to vote will be required to do so in order for a ballot to be valid, has not been tested on its own and may be a significant enough test of the sentiments of the trade union members to provide a mandate for industrial action. We also note that the TU Act 2016 considers this to be an appropriate threshold in those areas not defined as “important public services”.

- **Powers to require the publication of information on facility time and to impose requirements on public sector employers in relation to paid facility time.**

15. As employers within the NHS we have our own agreed key principles framework for time off and facilities for trade union representatives in place. We believe that this meets the needs of the service and supports our approach to social partnership therefore we do not feel that any further requirements in relation to the publication of information with regard to facilities time, or imposing certain requirements on public sector employees in relation to paid facilities time, is necessary or appropriate.

16. Facilities time provides significant benefits to industrial relations, as well as providing savings and benefits to organisations and the service as a whole. Trade union representatives provide a vital role in developing and working with NHS workplace policies and procedures. They support staff and their members with mediation and navigation through policies and workplace issues which supports the smooth running of the service. We therefore support the proposal to dis-apply this provision.

- **Restrictions on deduction of union subscriptions from wages by employers (Check Off System).**

17. This service is provided by payroll departments within the NHS at a cost to the trade unions. Where the facility is offered it enables employers to understand the numbers of members in any one union and gain an understanding of the relative trade union membership across the organisation. In addition, this is part of a broader service provided in support and acknowledgement of the NHS’s commitment to social partnership. In the light of this, we support the proposal to dis-apply this provision.

- **The financial implications of the Bill.**

18. In terms of the financial implications of the Bill, as outlined in appendix 2 of the Explanatory Memorandum, we are unsure of the calculation rationale that £85,000 is the suggested cost of not applying the 40% threshold. Whilst the level of industrial action within NHS Wales has been low in recent years, when it has occurred and we have had to recover lost activity through overtime and waiting list initiatives, this has resulted in significant costs to the NHS. Whilst we haven’t been able to provide an amount for this, it is our judgement that the costs will be in excess of £85,000 within the NHS alone.

## Conclusion

19. In conclusion, people working within the NHS and social care are our biggest asset. Without their hard work and dedication the health and care service would collapse. We need to think about the workforce we have today for our current service delivery requirements but also focus on creating a pipeline for the future, which will include many of today's health and social care employees. This will require innovation, and perhaps new regulation mechanisms for new roles, and we will have to work closely with our trade union partners when considering the future NHS workforce.
20. As clearly highlighted in our response, when considering new ways of working we work closely with our trade unions and encourage all aspects of social partnership within the NHS in Wales. In relation to this Bill we feel that the proposals to dis-apply the provisions in relation to facilities time and check off are appropriate and support this approach.
21. In relation to the threshold for industrial action, it is our view that the 50% ballot threshold has never been tested in the areas defined as "important public services" and may be a significant enough test of the sentiments of the trade union members to provide a mandate for industrial action.

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<sup>i</sup> Stats Wales, May 2016. NHS staff by staff group and year 2015.

<sup>ii</sup> WEDS, Shared Services: NHS Wales' Workforce Trends (2016).



# Item 3

## 1 Background

- 1.1 The Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) sets out the requirements that a union must meet to benefit from statutory immunity from liability for inducing workers to take industrial action. TULRCA sets out the circumstances in which an employee taking industrial action loses their protection from unfair dismissal.
- 1.2 In brief, for a union to establish that it is not liable it will need to show that:
  - 1.2.1 The action is in contemplation or furtherance of a trade dispute;
  - 1.2.2 The union has the support of a simple majority following a valid ballot and has sent the appropriate notifications to union members and the employer;
  - 1.2.3 The action does not amount to secondary action or unlawful picketing; and
  - 1.2.4 It is not for a prohibited purpose, for example to support employees dismissed during unofficial industrial action.
- 1.3 The Trade Union Bill 2015-16 was introduced in the House of Commons on 15 July 2015. In summary, the Bill proposed:
  - 1.3.1 A requirement for a minimum threshold of a 50% turnout in all industrial action ballots, and an additional requirement in specified important public services of at least 40% of those entitled to vote having voted in favour of industrial action.
  - 1.3.2 Information requirements relating to industrial action: the information that must be included in the ballot paper, the information that must be given to union members and the information that must be given to the Certification Officer.
  - 1.3.3 Arrangements for the timing and duration of industrial action, requiring notice of any action to be given to an employer, and providing that a ballot mandate for industrial action expires after a specified time; and
  - 1.3.4 Requirements on unions for the supervision of picketing.
- 1.4 On 4 May 2016, the Bill received Royal Assent and became the Trade Union Act 2016. Only the provisions relating to electronic balloting are currently in force, with the rest of the Trade Union Act 2016 likely to come into force in 2017.

## 2 Impact in Wales

- 2.1 The UK government takes the view that the matters dealt with by the legislation are not within the legislative competence of the National Assembly for Wales and that therefore legislative consent motions are not required.
- 2.2 The Joint Council for Wales, which provides a forum for Welsh public sector employers and trade unions, issued a statement condemning the measures in the Bill as being counter-productive to industrial relations and called on the Welsh government to urge the UK government to reconsider the Bill.
- 2.3 On 28 June 2016, Carwyn Jones, First Minister of Wales, announced that legislation would be brought forward to repeal sections of the Act in devolved areas as part of the Legislative Programme of the Welsh Assembly.
- 2.4 A Bill to repeal parts of the Trade Union Act 2016 and a call to evidence is scheduled to be published in January 2017.

- 2.5 The National Assembly has the right to pass laws (known as Assembly Acts), but only in areas where those powers have been expressly conferred. These powers include the following relevant areas:
- 2.5.1 Fire and Rescue Services and Fire Safety;
  - 2.5.2 Local Government; and
  - 2.5.3 Public Administration.
- 2.6 If a policy area is not specified within the Government of Wales Act 2006, the National Assembly cannot legislate in relation to it. Neither employment law nor industrial relations are specified within the Government of Wales Act 2006 and therefore the National Assembly of Wales does not have the power to legislate in those areas.
- 2.7 In light of this, it is not currently clear whether the National Assembly has the power, under the Government of Wales Act 2006, to repeal aspects of the Trade Union Act 2016. The National Assembly's position may be that, whilst employment legislation is not a devolved power, public services are. The defined "important public services" are in the public sector and therefore it could be argued within the National Assembly's legislative authority.
- 2.8 The UK government may take a contrary position and be of the view that the Trade Union Act 2016 regulates the relationship between employer and employee and that simply because it has an impact on Public Authorities, it does not follow that the Welsh Government has devolved power to repeal that legislation.
- 2.9 Ultimately, it may be that the question of whether the National Assembly could repeal aspects of the Trade Union Act 2016 is something that the Courts would need to determine.

### **3 Ballots: 50% turnout requirement (section 2)**

- 3.1 Currently, section 226 of TULRCA provides that a strike or other industrial action will be unlawful unless at least 50% of trade union members who responded to the ballot voted in favour of the action. When it is brought into force, section 2(1) of the Trade Union Act 2016 will amend section 226 so that, in addition to a majority being in favour of the action, at least 50% of all eligible members must have voted.
- 3.2 The changes will make it more difficult for a union to call its members out to take part in industrial action and give rise to more challenges of proposed strike actions in the courts. This may delay the resolution of industrial disputes and may lead to costly court disputes or damage the unions' ability to call for industrial action.
- 3.3 Industrial action includes the following consequences:
- 3.3.1 A reduction in the Fire Service's capacity to provide emergency and non-emergency services to members of the public;
  - 3.3.2 Increased risks to public safety and or security;
  - 3.3.3 Risks to local and national resilience due to reduced service levels,
  - 3.3.4 Diversion of capacity from other public services to provide cover for industrial action in the region;
  - 3.3.5 Limited availability to help in other emergencies such as road accidents or medical emergencies; and
  - 3.3.6 Limited ability to undertake preventative and community safety work.
- 3.4 As a result of the introduction of this requirement, unions may be forced to approach industrial action in a different way and issue more focussed ballots to specific locations or key job categories, where these would be more likely to meet the thresholds. In addition, unions may be forced to spend more time and resources to improve turnout and support rather than seeking settlement of disputes with the employer.

#### **4 Ballots: important public services: 40% support requirement (section 3)**

- 4.1 In ballots of workers engaged in "important public services", in addition to the requirement that at least 50% of all eligible members must have voted, at least 40% of those entitled to vote must have voted in favour of the action. This will be achieved by section 3 of the Trade Union Act 2016 adding new subsections (2A) to (2F) into section 226 of TULRCA.
- 4.2 "Fire Services" have been defined as falling within the definition of "important public services".
- 4.3 The Important Public Services (Fire) Regulations 2017 specify that important public services are:
  - 4.3.1 Services provided by firefighters in extinguishing fires and protecting life and property in the event of fires; and
  - 4.3.2 Services provided by fire and rescue authority personnel in dealing with, and organising a response to, a call made from a telephone or other device to request the services provided by firefighters as mentioned above.
- 4.4 Therefore these regulations cover firefighters and control personnel.
- 4.5 We acknowledge that the threshold could be considered high. The prime issue for the Service will always be that it is able to respond quickly and efficiently to an emergency.
- 4.6 The requirement that at least 40% of all those entitled to vote must also vote for action, means that non-voters (i.e. those eligible to vote but who abstain for whatever reason) are treated as "no" voters, which could be seen to be unfair.
- 4.7 As a result of the introduction of this requirement, unions may be forced to approach industrial action in a different way and issue more focussed ballots to specific locations or key job categories, where these would be more likely to meet the thresholds. In addition, unions may be forced to spend more time and resources to bolster turnout and support rather than seeking settlement of disputes with the employer.

#### **5 Electronic balloting (section 4)**

- 5.1 Section 4 of the Trade Union Act 2016 required the Secretary of State to commission an independent review on the delivery of secure methods of electronic balloting.
- 5.2 No further comments are therefore necessary at this time.

#### **6 Information requirements (sections 5, 6 and 7)**

- 6.1 The Trade Union Act 2016 will introduce new requirements regarding:
  - 6.1.1 Information that must be included in the ballot paper.
  - 6.1.2 Information that must be given to union members about the result of the ballot.
  - 6.1.3 Information that must be given to the Certification Officer.
- 6.2 The voting paper issued by the union must:
  - 6.2.1 Include a summary of the matters in issue in the trade dispute to which the proposed industrial action relates. It is likely that it will require sufficient information to enable the union member who is voting to understand what issues remain in dispute/unresolved.
  - 6.2.2 If a strike is not proposed, specify the types of industrial action proposed (either in the question itself or elsewhere on the voting paper).
  - 6.2.3 Indicate the periods within which the industrial action (or, as the case may be, each type of industrial action) is expected to take place.
- 6.3 All those entitled to vote will also be told:
  - 6.3.1 The number of individuals who were entitled to vote in the ballot.

- 6.3.2 Whether or not the number of votes cast in the ballot was at least 50% of the number of individuals who were entitled to vote in the ballot.
  - 6.3.3 Whether the number voting "yes" was at least 40% of the number of individuals who were entitled to vote in the ballot.
- 6.4 It would appear that the information requirements are significant in terms of the level of administration during a period of time when the union is required to undertake a number of activities in a very short space of time. This creates a significant burden on the union and creates an additional risk of litigation - which could arise as a result of a minor procedural irregularity or failing.
- 7 Timing and duration of industrial action (sections 8 and 9)**
- 7.1 When the Trade Union Act 2016 comes into force, two weeks' notice of the intended action should be given (seven days if agreed).
  - 7.2 A trade union must provide an employer with notice of industrial action after it has secured a ballot mandate and before any such action is taken. For industrial action to be protected, the union must give the employer a notice covering the action within the appropriate period - which it is proposed will be extended to 14 days.
  - 7.3 The increased notice period appears reasonable as it will allow the Service to take appropriate legal advice and to make contingency arrangements. The extended period of time will allow the Service to put in place the necessary steps to protect the public and those of its employees who are not taking part in the proposed industrial action.
  - 7.4 Under the Trade Union Act 2016 a ballot in favour of industrial action will remain valid for six months from the date of the ballot (rather than the current unlimited period), or such longer period of time, not exceeding nine months, if the union and employer agree.
  - 7.5 The requirement that unions are forced to re-ballot after six months may give rise to unintended consequences as it could cause unions to prioritise action over negotiation as the deadline approaches, while employers may be reticent to engage if they know time is running out. Tactical behaviour of this nature may not improve industrial relations between unions and employers in the long term.
- 8 Union supervision of picketing and facility time (sections 10 and 13)**
- 8.1 Section 10 of the Trade Union Act 2016 will impose extra requirements where either the picketing has been organised by a trade union, or the union has encouraged its members to take part in the picketing. It will do so by incorporating into law provisions currently in the Picketing Code. The legal requirements will include:
    - 8.1.1 The union must appoint a person to supervise the picketing (the picket supervisor).
    - 8.1.2 The picket supervisor must be an official or other member of the union who is familiar with the Picketing Code.
    - 8.1.3 The union or picket supervisor must take reasonable steps to tell the police:
      - (a) the picket supervisor's name,
      - (b) where the picketing will be taking place, and
      - (c) how to contact the picket supervisor.
    - 8.1.4 The union must provide the picket supervisor with a letter stating that the picketing is approved by the union.
    - 8.1.5 The picket supervisor must show the letter of authorisation to any person who is acting on behalf of the employer as soon as reasonably practicable after they have been asked for sight of the letter.
    - 8.1.6 While the picketing is taking place, the picket supervisor must be either:
      - (a) present where it is taking place, or
      - (b) is easily contactable by the union and the police, and able to attend at short notice.

- 8.2 While present where the picketing is taking place, the picket supervisor must wear "something" to identify themselves.
- 8.3 Picketing will be defined to mean attendance at or near a place of work, in contemplation or furtherance of a trade dispute, for the purpose of either:
- 8.3.1 Obtaining or communicating information, or
  - 8.3.2 Persuading any person to work or abstain from working.
- 8.4 A failure to comply with the new requirements will mean that a trade union and its members will not be protected from legal proceedings which claim that they have induced someone to break their contract or interfered with a person's performance of a contract.
- 8.5 These requirements add an additional and unreasonable level of administration to industrial action which is likely to increase litigation. The Picketing Code was well understood and was sufficient to regulate the arrangements in place during industrial action and to ensure that both parties act in a consistent and fair manner.

## **9 Financial implications arising from the Bill**

- 9.1 We recognise that while it is not feasible to quantify the direct financial impact of the Bill's provisions it is desirable to outline the areas of concern.
- 9.2 We consider that those financial implications may include:
- 9.2.1 The financial implications associated with removing the 40% threshold are significant. Industrial action impacting Wales Fire and Rescue Services in the preceding three years has given rise to the following additional costs:
    - a. Working days lost (although this does result in salary costs savings)
    - b. Additional training costs to ensure cover;
    - c. Contingency planning costs;
    - d. Loss of work that would have been undertaken by officers;
    - e. Additional appliance costs incurred in strategic placement of appliances across the region;
  - 9.2.2 The cost of facility time in the public sector is paid for out of public funds. Further transparency and monitoring is therefore necessary. Costs of repealing this part of the Trade Union Act include:
    - a. It is not anticipated that the Services' pay bills spent on facility time will not be reduced and will stay at existing levels. However, there may be a reduction in facility time as a result of increased transparency resulting from reporting time spent.
  - 9.2.3 Costs of repealing the restrictions on deduction of union subscriptions from wages by employers include:
    - a. The additional administrative and payroll costs associated with making "check-off" deductions from union member's pay;
    - b. The additional administrative and payroll costs associated with making the "check-off" payments to the union.
    - c. Each of these will vary in terms of the number of staff in direct employment.



Ein cyf/Our ref -MA(P)/CS/0492/17

John Griffiths AC  
Cadeirydd  
Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau,  
Cynulliad Cenedlaethol Cymru

9 Chwefror 2017

Annwyl John,

Tra oeddwn yng nghyfarfod y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau ar 19 Ionawr, ymrwymais i ddarparu rhagor o wybodaeth i'r Pwyllgor am y gwaith a wnaed gyda'r cyfryngau gan Gyngor Ffoaduriaid Cymru (CFfC) ac i roi manylion cyswllt Uchel Gomisiynydd y Cenhedloedd Unedig dros Ffoaduriaid i chi, yn dilyn yr arolygiad a gafodd ei chynnal fel rhan o'r gwaith o adolygu'r Rhaglen i Adsefydlu Ffoaduriaid o Syria.

Mae CFfC ar hyn o bryd yn cael cyllid ar gyfer ei brosiect Cynhwysiant i Ffoaduriaid yng Nghymru gan Lywodraeth Cymru drwy'r Grant Cydraddoldeb a Chynhwysiant. Un o'r tasgau yn ei gynllun gwaith yw 'Gweithio â'r Cyfryngau i gynhyrchu rhaglenni i'r cyfryngau er mwyn hybu arfer da i herio diwylliant o ofni ceiswyr lloches a ffoaduriaid, ac o wahaniaethu yn eu herbyn'. Mae CFfC wedi darparu'r manylion llawn ac rwy'n eu hamgáu gyda'r llythyr hwn fel Atodiad A.

Prif nod y gwaith hwn yw newid canfyddiadau'r cyhoedd, yn benodol ynghylch y rhesymau y mae pobl yn ceisio noddfa a'r cyfraniad y maent yn ei wneud i Gymru ac i'r DU. Gall gwell dealltwriaeth helpu i feithrin datblygiad ceiswyr lloches a ffoaduriaid mewn sawl agwedd o fywyd, a helpu i wella cydlyniant cymunedol.

Mae llawer o newyddiadurwyr heb fod yn llwyr ymwybodol o'r ffeithiau ynglŷn â cheisio lloches a mudo ac mae CFfC wedi gweithio â chyflwynwyr blaenllaw a chwmnïau bach ym maes y cyfryngau, a chyda myfyrwyr newyddiaduraeth, gan ddarparu amrywiaeth eang o wybodaeth am geiswyr lloches iddynt er mwyn sicrhau bod adroddiadau'n gywir.

Elfen arall yw ceiswyr lloches a ffoaduriaid yn cymryd rhan mewn straeon yn y cyfryngau; mae CFfC yn darparu cefnogaeth a hyfforddiant, pan fo'r angen, i bobl sy'n dymuno siarad â'r cyfryngau. Mae hyn yn cynnwys eu helpu nhw i ddeall eu hawliau a'u cyfrifoldebau wrth wneud sylwadau, cymorth cyfieithu, a sicrhau eu bod yn deall y risgiau sydd ynghlwm wrth ddefnyddio eu henwau ar gyfer stori. Mae hyn yn rhoi cyfle iddynt ddweud eu hanes yn y ffordd y mynnent.

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[Correspondence.Carl.Sargeant@gov.wales](mailto:Correspondence.Carl.Sargeant@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Dyma fanylion cyswllt Gonzalo Vargas Llosa o Uchel Gomisiwn y Cenhedloedd Unedig dros Ffoaduriaid:

UNHCR  
10 Furnival Street  
Llundain  
EC4A 1AB  
0203 761 9500

Yn ogystal â'r ymrwymïadau a wnaed gennyf yn ystod cyfarfod y Pwyllgor, hoffwn egluro'r sefyllfa mewn perthynas â Phlant ar eu Pen eu Hunain yn Ceisio Lloches yng Nghymru. Yn fy nhystiolaeth, dywedais fod 27 o blant ar eu pen eu hunain yn ceisio lloches wedi cael eu hadsefydlu yng Nghymru. Deilliodd y ffigur hwn o nifer o ffynonellau ac mae'n ymwneud â'r cyfnod yn dilyn cau gweryll y 'Jyngl' yng Nghalais. Felly, mae'n amlwg yn gipolwg o amser penodol. Cafodd y plant hyn eu croesawu i Gymru drwy nifer o gynlluniau Llywodraeth y DU (Dubs, Dulyn III a'r Cynllun Trosglwyddo Cenedlaethol) ar gyfer plant a rhai o'r dyfodiaid dirybudd. Nid yw'r plant hyn i gyd wedi cartrefu nac am gartrefu yng Nghymru, gan y bydd rhai ohonynt yn symud ymlaen i rannau eraill o'r DU i ailymuno â'u teuluoedd.

Mae'n bwysig nodi bod nifer y Plant ar eu Pen eu Hun yn Ceisio Lloches yng Nghymru yn newid yn barhaus, yn bennaf oherwydd 'dyfodiaid dirybudd'. Mae gwaith yn mynd rhagddo i sefydlu a chynnal system adrodd a chasglu data, er mwyn darparu ffigurau o ran nifer y bobl y cynlluniwyd iddynt gyrraedd drwy'r cynlluniau cenedlaethol yn ogystal â dyfodiaid dirybudd o'r fath. Byddwn yn hapus i ddarparu ffigur mwy diweddar, a chadw'r amrywiad parhaus mewn cof, yn ystod yr wythnosau i ddod.

Mae plant sy'n cyrraedd yn ddirybudd yn cael effaith sylweddol ar gapasiti a gallu rhai awdurdodau lleol i gymryd rhan yn y cynlluniau trosglwyddo ffurfiol. Mae llawer o leoliadau ychwanegol wedi cael eu cynnig, yn enwedig yn sgil cau gweryll Calais, ond nid yw'r Swyddfa Gartref bob amser wedi gallu ymateb yn ddigon cyflym i fanteisio ar y cynigion hyn.

O ran y dyfodol, ni allaf roi rhif ar nifer y bobl a ddisgwylir gan fod y sefyllfa wedi bod yn ansefydlog erioed, a bydd yn parhau i fod felly. Mae Cymru'n dibynnu ar ddau beth, sef bod yr wybodaeth am blant sy'n cyrraedd yn cael ei throsglwyddo mewn da bryd, a gallu awdurdodau lleol i ddarparu lleoliadau ar yr adeg pan fo'u hangen. Fel y dywedwyd yn y Pwyllgor, dim ond am hyn a hyn o amser y gall awdurdodau lleol gadw lleoedd cyn bod rhaid eu rhyddhau ar gyfer plant eraill sydd mewn angen.

Yn ogystal, dywedais y byddwn yn rhoi'r newyddion diweddaraf i chi ynghylch proses gaffael Gwasanaeth Cynnwys Ffoaduriaid, Ceiswyr Lloches a Mudwyr Llywodraeth Cymru. Mae fy swyddogion wedi anfon y llythyrau hysbysiad o ddyfarniad ac, ar ôl cyfnod segur o 10 diwrnod, bydd y hysbysiad dyfarnu contract yn cael ei gyhoeddi. Byddaf yn ysgrifennu llythyr arall atoch yn darparu manylion yr ymgeisydd llwyddiannus cyn gynted ag y bydd yr hysbysiad hwn wedi cael ei gyhoeddi.



**Carl Sargeant AC/AM**

Ysgrifennydd y Cabinet dros Gymunedau a Phlant  
Cabinet Secretary for Communities and Children

Tudalen 24 o 24

**Mark Drakeford AM/AC**  
**Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol**  
**Cabinet Secretary for Finance and Local Government**

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau/  
Equality, Local Government and Communities Committee  
ELGC(5)-07-17 Papur 4 / Paper 4

Eich cyf/Your ref  
Ein cyf/Our ref

John Griffiths AC  
Cadeirydd  
Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau  
Cynulliad Cenedlaethol Cymru  
Caerdydd  
CF99 1NA



Llywodraeth Cymru  
Welsh Government

15 Chwefror 2017

Annwyl John

Yn fy sesiwn dystiolaeth i'r Pwyllgor ar 2 Chwefror, addewais ysgrifennu at y Pwyllgor i egluro i ba raddau y bydd y Bil yn effeithio ar y rheini sy'n darparu gwasanaethau cyhoeddus ar ran Awdurdodau Cymreig datganoledig.

Bydd y darpariaethau ym Mil yr Undebau Llafur (Cymru), fel y'i cyflwynwyd, yn datgymhwyso darpariaethau'r Trade Union Act 2016 yn achos "awdurdodau Cymreig datganoledig" a ddiffinnir yn Neddf Cymru 2017.

Rhestrir awdurdodau Cymreig datganoledig yn Atodlen 3 i'r Ddeddf. Mae'r diffiniad hefyd yn cynnwys awdurdodau cyhoeddus eraill sy'n arfer swyddogaethau mewn meysydd datganoledig a byddant yn cynnwys cyrff cyhoeddus newydd, fel Awdurdod Cyllid Cymru, a allai gael eu creu yn y dyfodol. Os yw'r awdurdod datganoledig wedi rhoi contract i gorff yn y sector preifat neu gorff yn y sector cyhoeddus i ddarparu gwasanaethau cyhoeddus, ni fydd y darparwr hwnnw yn dod o dan y diffiniad ac ni fydd felly o fewn cwmplas y Bil.

Bydd y Bil yn newid sut y bydd Trade Union Act 2016 y DU yn gymwys i Gymru yn y ffyrdd a ganlyn.

Mae darpariaethau yn Neddf 2016 ar gyfer amser cyfleuster a didynnu drwy'r gyflogres yn gosod dyletswyddau ar gyflogwyr yn y sector cyhoeddus. Bydd ystyr cyflogwyr sector cyhoeddus fel y'i pennir mewn rheoliadau nad ydynt wedi eu gwneud eto gan yr Ysgrifennydd Gwladol ond ni fyddant yn cynnwys unrhyw gyflogwr yn y sector preifat na'r trydydd sector, pa un a fydd yn darparu gwasanaeth ar ran corff cyhoeddus ai peidio. Effaith y Bil yw na fydd y dyletswyddau hyn yn gymwys i awdurdodau Cymreig datganoledig. Gan nad ydynt yn gymwys i gyrrff yn y sector preifat na'r trydydd sector ar hyn o bryd, ni fydd y darpariaethau sy'n ymdrin ag amser cyfleuster a didynnu drwy'r gyflogres yn berthnasol i

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[Correspondence.Mark.Drakeford@gov.wales](mailto:Correspondence.Mark.Drakeford@gov.wales)

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Tudalen y pecyn 27



unrhyw un a fydd yn gweithio ar ran awdurdod Cymreig datganoledig, er ei bod yn bosibl y byddant yn parhau'n gymwys i gyflogwyr sector cyhoeddus nad ydynt wedi eu datganoli sy'n gweithredu yng Nghymru. Bydd y Trade Union Act 2016 yn gwneud y trothwy o 40% o'r bleidlais yn gymwys i weithwyr sy'n darparu 'gwasanaethau cyhoeddus pwysig' a gaiff eu pennu mewn rheoliadau i'w gwneud gan yr Ysgrifennydd Gwladol ond bydd yn rhaid iddynt fod yn un o'r categorïau a ganlyn:

- a) gwasanaethau iechyd;
- b) addysgu'r rheini sydd o dan 17 oed;
- c) gwasanaethau tân;
- d) gwasanaethau trafnidiaeth;
- e) datgomiynu gweithfeydd niwclear a rheoli gwastraff ymbelydrol a gweddillion tanwydd;
- f) diogelwch ffiniau.

Mae Llywodraeth y DU wedi dehongli bod 'gwasanaethau cyhoeddus pwysig' yn cynnwys unrhyw wasanaeth cyhoeddus pa un a yw'n cael ei ddarparu gan gorff cyhoeddus neu gan gorff yn y sector preifat. Mae rheoliadau drafft a gyhoeddwyd gan Lywodraeth y DU ym mis Ionawr 2016 yn dangos mai'r bwriad yw cynnwys gwasanaethau a ddarperir gan weithredwyr rheilffyrdd, bysiau a gwasanaethau awyr yn y sector preifat. Effaith y Bil yw na chaiff rheoliadau bennu bod y gwasanaethau a ddarperir gan awdurdodau Cymreig datganoledig yn 'wasanaethau cyhoeddus pwysig' ac na fydd y trothwy o 40% yn gymwys i weithwyr sy'n gweithredu'n ddiwydiannol a gyflogir gan yr awdurdodau hynny. Byddai'r trothwy yn parhau'n gymwys, fel y nodir yn Neddf 2016, i wasanaethau cyhoeddus pwysig a ddarperir gan gyrrff yn y sector preifat neu'r trydydd sector.

Roedd gan y Pwyllgor ddiddordeb penodol ynghylch sut y byddai'r Bil yn gymwys i wasanaethau gofal cymdeithasol. Oherwydd nad yw gofal cymdeithasol yn dod o dan unrhyw un o'r categorïau o 'wasanaethau cyhoeddus pwysig' y ceir eu pennu yn rheoliadau'r Ysgrifennydd Gwladol, ni all y trothwy o 40% o'r bleidlais fod yn gymwys i weithwyr sy'n cael eu cyflogi i ddarparu gwasanaethau gofal cymdeithasol yng Nghymru. Yr un yw'r sefyllfa pa un a ydynt yn cael eu cyflogi gan awdurdodau Cymreig datganoledig neu gan ddarparwyr yn y sector preifat neu'r trydydd sector.

Er mwyn osgoi unrhyw ddryswch, roeddwn yn awyddus hefyd i egluro'r sefyllfa mewn perthynas ag ymgynghoriad y Llywodraeth ar ddefnyddio gweithwyr asiantaethau, gan fod y mater hwnnw wedi codi yn ystod y drafodaeth. Fel y gŵyr y Pwyllgor, efallai, cynhaliodd Llywodraeth y DU ymgynghoriad ym mis Gorffennaf 2015 ar gynnig i ddirymu Rheoliad 7 o Reoliadau Cynnal Asiantaethau Cyflogaeth a Busnesau Cyflogaeth 2003. Mae Rheoliad 7 yn gwahardd busnesau cyflogaeth rhag darparu gweithwyr dros dro i gymryd lle gweithwyr sy'n gweithredu'n ddiwydiannol. Er nad yw Llywodraeth y DU wedi gweithredu eto yn dilyn yr ymgynghoriad, pe bai yn dirymu'r rheoliad, byddai hynny'n gymwys i weithredu diwydiannol gan weithwyr ym mhob sector, gan gynnwys gweithwyr a gyflogir yn y sector cyhoeddus yng Nghymru.

Ym mis Medi 2016, cyhoeddais ymgynghoriad er mwyn gofyn a ddylai'r sefyllfa gyfreithiol barhau fel y mae yng Nghymru – h.y. cadw'r sefyllfa lle nad yw awdurdodau Cymreig datganoledig yn gallu defnyddio gweithwyr dros dro yn lle staff sy'n gweithredu'n ddiwydiannol. Nid wyf wedi cyhoeddi fy mholisi ar y mater hwn eto ond, fel y dywedais yn fy natganiad deddfwriaethol, un opsiwn fyddai gofyn am ddeddfwriaeth yn y Bil hwn a fyddai'n effeithio ar awdurdodau Cymreig datganoledig. O wneud hynny, byddai effaith dirymu Rheoliad 7 yn gymwys i bob cyflogwr arall.

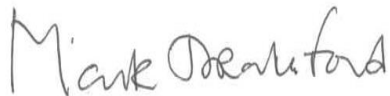
Soniais hefyd wrth y Pwyllgor am ohebiaeth a anfonwyd ataf gan Ben Gummer AS, Gweinidog dros Swyddfa'r Cabinet a Thâl-feistr Cyffredinol. Rwyf wedi cysylltu â'i swyddfa

ef, gan anfon cais y Pwyllgor i gael gweld yr ohebiaeth ymlaen ato, ac wedi rhoi gwybod i'w staff fy mod yn teimlo bod yn rhaid imi ryddhau'r llythyr ichi.

Mae rhai o elfennau'r dull gweithredu yr ydym wedi'i fabwysiadu mewn perthynas â'r mater hwn, er enghraifft, yr Aseiad Effaith Rheoleiddiol, yn ddibynnol ar gychwyn y darpariaethau hyn yn Neddf y DU. Bydd y Pwyllgor, felly, am fod yn ymwybodol o'r datblygiad hwn wrth iddynt ystyried y Bil, a dyna pam yr wyf wedi penderfynu rhannu'r llythyr atodedig gyda chi heb gydsyniad Swyddfa'r Cabinet.

Rydw i'n anfon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol.

Yn gywir

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

**Mark Drakeford AC/ AM**

Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol  
Cabinet Secretary for Finance and Local Government

Mark Drakeford AM/AC  
Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol  
Cabinet Secretary for Finance and Local Government



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

The Rt Hon Ben Gummer MP  
Minister for the Cabinet Office and Paymaster General  
70 Whitehall  
London  
SW1A 2AS

[psbengummer@cabinetoffice.gov.uk](mailto:psbengummer@cabinetoffice.gov.uk)

15 February 2017

*Den Ben,*

Thank you for your letter of 24 January.

I enclose an extract from the transcript of the Assembly's Equality, Local Government and Communities Committee that considered the Trade Union (Wales) Bill in their meeting on 2 February.

I would draw your attention to the discussion about correspondence with the UK Government, including a request that your letter is made available to the Committee.

I am aware, following a verbal request by my officials to share the letter, that Cabinet Office has expressed the view that the letter is not for public consumption.

However, given the clear implications for scrutiny of the Bill, I feel obliged to share the letter with the Committee and will do so in due course.

*Best wishes,*

*Mark*

**Mark Drakeford AM/AC**  
Ysgrifennydd y Cabinet dros Gyllid a Llywodraeth Leol  
Cabinet Secretary for Finance and Local Government

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**Tudalen y pecyn 30**  
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## **Extract from transcript of Equalities, Local Government and Communities Committee, 2 February meeting**

The full transcript of the Committee meeting can be accessed at:  
<http://senedd.assembly.wales/documents/s59033/2%20February%202017.html?CT=2>

[22] **John Griffiths:** Well, I'm sure that the committee will be interested in that, and I'm sure that the clerk can make that available. Is there any other correspondence that, subsequent to any of that, Cabinet Secretary, is not in the public domain?

[23] **Mark Drakeford:** Well, Chair, I have received a letter from the Cabinet Office Minister responsible for the UK Bill since this Bill was introduced on the floor of the National Assembly. That is a letter from Ben Gummer MP. My office has been in contact with the Cabinet Office seeking their agreement for me to share that letter with the committee. Their position at the moment is that that letter isn't for public consumption.

[24] **John Griffiths:** Is that a letter that would be germane and relevant to this committee's work in terms of scrutinising this legislation and understanding these issues, Cabinet Secretary?

[25] **Mark Drakeford:** Well, Chair, of course, I've had the benefit of reading the letter and reading it carefully. My conclusion is that the content of the letter is relevant to the work of this committee in the scrutiny of this Bill, and it's why I sought to gain the consent of the writer to making the content of the letter available to you.

[26] **John Griffiths:** I think that the committee might be interested in pressing that point, because I think it's very important that we are in possession of as much information as possible that would help this committee scrutinise this very important legislation. So perhaps these are matters that the committee may wish to discuss further and, perhaps, have further communication with you, Cabinet Secretary.

[27] **Mark Drakeford:** Well, Chair, I will certainly relay that view to my counterpart at Whitehall and relay the content of these last few exchanges.

[28] **John Griffiths:** Okay. Well, we're grateful for that. Okay, perhaps we can move, then, to—. Sorry, Rhianon, did you have a question on this?

## Eitem 4.3

Cynulliad Cenedlaethol Cymru  
Y Pwyllgor Deisebau

National Assembly for Wales  
Petitions Committee

John Griffiths AC

Cadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Mae Cynulliad Cenedlaethol Cymru

Tŷ Hywel

Bae Caerdydd

CF99 1NA

22 Chwefror 2017

Annwyl John

### Deiseb P-05-734 Gwahardd Codi Ffioedd Asiantau Gosod ar Denantiaid.

Ar 14 Chwefror, trafododd y Pwyllgor Deisebau y ddeiseb a ganlyn gan Shelter Cymru am y tro cyntaf:

Rydym ni sydd wedi llofnodi isod yn galw ar y Cynulliad Cenedlaethol i annog Llywodraeth Cymru i roi terfyn ar yr arfer annheg o godi ffioedd asiant gosod ar denantiaid.

Yn gynharach eleni, bu cefnogwyr ymgyrch Shelter Cymru yn gwsmeriaid cudd i asiantau gosod ledled Cymru a chanfuont nad yw mwy na hanner (55 y cant) yn hysbysebu ffioedd ar eu gwefannau fel sy'n ofynnol yn ôl y gyfraith. Canfu'r astudiaeth y gallai tenant dalu rhwng £39.99 a £480 am yr un gwasanaeth, gan ddibynnu pa asiant oedd eu landlord wedi dewis ei ddefnyddio.

Y realiti yw nad oes y fath beth â dewis i ddefnyddwyr gyda ffioedd tenantiaid, ac mae perygl gwirioneddol bod tenantiaid a landlordiaid yn gorfod talu ddwywaith am yr un gwasanaeth. Rydym yn credu y dylai Cymru ddilyn esiampl yr Alban a gwahardd ffioedd i denantiaid. Mae'r sector rhentu preifat yn yr Alban yn dal i ffynnu ac mae tri chwarter o asiantau'r Alban yn dweud na chafodd y gwaharddiad unrhyw effaith, neu ei fod wedi cael effaith gadarnhaol, ar eu busnes.

Mae asiantau gosod yng Nghymru yn mwynhau twf mewn busnes oherwydd Rhentu Doeth Cymru, sy'n annog landlordiaid llai i gofrestru ag asiantau. Fodd



bynnag, mae ffioedd gosod gormodol yn gwthio tenantiaid i ddyled a'i gwneud yn fwy anodd i awdurdodau lleol atal digartrefedd. Gweithredwch yn awr i roi bargaen deg i'r nifer cynyddol o rentwyr preifat yng Nghymru.

Yn y cyfarfod, trafododd yr Aelodau ohebiaeth gan Ysgrifennydd y Cabinet dros Gymunedau a Phlant a'r deisebydd, a chytunwyd y dylwn i ysgrifennu atoch i ofyn a ydych yn bwriadu cynnal gwaith ar y mater hwn fel rhan o'ch blaenraglen waith.

At hynny, cytunwyd y dylid ysgrifennu eto at Ysgrifennydd y Cabinet dros Gymunedau a Phlant yn gofyn am wybodaeth bellach o ran yr amserlen ar gyfer gwneud penderfyniad ynghylch a oes angen deddfwriaeth ar y mater neu beidio.

Mae copi o lythyr Ysgrifennydd y Cabinet at y Pwyllgor, ynghyd â'r sylwadau ychwanegol a dderbyniwyd gan y deisebydd, wedi'u hamgáu er gwybodaeth.

Byddwn yn ddiolchgar pe gallech anfon eich ymateb trwy e-bost at y Tîm Clercio at [SeneddDeisebau@Cynulliad.Cymru](mailto:SeneddDeisebau@Cynulliad.Cymru).

Yn gywir



Mike Hedges AC  
Cadeirydd

Amg:

- Gohebiaeth gan Ysgrifennydd y Cabinet dros Gymunedau a Phlant i'r Pwyllgor Deisebau ar 04/01/2017
- Gohebiaeth gan y deisebydd ar 06/02/2017

Carl Sargeant AC/AM  
Ysgrifennydd y Cabinet dros Gymunedau a Phlant  
Cabinet Secretary for Communities and Children



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-734  
Ein cyf/Our ref CS/06110/16

Mike Hedges AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

January 2017

Dear Mike

Thank you for your letter of 7 December regarding the Petition the Committee has received from Shelter Cymru requesting the Banning of Letting Agents Fees to Tenants.

I am fully aware of the campaign which is led by Shelter Cymru and the wide support for such a ban amongst Assembly Members. Indeed the spotlight fell on the issue again very recently following the Chancellor's announcement in the Autumn Statement that England would be consulting on introducing a ban early in the New Year.

The Welsh Government is committed to ensuring a fair deal for private sector tenants. Most recently we have introduced the Renting Homes (Wales) Act 2016 and Rent Smart Wales, both of which will benefit tenants. We are very much leading the way in cracking down on rogue agents and landlords and working to raise standards in the sector.

Nevertheless, I am concerned about the bad practices of some letting agents who are charging extortionate fees to tenants, who very often are in no position to refuse to pay such fees and agree they must be stopped. Some of the examples we hear about are simply shocking and action is required to tackle this.

I appreciate there are many good letting agents operating across the country and that many of their fees are legitimate and necessary in recouping business costs for the services they provide. Therefore any measures introduced to stop the charging of letting agent fees to tenants needs to be carefully considered. They must be proportionate and effective, and must not result in unintended consequences or simply create new problems in their place.

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[Correspondence.Carl.Sargeant@gov.wales](mailto:Correspondence.Carl.Sargeant@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

**Tudalen y pecyn 34**

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I have already made a commitment to review the evidence currently out there, before deciding what action we should take in Wales. We will take into account the effect of the Scottish legislation. We will also be reviewing the proposals in England, taking into account the findings of their consultation which is due to be held in the coming months.

We must also consider the impact of the different route we have taken in Wales, by introducing Rent Smart Wales and whether this will impact on how we approach any further regulation of the sector. In summary, whilst I agree action is needed to address this issue, I am reluctant to go rushing into legislation without carefully studying all the evidence and thinking through the potential consequences first.

Yours sincerely



**Carl Sargeant AC/AM**

Ysgrifennydd y Cabinet dros Gymunedau a Phlant  
Cabinet Secretary for Communities and Children





## Additional evidence to the Petitions Committee on banning letting agents' fees to tenants

6<sup>th</sup> February 2017

### Introduction

Shelter Cymru welcomes the opportunity to provide a response to the Cabinet Secretary's letter of 4<sup>th</sup> January outlining his current thinking on whether Wales should introduce a ban on letting fees.

We have already had useful and constructive discussions with the Cabinet Secretary over this issue, and we welcome that he recognises action is needed.

We understand that the Welsh Government has already spearheaded important reforms to the private rented sector. Implementation of these reforms is very much a work in progress. Changes to the Welsh private rented sector are likely to continue for a number of years to come. We agree that further reforms must be planned carefully, but we hope that implementation of Rent Smart Wales, and also the Renting Homes Act (not likely to commence before autumn 2018) won't hold up action where it's needed.

We understand that in England the Department for Communities and Local Government will issue the consultation in March or April, with primary legislation potentially to follow within the year.

Wales has been pursuing effective distinctive policies from the rest of the UK and will continue to do so, but if Wales chooses not to go ahead with a ban, or introduces a ban much later than England, then a difference in policy between England and Wales, in this instance, could present a number of risks. For example:

- There's a possibility that some unscrupulous letting agents may be tempted to set up in Wales rather than England. Although Rent Smart Wales is an additional safeguard to help protect professional standards in Wales, an influx of potentially unlicensed agents from England does represent an enforcement challenge at a time

when the resources of Rent Smart Wales are already stretched with implementation activity.

- A ban on letting fees has been a long-standing campaigning goal of the National Union of Students. If fees were banned in England and Scotland but not in Wales, this may represent a disincentive for students to study here.
- PRS access will be comparatively more expensive for tenants in Wales than in England or Scotland, making it harder to prevent and relieve homelessness. Anecdotally, we have heard a number of instances of Welsh letting agents hiking fees in order to take advantage of increases in local authorities' homelessness prevention budgets that were necessary to help councils implement Part 2 of the Housing (Wales) Act.

We understand that the Welsh legislative programme is very full but we hope that the Government can find time to prioritise this important measure that will complement Rent Smart Wales in professionalising the sector.

To conclude, we would like to share some comments from the 145 current and former tenants in Wales who responded to our recent online survey. This survey found that:

- 41 per cent had to get into debt to pay letting fees
- 84 per cent disagreed that the service they received from their agent was worth the fees they paid
- 85 per cent agreed that letting fees to tenants should be abolished.

Here are some of the comments they shared with us:

'Absolute rip-off. Did not get house but I passed all credit checks. Letting agent took fees from at least six different people for the same house. It was only when I threatened to contact Trading Standards I got my fee returned. In short it was just a scam.'

'Complete rip-off. I paid admin fees on a previous property only to fail the credit search, and subsequently lost the admin fee.'

'I had to pay a month's rent (£425) and a bond of £425 and £200 agency fees just to check if I passed the credit check. If I failed they would still keep the £200 so it was a risk to take.'

'They have a severe lack of ownership. They are willing to take your money but very unwilling to handle health and safety issues and maintenance. Being charged over £250 for a phone call to my employer to confirm I work there, and be emailed an Excel document with the

breakdown of costs, is diabolical. With my bond, fees and rent, my first month was close to £2,000. I fully support this cause to help more people get reasonable housing.'

'(I paid) £90 for a credit check, £75 admin fees and £70 to take the property off the website!'

'I have a 12-month contract. At renewal they charged me a £60 admin fee. I asked what it was for, and it was to photocopy the new agreement. I offered to print it free of charge but they wouldn't let me.'

'This agent also keeps the first month's rent paid, so they make a lot of money up front from the tenant and owner. This agent does not have enough competition in the area. Fees (£240) were said to be for credit checking and drawing up the tenancy. Online credit checking costs a few pounds per check. A standard tenancy is a computerised pro-forma. The agent only needs to insert a few details such as name and address.'

'We signed the initial contract for 12 months. After the 12 months was up we wanted to renew the tenancy and were charged £152.75 for a renewal fee which we had not been told about previously.'

'We have been private renting for seven years and used a couple of agents. The fees have become extortionate and I doubt we will be able to afford again if we have to move.'

'The only reason I have stayed in this residence this long is because I can't afford to pay the agency fees involved in moving house. I've wanted to move for over a year.'

'The fees charged to the landlord were just as horrific. She (the agent) even tried to persuade the landlord to invent things so she could get more fees. We both feel we were misled.'

More information on this survey and on our letting agent mystery shop exercise, carried out last year by our campaign supporters, can be found here:

<https://sheltercymru.org.uk/wp-content/uploads/2016/08/Letting-Go-Email.pdf>.

For more information please contact Jennie Bibbings, Campaigns Manager

[jennieb@sheltercymru.org.uk](mailto:jennieb@sheltercymru.org.uk)

02920 556903

07884 261702

As the leading independent refugee charity in Scotland we have tried to respond to the changing needs of refugees and the context and debate. Our strategic priorities reflect this and currently we seek to:

- Challenge and inform public attitudes;
- Advocate and campaign for better policies and legislation in Scotland and the UK (reflecting the different responsibilities for these issues that are reserved to the UK and devolved to Scotland);
- Lead on the integration of refugees in Scotland; and
- Provide services for people in the asylum process and refugees as appropriate and advocate and campaign for better services delivered by the state and other public authorities.

The resourcing to achieve these priorities comes from a variety of sources. We currently operate at an annual budget around £2m. Our income comes from a mixture of trust, grants and foundations and general charitable fundraising. I have enclosed a copy of our latest audited accounts for information. The Scottish Government current provides resources of around £0.5m a year which supports our integration and policy work and we have the designation of being a 'strategic partner' in the area of refugees.



**SCOTTISH REFUGEE COUNCIL**  
**DIRECTORS' REPORT AND FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 31 MARCH 2016**

**Charity number: SC008639**

**Company number: SC145067**

**SCOTTISH REFUGEE COUNCIL**

**REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2016**

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## SCOTTISH REFUGEE COUNCIL

### Report of the Directors for the year ended 31 March 2016

The Directors present their annual report and financial statements of the charitable company for the year ended 31 March 2016.

The financial statements have been prepared in accordance with the accounting policies set out in note 1 to the accounts and comply with the charitable company's memorandum and articles of association, the Charities and Trustee Investment (Scotland) Act 2005, the Charities Accounts (Scotland) Regulations 2006 (as amended), the Companies Act 2006 and Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland published on 16 July 2014.

### Objectives and activities

#### *Objectives*

The charitable objectives of Scottish Refugee Council contained in the Memorandum and Articles of Association can be summarised as:

- Providing relief and assistance to displaced people, refugees, asylum seekers, their families and dependents who have sought refuge in Scotland;
- Providing and disseminating information to voluntary organisations and statutory authorities working with this group of people;
- Advancing education and promoting the relief of poverty; and
- Working to address the reasons people are forced to seek protection as refugees.

This year was the second full year of delivery of the 2014-2017 Strategic Plan. The plan sets out the vision and five key strategic priorities that the organisation wants to achieve in order to fulfil its purpose.

Our **vision** is for a Scotland in which all people seeking refugee protection are welcome and where women, children and men are protected, find safety and support, have their human rights and dignity respected and are able to achieve their full potential.

Our five key **strategic priorities** are to:

1. Increase public empathy with refugees and campaign for an end to discrimination, racism and prejudice;
2. Advocate for the rights of refugees and people seeking asylum and for fair and just legislation and policies;
3. Support refugees' integration and inclusion;
4. Ensure that refugees and people seeking asylum have access to quality advice services, information and support; and
5. Develop an efficient organisation which supports staff and volunteers and ensures quality and value for money.

#### *Activities*

### Strategy for achieving stated objectives

We have adopted the following strategy to seek to achieve our stated objectives:

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

#### **Strategic Priority 1: Increasing Public Empathy**

- We will work to ensure that refugees are represented and promoted in the media accurately and fairly by proactively working with the mainstream media in Scotland and the UK.
- We will continue to build on our reputation as the 'go-to' organisation for journalists, stakeholders and members of the public to seek accurate and up-to-date information about refugees in Scotland.
- We will continue to develop our own communications, website, training and social media to engage, inform and challenge attitudes to create a more welcoming environment for refugees in Scotland. We will develop strong, targeted and explicit messages that reframe the terms of the debate.
- We will continue to involve refugees in all aspects of our communications work, from planning and designing our messaging to working with them to raise their voices through the mainstream media and other communications channels.

#### **Strategic Priority 2 : Advocacy**

- We will continue to build on our reputation as the credible, evidenced and powerful voice for refugees and refugee issues in Scotland. Working with refugees, community groups, partner organisations and others, we will proactively influence the UK and Scottish Governments and other decision makers using the most effective methods, to develop legislation, policy and practice which uphold our international obligations to treat refugees fairly and humanely.
- We will build on our specialist expertise and knowledge on the needs and experiences of refugees and asylum seekers within devolved policy areas; and women and children issues. We will work with the Scottish Government and others to implement Scotland's strategy for refugee integration, *New Scots: Integrating Refugees in Scotland's Communities (2014-2017)*.
- We will continue to ensure the particular issues facing refugees in Scotland influence our advocacy priorities and that refugees are involved in different aspects of our advocacy and campaigning work from planning to implementation. We will continue to create platforms for refugees to speak out for themselves and to empower refugee groups to advocate on issues important to them.

#### **Strategic Priority 3 : Refugee Integration**

- We will support and empower refugee community organisations throughout Scotland to organise, speak for themselves and have influence on their lives and communities.
- We will work with refugees, community groups, faith groups, public sector bodies and government to ensure refugees are enabled to build social relationships; are involved, active and safe in their local communities.
- We will work with partners to ensure measures are in place to support more effective engagement between refugees and local and national decision-making structures.
- We will work with partners to ensure refugees and local people have opportunities to participate together in cultural, community, sporting and other activities, such as those offered as part of Refugee Festival Scotland.



## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

#### **Strategic Priority 4 : Quality Services**

- We will deliver our three year funded Holistic Refugee Integration Service to newly recognised refugees in Scotland, assisting them to access housing, employment, healthcare, education and build a new life in Scotland.
- We will continue to support young people who are seeking asylum or who have been trafficked, through the Scottish Guardianship Service.
- We will continue to prioritise and develop new person-centred services for refugees and people in the asylum process, such as our new Key Worker Service for Newly Arrived Asylum-Seeking Families, which make a demonstrable impact on refugees' protection, welfare and integration where we can find suitable funding and resources.
- We will continue to train and work with service providers to ensure they understand and meet the particular needs of refugees.
- We will ensure that refugees are involved at the centre of the planning, design, implementation, monitoring and evaluation of direct advice services.

#### **Strategic Priority 5 : Efficient and Effective Organisation**

- We will build on developing a robust, committed organisation which works to the highest standards of quality, transparency, compliance and value for money.
- We will continue to drive for an organisation with a diverse funding base where staff and volunteers are safe, valued and equipped to empower and make a difference to the lives of refugees.
- We will continue to develop our use of technology to find new ways of delivering services and communicating with our supporters, members and the general public.
- We will ensure that our board of directors are effectively supported to work to the highest standards and to provide the right strategic direction for the organisation.
- We will develop an organisational culture which embeds refugee involvement and empowerment in all aspects of the organisation, from recruiting refugee volunteers to maintaining our constitutional commitment that a significant proportion of our board members are themselves refugees.

#### **Achievements and performance**

Our significant charitable activities during 2015/16 are broken down into three areas:

1. Refugee and Asylum services;
2. Refugee Integration; and
3. Policy and Advocacy.

##### **1. Refugee and Asylum services**

###### ***Asylum Advice and support***

During this period we continued to assist new arrivals for whom we did not have specific resources but had adapted other resources to meet this need. During the year we dealt with over 100 people and dealt with them through providing resources to travel to Croydon to register, refer to other advice services or advocate locally with the Home Office to secure access to the asylum system in Glasgow for vulnerable clients. The service is supported by volunteers in addition to staff.

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

#### ***Asylum Advice and support continued***

We are a partner in the Refugee Survival Trust destitution project supporting destitute and homeless asylum seekers who are appeal rights exhausted. Our role in the project is to carry out a casework assessment and make suitable referrals to the Strathclyde Law Clinic. During the year we worked with around 150 clients through this service.

This Family Keywork project is being supported through funding from the Scottish Government under its PSP (Public Social Partnership) funding stream. This was the last year of the initial funding and we were able to secure reduced resources going forward at the year end.

Since commencement of the project in December 2013 a total of 181 families have benefitted from the pilot reaching the 100% target agreed with the funder.

#### ***Refugee Advice services***

This year has been the final year of delivery under the current funding arrangements with the Big Lottery and others. We deliver this service in partnership with British Red Cross, WEA (Workers' Educational Association) and others. We used this final year to develop the final evaluation and learning from this service.

We also developed a proposal for a new service based on this learning to seek further funding from the Big Lottery. The impact of the Syrian resettlement programme helped convince the Lottery that further funding and development of the service would be useful. We worked with British Red Cross as a key partner for this next phase.

In December 2015 we used the experience of our model to provide funded casework support to West Dunbartonshire Council in the provision of their Syrian resettlement programme.

In the year the service provided;

- 520 new refugees with initial integration assessments.
- 353 new refugees completing their person centred action plan.
- 469 people claiming Job Seekers Allowance.
- 234 refugees having their English language assessed
- 42 refugees referred to the Bridges Programmes for employability experience.

During the year we delivered a Third Country National family reunion service in partnership with British Red Cross to support people being reunited with their families. The project funding for this service ended in June 2015. A report was published.

The Service supported 66 families in total with 164 individuals directly benefitting from our advice service.

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

#### **2. Refugee Integration**

The basis of our refugee integration work was underpinned by the Scottish Government's *New Scots* national Refugee Integration Strategy.

We continued to work with many community organisations and support the changing provision and profile on integration networks within Glasgow.

A key focus of the year was to develop a new strategic approach to working with refugee communities. The board reviewed this strategy during its development through the year in August 2015 and March 2016.

This work proved very useful in articulating our thinking in working with Scottish Government and local authorities for integration approaches to the new Syrian refugees coming into Scotland.

We continued with our annual co-ordination of Refugee Festival Scotland 2015 and began the delivery of our 'Lest we Forget' project.

Highlights of Refugee Festival 2015 included:-

- Establishing and co-ordinating a programme of 110 events across 14 local authority areas;
- Badging the festival as part of our SRC 30<sup>th</sup> anniversary year;
- Co-ordinating a partner organisation network which ended up with over 60 partners; and
- Delivering SRC key festival events including the Ministerial launch at the Lighthouse, Parliamentary reception, Media Awards and the Welcome Tent on Buchanan street.

We were awarded £99k by the Heritage Lottery Fund for the 'Lest we Forget' project which commenced in the Summer of 2015. The project links the experiences of Belgian refugees arriving in Scotland during World War 1 to experiences of refugees arriving today. The outcomes from the project will be learning materials for schools and a touring exhibition.

#### **3. Policy and Advocacy**

In the first part of the reporting year we placed between 50 and 100 stories in the media and supported 12 refugees to speak to the media. The issues focussed on cuts to asylum support rates, the situation in Calais and Dungavel inspection.

Following the Syrian refugee crisis in September 2015 we were dealing with around 100 media enquiries a week from all over the world. As an example in one week in December 2015 SRC contributed directly to 16 media stories in print and broadcast. The first resettlement flight to the UK arrived in Glasgow in September and we were involved in over two days of continuous media interaction and interviews. We received additional resources from the Scottish Government to enable us to deal with this spike in volume.

Our social media role saw an increase in SRC website usage in the first half of the year, up by 66% in the second quarter compared to the previous year. This increased again by a further 50% during the second half of the year following the Syrian resettlement programme. Facebook and Twitter followers mirrored this general approach with an increase of 6,560 and 1,100 respectively.

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

#### **Policy and Advocacy continued**

During the year we also secured additional resources to co-ordinate and manage the Scotland Welcomes Refugees website set up by the Scottish Government to provide updates and a space to manage individual offers of help from across Scotland. We worked on linking up offers of help to individual local authorities.

We continued our advocacy and engagement with politicians. We worked with the new Scottish MP's following the May 2015 elections and organised a briefing session for the new MP's in Westminster. As a result we were able to influence a number of questions and debates that were held at Westminster during the year.

We met with the Secretary of State for Scotland to discuss the asylum proposals in the Smith Commission report.

We continued to maintain our relationships with Scottish politicians. Our influence and relationships ensured we were at the heart of the Scottish Government response to the Syrian resettlement issues. We were represented at the First Minister's Syrian summit in September 2015, sat on the Ministerial Task Force and were asked to chair one of the Task Force sub groups.

In the first six months of the year our training function delivered around 15 courses, including a mixture of public courses and tailored courses.

In the second half of the year we delivered many training courses to over a dozen local authority areas including the Western Isles and Orkney for staff and stakeholders who were involved in the preparations for receiving Syrian refugees. This training has all evaluated extremely positively.

#### **Developing an effective organisation**

The AGM was held in January 2016 with around 100 people attending. The event concluded our SRC30 anniversary celebrations and was attended by the Scottish First Minister and leader of the Scottish Labour Party for the launch of our refugee principles document. A successful programme of recruitment for new refugee directors saw 5 new directors join the board at the AGM in January 2016.

The Board approved the annual Risk and Reserves policies along with an Anti-Fraud policy. During the year the board approved Scottish Refugee Council to become a living wage employer; we have since received accreditation from the UK Living Wage and the Scottish Living Wage associations.

Scottish Refugee Council continued to lead a three organisation partnership with the Refugee Council and Welsh Refugee Council on the Joint Client Database, a client database that is used in all our services.

We introduced and implemented a new finance system Sage Line 50 and e-banking was fully implemented in 2015/16.

We continued to be active in ensuring volunteering opportunities for refugee and asylum seekers and recruited over 100 volunteers in roles during the year. We secured our Investing in Volunteers re-accreditation for the third time.

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

To support our fundraising activities the board set up a Funding Group with a specific focus on major donor giving.

We continued to grow our membership and supporter base with 40% of our membership being organisations rather than individuals.

#### *Monitoring achievement*

The board monitors the activities of the charitable company through a number of different approaches. The strategic plan sets out the five key strategic priorities of the organisation. The chief executive and senior management team develop an annual operational plan which details the activities and targets for each financial year. The board monitor performance of the annual operational plan at each meeting through the chief executive's report which also sets out a number of Key Performance Indicators which help the board with a closer overview of the organisation's performance. In addition every year the board receives a strategic plan progress report which outlines the achievements for the previous year against the five strategic plan themes.

#### **Financial review**

Income for the year was £2,383k (2014/15 £2,451k), a decrease of 2.8%.

Expenditure for the year was £2,358k (2014/15 £2,461k) a decrease of 2.7%, resulting in net income of £25K (2014/15 £27k) or 1.1% of incoming resources.

These movements are considered to be immaterial, and in line with expectations of the directors taking into account the additional income received and staffing required in relation to the Syrian refugee crisis that happened during the second half of 2015/16.

The Directors note that after accounting for actuarial (losses) on the defined benefit pension scheme, the net movement on reserves was significant for 2015/16.

#### *Principal funding sources*

Scottish Refugee Council has a diverse funding base as can be seen from note 7, page 24.

The grants received from our charitable activities totalled £2,154k from 19 different sources and several small trusts (2014/15 £2,311k).

Our Scottish Government Strategic Grant was £534k (2014/15 £550k). Other funding from the Scottish Government was £627k (2014/15 £579k). Transitional funding was received from UKBA (United Kingdom Border Agency) of £61k (2014/15 £118k).

Other significant sources of funding for the year were Big Lottery £504k (2014/15 £696k) and Comic Relief £123k (2014/15 £144k).

We extend our thanks to all funding bodies, donors and supporters.

#### *Risk management*

The Board reviews the major risks the charitable company faces and of the systems in place to manage those risks annually. Actions required to strengthen the existing systems and procedures have been identified and progress is monitored.

## SCOTTISH REFUGEE COUNCIL

### Report of the Directors for the year ended 31 March 2016

The six principal risks rated by the Board as high or medium that the charitable company faced in the year ended 31 March 2016 were identified as:

- integrate risk management into the culture and day to day activities of the charitable company;
- raise awareness of the need for risk management by all those connected with the delivery of the charitable company's work;
- enable the charitable company to anticipate and respond positively to change;
- minimise injury, damage, loss and inconvenience to, staff and clients arising from or connected with the delivery of the charitable company's work;
- minimise damage to the charitable company's reputation and credibility with the public, members, donors, stakeholders and funders;
- regular review and monitoring of the charitable company's Risk Register to ensure all strategic risks are identified and updated accordingly;
- minimise the cost of risk.

These risks are managed by the risk management strategy discussed above.

#### *Going Concern*

A deficit budget has been approved for the year to 31 March 2017 in order to allow additional capacity to secure future funding and grants. Several bids are outstanding at the time of these financial statements and if this funding has been confirmed at the time of signing of the financial statements, disclosures will be adjusted accordingly. The Scottish Refugee Council holds a healthy cash and bank balance and has continued to meet its liabilities, as they fall due, since the year end. The Directors have therefore prepared the financial statements on a going concern basis.

#### *Reserves policy*

After accounting for the defined benefit pension provision, Scottish Refugee Council has built up a fund total of £1,133k through prudent management.

Providing services to refugees and asylum seekers in a volatile and uncertain market subject to sudden changes in legislation may lead to reductions in funding or changes in the way Scottish Refugee Council is funded. Despite the volatility of this sector the Directors want to ensure that all available funds are used to benefit refugees and asylum seekers whether directly or indirectly.

The Directors have forecast the level of free reserves (those funds not tied up in fixed assets and designated and restricted funds) the charity will require to sustain its operations for a period of not less than six months as £1,179k (2014/15 £1,212k).

The actual free reserves at 31 March 2016 were £863k which is £316k short of the target figure. The Directors recognise that this is less than the target of six months, amounting to just under four and a half months running costs. They consider three months to be the very minimum level of free reserves. The target of six months' running costs continues to be our strategy to sustain the continued viability of the organisation and the Directors will continue to address this strategy.

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

#### **Plans for the future**

In 2016/17 the organisation will be delivering the final year of the current strategic plan and developing its new strategic plan and priorities for the period 2017 to 2020.

We will continue to seek to diversify our funding and resources and to deliver services for asylum seekers and refugees, improve public attitudes and advocate for improved legislation and policies.

We will continue to work on the integration of refugees into Scotland's communities and work with the Scottish Government on the delivery of Scotland *New Scots* refugee integration strategy. The organisation will still aim to be central in Scotland's response to the Syrian refugee crisis.

In the coming year we will review our accommodation and lease arrangements and develop a new digital strategy for our future ICT (Information and Communication Technology) needs.

The board will continue to review its approaches to dealing with the potential pension scheme liability and develop an ethical approach and investment policy for maximising the returns on the organisation's reserves.

#### **Structure, governance and management**

##### *Governing Document*

Scottish Refugee Council was set up in 1985 as an unincorporated charity (Scottish Charity Number SC008639). In June 1993, it became a Company Limited by Guarantee (company number SC145067) and was granted Charitable Status. The constitutional documents under which Scottish Refugee Council was incorporated are the Memorandum and Articles of Association. The Memorandum of Association sets out the objects and powers of the company and the Articles of Association set out the rules for the running of the company's internal affairs. In the event of the company being wound up, members are required to contribute an amount not exceeding £1.

##### *Recruitment and appointment of the Board of Directors*

All members of the charitable company are eligible to be nominated for election as a Director of the organisation. The directors of the company are also charity Trustees for the purposes of charity law and under the company's Articles of Association are known as Directors of the Board. Under the requirements of the Memorandum and Articles of Association the members of the Board are:

- elected at the Annual General Meeting or co-opted by the Board of Directors;
- may serve a three-year period; and
- are entitled to be re-elected or co-opted for a subsequent three years.

The number of members of the Board must not exceed fifteen, but should not be less than five. In addition, to maintain relevant skills, knowledge and representation, the Directors have the power to co-opt any person. The Board may co-opt up to five members and should ensure that at any given time there are at least two refugee directors.

## SCOTTISH REFUGEE COUNCIL

### Report of the Directors for the year ended 31 March 2016

The Board appoints a Chair and Vice Chair from among its own members, for a period of three years and they may be re-appointed for a further three years provided they shall not be entitled to hold their office for more than an aggregate of six years.

No Director is entitled to serve for a continuous period of more than six years from the date of original election or co-option with the exclusion of the Chair and Vice Chair. They may serve as a Director for a maximum of ten years, their term in office as Chair or Vice Chair not exceeding six years (two terms of three years).

There were five appointments and two resignations in 2015/16. At the AGM held on 15 January 2016 one director was required to stand down and did not stand for re-election.

#### *Directors' induction and training*

All new members of the Board are given a full induction, which includes relevant documentation in a pack and a series of short sessions to familiarise themselves with the organisation and the context within which it operates. These seminars are led by the Chair and the Senior Management Team (SMT) and cover:

- Governance including roles and responsibilities of directors, the strategic plan and the operational framework;
- Services and Development;
- Policy and Communications; and
- Financial and Risk Management.

Members of the Board are given opportunities to attend training and development applicable to their roles. They are also invited to attend Scottish Refugee Council events throughout the year.

During 2015/16 in addition to the normal board meeting cycle, a Board Strategic Review Day was held in November 2015.

#### *Key management personnel remuneration*

The Directors consider the board of directors, the chief executive and the senior management team as comprising the key management personnel of the charity in charge of directing and controlling the charity and running and operating the charity on a day to day basis. All directors give their time freely and no trustee remuneration was paid in the year.

Details of trustee expenses and related party transactions are disclosed in note 4 to the accounts.

The pay of the chief executive and senior management team are based on the SCVO (Scottish Council for Voluntary Organisations) approved SJC (Scottish Joint Council) pay scales, widely used in the third sector. Per the standard terms and conditions of the charity, pay increases will be reviewed annually in line with the SJC scales.

Details of the total paid to key management personnel are disclosed in note 12 to the accounts.



## SCOTTISH REFUGEE COUNCIL

### Report of the Directors for the year ended 31 March 2016

#### Reference and administrative details

Details are given below of the charity's current trustees, officers and advisers, together with contact details, company and charity numbers.

#### Trustees

Susan Moody	Chair
Liz Leonard	Vice-Chair
Katharine Jones	
James Jopling	
Dorothy Murray	
Laurie Naumann	
Janine Hunt	
Monish Bhatia	
Humma Irum Wilson	
Debora Kayembe	
Mohamed Omar	
Syed Rohullah Naqvi	
Monish Bhatia	Appointed 15 January 2016
Humma Irum Wilson	Appointed 15 January 2016
Debora Kayembe	Appointed 15 January 2016
Mohamed Omar	Appointed 15 January 2016
Syed Rohullah Naqvi	Appointed 15 January 2016
Muleya Mundemba	Resigned 15 January 2016
Douglas Campbell	Resigned 16 November 2015

#### Key management personnel

Chief Executive	John Wilkes
Head of Policy and Communications	Gary Christie
Head of Refugee Integration Services	Joe Brady, Resigned 02/10/15 Wafa Shaheen, Interim, Appointed 02/10/15
Head of Funding Development	Flutura Shala
Head of Finance and Administration	Mary Johnston, Interim, Resigned 21/09/15 Kes Armstrong, Appointed 16/09/15

#### Secretary

Davidson Chalmers, 12 Hope Street, Edinburgh, EH2 4DB      Resigned 23 Nov 2015

#### Registered Office

25 Bothwell Street  
Glasgow  
G2 6NL

#### Operational Address

5 Cadogan Square  
170 Blythswood Court  
Glasgow  
G2 7PH

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

**Charity Number:** SC008639

**Company Number:** SC145067

#### **Auditor**

Scott Moncrieff  
25 Bothwell Street  
Glasgow  
G2 6NL

#### **Bankers**

Bank of Scotland  
32a Chambers Street  
Edinburgh  
EH1 1JB

#### **Solicitors**

Davidson Chalmers  
12 Hope Street  
Edinburgh  
EH2 4DB

### **Directors' responsibilities in relation to the financial statements**

The charitable company directors are responsible for preparing a directors' annual report and financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

Company law requires the directors to prepare financial statements for each year which give a true and fair view of the state of affairs of the charitable company and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for that period. In preparing the financial statements, the Directors are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable UK accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charitable company will continue in business.

## **SCOTTISH REFUGEE COUNCIL**

### **Report of the Directors for the year ended 31 March 2016**

#### **Directors' responsibilities in relation to the financial statements continued**

The Directors are responsible for keeping adequate accounting records that are sufficient to show and explain the charitable company's transactions and disclose with reasonable accuracy at any time the financial position of the charitable company and enable them to ensure that the financial statements comply with the Companies Act 2006, the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006 (as amended). They are also responsible for safeguarding the assets of the charitable company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

#### **Statement of disclosure of information to the Auditor**

In so far as the directors are aware:

- there is no relevant audit information of which the charitable company's auditor is unaware; and
- the directors have taken all steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the auditor is aware of that information.

#### **Auditor**

The above report has been prepared in accordance with the special provisions of Part 15 of the Companies Act 2006 relating to small companies.

Approved by the directors on 18 August 2016 and signed on their behalf by:

.....  
Susan Moody  
Chair of the Board

.....  
Dorothy Murray  
Chair of the Finance & Audit Committee

## **INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS AND DIRECTORS OF SCOTTISH REFUGEE COUNCIL FOR THE YEAR ENDED 31 MARCH 2016**

We have audited the financial statements of Scottish Refugee Council for the year ended 31 March 2016 which comprise the Statement of Financial Activities, the Balance Sheet, the Statement of Cashflows and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards including Financial Reporting Standard 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland'.

This report is made exclusively to the members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006 and to the charitable company's directors, as a body, in accordance with Section 44 (1)(c) of the Charities and Trustee Investment (Scotland) Act 2005 and Regulation 10 of the Charities Accounts (Scotland) Regulations 2006 (as amended). Our audit work has been undertaken so that we might state to the charitable company's members and directors those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the charitable company and its members and directors as a body, for our audit work, for this report, or for the opinions we have formed.

### **Respective responsibilities of directors and auditor**

As explained more fully in the directors' Responsibilities Statement set out on page 12 the trustees (who are also the directors of the charitable company for the purposes of company law) are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

We have been appointed as auditor under section 44(1)(c) of the Charities and Trustees Investment (Scotland) Act 2005 and under the Companies Act 2006 and report in accordance with regulations made under those Acts.

Our responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's Ethical Standards for Auditors.

### **Scope of the audit of the financial statements**

A description of the scope of an audit of financial statements is provided on the Financial Reporting Council's web-site at [www.frc.org.uk/auditscopeukprivate](http://www.frc.org.uk/auditscopeukprivate).

### **Opinion on financial statements**

In our opinion the financial statements:

- give a true and fair view of the state of the charitable company's affairs as at 31 March 2016 and of its incoming resources and application of resources, including its income and expenditure, for the year then ended;
- have been properly prepared in accordance with United Kingdom Accounting Standards including Financial Reporting Standard 102 "The Financial Reporting Standard applicable in the UK and Republic of Ireland; and
- have been prepared in accordance with the Companies Act 2006, the Charities and Trustee Investment (Scotland) Act 2005 and Regulation 8 of the Charities Accounts (Scotland) Regulations 2006 (as amended).

## **INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS AND DIRECTORS OF SCOTTISH REFUGEE COUNCIL FOR THE YEAR ENDED 31 MARCH 2016**

### **Opinion on other matter prescribed by the Companies Act 2006**

In our opinion the information given in the Directors' Annual Report for the financial year for which the financial statements are prepared is consistent with the financial statements, and has been prepared in accordance with applicable legal requirements.

### **Matters on which we are required to report by exception**

We have nothing to report in respect of the following matters where the Companies Act 2006 and the Charities Accounts (Scotland) Regulations 2006 (as amended) requires us to report to you if, in our opinion:

- the charitable company has not kept proper and adequate accounting records or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of directors' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit.

Gillian Donald  
Senior Statutory Auditor  
For and on behalf of Scott Moncrieff, Statutory Auditor  
Chartered Accountants  
25 Bothwell Street  
Glasgow  
G2 6NL

18 August 2016

**SCOTTISH REFUGEE COUNCIL**  
**STATEMENT OF FINANCIAL ACTIVITIES FOR THE YEAR ENDED 31 MARCH 2016**

(Incorporating Income and Expenditure account)

	Notes	Unrestricted Funds 2016 £	Restricted Funds 2016 £	Total Funds 2016 £	Unrestricted Funds 2015 £	Restricted Funds 2015 £	Total Funds 2015 £
<b>Income</b>							
Donations and legacies	5	135,485	-	135,485	30,742	-	30,742
Charitable activities	6	678,785	1,543,699	2,222,484	790,123	1,609,319	2,399,442
Investments		24,543	-	24,543	20,817	-	20,817
<b>Total Income</b>		<b>838,813</b>	<b>1,543,699</b>	<b>2,382,512</b>	<b>841,682</b>	<b>1,609,319</b>	<b>2,451,001</b>
<b>Expenditure</b>							
Raising funds							
Raising donations & legacies	8	141,709	-	141,709	117,940	-	117,940
Charitable activities	9	672,564	1,543,699	2,216,263	696,578	1,609,319	2,305,897
<b>Total Expenditure</b>		<b>814,273</b>	<b>1,543,699</b>	<b>2,357,972</b>	<b>814,518</b>	<b>1,609,319</b>	<b>2,423,837</b>
<b>Net income</b>		<b>24,540</b>	<b>-</b>	<b>24,540</b>	<b>27,164</b>	<b>-</b>	<b>27,164</b>
<b>Other recognised (losses)</b>							
Actuarial (losses) on defined benefit pension scheme		(168,000)	-	(168,000)	(38,000)	-	(38,000)
<b>Net movement in funds</b>		<b>(143,460)</b>	<b>-</b>	<b>(143,460)</b>	<b>(10,836)</b>	<b>-</b>	<b>(10,836)</b>
<b>Reconciliation of Funds</b>							
Total funds brought forward	21	1,276,070	-	1,276,070	1,286,906	-	1,286,906
<b>Total funds carried forward</b>	<b>21</b>	<b>1,132,610</b>	<b>-</b>	<b>1,132,610</b>	<b>1,276,070</b>	<b>-</b>	<b>1,276,070</b>

The Statement of Financial Activities includes all gains and losses recognised in the year.

All income and expenditure derive from continuing activities.

The notes on pages 19 to 33 form part of these financial statements.

SCOTTISH REFUGEE COUNCIL

BALANCE SHEET AS AT 31 MARCH 2016

	Notes	Unrestricted Funds £	Total Funds 2016 £	Total Funds 2015 £
<b>Fixed assets:</b>				
Tangible assets	14	1,392	1,392	-
<b>Total Fixed Assets</b>		<b>1,392</b>	<b>1,392</b>	<b>-</b>
<b>Current assets:</b>				
Debtors	15	433,033	433,033	354,583
Cash at bank and in hand	24	2,361,120	2,361,120	2,361,706
<b>Total Current Assets</b>		<b>2,794,153</b>	<b>2,794,153</b>	<b>2,716,289</b>
<b>Liabilities:</b>				
Creditors falling due within one year	17	(456,775)	(456,775)	(392,600)
<b>Net Current assets</b>		<b>2,337,378</b>	<b>2,337,378</b>	<b>2,323,689</b>
<b>Net assets excluding pension scheme</b>		<b>2,338,770</b>	<b>2,338,770</b>	<b>2,323,689</b>
Defined benefit pension scheme liability	19	(1,206,160)	(1,206,160)	(1,047,619)
<b>Net assets including pension scheme</b>		<b>1,132,610</b>	<b>1,132,610</b>	<b>1,276,070</b>
<b>The funds of the charity:</b>				
Restricted funds	21	-	-	-
Unrestricted funds	21	1,132,610	1,132,610	1,276,070
		<b>1,132,610</b>	<b>1,132,610</b>	<b>1,276,070</b>

These financial statements are prepared in accordance with the special provisions of Part 15 of the Companies Act 2006 relating to small companies.

The financial statements were authorised for issue by the directors on 18 August 2016 and signed on their behalf by:

.....  
Susan Moody  
Chair

.....  
Dorothy Murray  
Chair of the Finance & Audit Committee

Charity number: SC008639  
Company Registration Number: SC145067  
The notes on pages 19 to 33 form part of these financial statements

**SCOTTISH REFUGEE COUNCIL**  
**STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED 31 MARCH 2016**

	Notes	Total Funds 2016 £	Total Funds 2015 £
<b><i>Cash flows from operating activities:</i></b>			
<b>Net cash (used in) operating activities</b>	<b>23</b>	(23,343)	(231,666)
<b><i>Cash flows from investing activities:</i></b>			
Dividends, interest and rents from investments		24,543	20,817
Purchase of property, plant and equipment		(1,786)	-
<b>Net cash provided by investing activities</b>		22,757	20,817
<b>Change in cash and cash equivalents in the year</b>		(586)	(210,849)
Cash and cash equivalent at the beginning of the year		2,361,706	2,572,555
Cash and cash equivalents at the end of the year	<b>24</b>	2,361,120	2,361,706



## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 1. Accounting Policies

##### (a) Basis of preparation and assessment of going concern

The financial statements have been prepared in accordance with the Financial Reporting Standard 102, as issued by the Financial Reporting Council (effective 1 January 2015) the Statement of Recommended Practice (SORP) "Accounting and Reporting by Charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102)" and the Companies Act 2006. They are prepared on the historical cost basis.

The charitable company constitutes a public benefit entity as defined by FRS 102. Assets and liabilities are initially recognised at historical cost or transaction value unless otherwise stated in the relevant accounting policy.

These financial statements are presented in pounds sterling (GBP) as that is the currency in which the charitable company's transactions are denominated.

The preparation of these financial statements requires the use of certain critical accounting estimates. It also requires directors to exercise their judgement in the process of applying the accounting policies. Use of available information and application of judgement are inherent in the formation of estimates. Actual outcomes in the future could differ from such estimates. The areas involving a high degree of judgement or complexity are disclosed in note 2.

Before 2015 the financial statements were prepared in accordance with UK GAAP applicable prior to the adoption of FRS 102, the Statement of Recommended Practice (SORP) "Accounting and Reporting by Charities" and the Companies Act 2006. The financial effects of the transition to FRS 102 are set out in note 26 to these financial statements.

A deficit budget has been approved for the year to 31 March 2017 in order to allow additional capacity to secure future funding and grants. Several bids are outstanding at the time of these financial statements and if this funding has been confirmed at the time of signing of the financial statements, disclosures will be adjusted accordingly. The Scottish Refugee Council holds a healthy cash and bank balance and has continued to meet their liabilities, as they fall due, since the year end. The Directors have therefore prepared the financial statements on a going concern basis.

##### (b) Income recognition

Income is recognised once the charitable company has legal entitlement to the income, it is probable that the income will be received and the amount of income receivable can be measured reliably.

Income from government and other grants, whether 'capital' or 'revenue' grants, is recognised when the charitable company has entitlement to the funds, any performance conditions attached to the grants have been met, it is probable that the income will be received and the amount can be measured reliably and is not deferred.

Income received in advance of the provision of a specified service is deferred until the criteria for income recognition are met (see note 18).

## **SCOTTISH REFUGEE COUNCIL**

### **NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016**

#### **1. Accounting Policies continued**

Donations are recognised when the charitable company has been notified in writing of both the amount and settlement date. In the event that a donation is subject to conditions that require a level of performance before the charitable company is entitled to the funds, the income is deferred and not recognised until either those conditions are fully met, or the fulfilment of those conditions is wholly within the control of the charitable company and it is probable that those conditions will be fulfilled in the reporting period.

Interest on funds held on deposit is included when receivable and the amount can be measured reliably by the charitable company; this is normally upon notification of the interest paid or payable by the bank.

#### **(c) Expenditure recognition**

Liabilities are recognised as expenditure as soon as there is a legal or constructive obligation committing the charitable company to that expenditure, it is probable that settlement will be required and the amount of the obligation can be measured reliably.

All expenditure is accounted for on an accruals basis. All expenses including support costs and governance costs are allocated or apportioned to the applicable expenditure headings. For more information on this attribution refer to note (e) below.

- Costs of raising funds comprise the costs of fundraising materials and salary costs in order to raise voluntary and charitable income and their associated support costs;
- Expenditure on charitable activities includes costs incurred by Scottish Refugee Council in the delivery of activities and services for its beneficiaries and other activities undertaken to further the purposes of the charitable company and their associated support costs;
- Grants payable are payments made to third parties in the furtherance of the charitable objects of the charitable company.

The charitable company is registered for VAT. As the charitable company has partial exemption status, any irrecoverable VAT is charged as a cost against the activity for which the expenditure is incurred.

#### **(d) Donated services and facilities**

Donated professional services and donated facilities are recognised as income when the charitable company has control over the item, any conditions associated with the donated item have been met, the receipt of economic benefit from the use by the charitable company of the item is probable and that economic benefit can be measured reliably. In accordance with the Charities SORP (FRS 102), the general volunteer time is not recognised, and reference can be made to the directors' annual report for more information about their contribution.

On receipt, donated professional services and donated facilities are recognised on the basis of the value of the gift to the charitable company which is the amount the charitable company would have been willing to pay to obtain services or facilities of equivalent economic benefit on the open market; a corresponding amount is then recognised in expenditure in the period of receipt.

## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 1. Accounting Policies continued

##### (e) Allocation of support and governance costs

Support costs have been allocated between governance costs and other support costs. Governance costs comprise all costs involving the public accountability of the charitable company and its compliance with regulation and good practice. These costs include costs related to statutory audit and legal fees together with an apportionment of overhead and support costs.

Governance costs and support costs relating to charitable activities have been apportioned based on the use of resources. The allocation of support and governance costs is analysed in note 11.

##### (f) Tangible fixed assets and depreciation

Assets costing more than £500 are capitalised and valued at historical cost.

Depreciation is calculated on a straight line basis as follows:

Computer Equipment	2 years	50%
Fixtures & Fittings	3 years	33.3%

##### (g) Debtors

Trade and other debtors are recognised at the settlement amount due after any trade discount offered. Prepayments are valued at the amount prepaid net of any trade discounts due.

##### (h) Cash at bank and in hand

Cash at bank and cash in hand includes cash and short term highly liquid investments with a short maturity of three months or less from the date of acquisition or opening of the deposit or similar account.

##### (i) Creditors and provisions

Creditors and provisions are recognised where the charity has a present obligation resulting from a past event that will probably result in the transfer of funds to a third party and the amount due to settle the obligation can be measured or estimated reliably. Creditors and provisions are normally recognised at their settlement amount after allowing for any trade discounts due.

##### (j) Pensions

Employees of the charitable company are entitled to join a defined contribution 'money purchase' pension scheme.

The money purchase scheme is managed by Aegon UK and the plan invests the contributions made by the employee and employer in an investment fund to build up over the term of the plan. The pension fund is then converted into a pension upon the employee's normal retirement age which is defined as when they are eligible for a state pension.

## **SCOTTISH REFUGEE COUNCIL**

### **NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016**

#### **1. Accounting Policies continued**

##### **(j) Pensions**

The charitable company has no liability beyond making its contributions and paying across the deductions for the employee's contributions.

Employees who choose not to join the Aegon UK defined contribution scheme are enrolled in the auto-enrolment Now pension scheme unless they choose to opt-out.

Scottish Refugee Council is also part of the multi-employer defined benefit Scottish Voluntary Sector Pension Scheme (SVSPS) administered by the Pensions Trust. The assets of the scheme are held separately from those of the charitable company. Contributions to the scheme are charged to the Statement of Financial Activities in order to spread the cost of pensions over employees' working lives with Scottish Refugee Council. The contribution rate is determined by a qualified actuary on the basis of triennial valuations, using the projected unit method.

The scheme closed to future accruals on 31 March 2010 due to the deficit situation.

Based on the actuarial valuation at 30 September 2014 and the agreed repayment plan of 13 years and 7 months, as agreed with the Pensions Trust, a net present value liability has been calculated and recognised on the balance sheet from the 1 April 2014 onwards. This has been restated on the 2015 opening and closing figures, and any movement on the net present value has been recognised on the statement of financial activities as an actuarial (loss) on defined benefit pension schemes. The discount rate is based on the discount rate used for government bonds.

##### **(k) Fund accounting**

Unrestricted funds comprise those funds which the directors are free to use for any purpose in furtherance of the charitable objects. Unrestricted funds include designated funds where the directors, at their discretion, have created funds for specific purposes.

Restricted funds are funds which are to be used in accordance with specific restrictions imposed by the donor or trust deed, or through the terms of an appeal.

Further details of each fund are disclosed in note 21.

##### **(l) Operating leases**

Rentals payable under operating leases are charged to the Statement of Financial Activities on a straight line basis over the term of the lease.

##### **(m) Financial instruments**

The charitable company only has financial assets and financial liabilities of a kind that qualify as basic financial instruments. Basic financial instruments are initially recognised at transaction value and subsequently measured at their settlement value.

## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 1. Accounting Policies continued

##### (n) Taxation

No taxation is provided for as all the income of the charitable company's activities falls within the exemptions of sections 466 to 493 of the Corporation Tax Act 2010 (CTA 2010).

#### 2. Critical judgements & estimates

##### *Judgements in applying policies and key sources of estimation uncertainty*

In preparing the financial statements, management is required to make estimates and assumptions which affect reported income, expenses, assets, and liabilities. Use of available information and application of judgement are inherent in the formation of estimates, together with past experience and expectations of future events that are believed to be reasonable under the circumstances. Actual results in the future could differ from such estimates. The Trustees are satisfied that the accounting policies are appropriate and applied consistently. Key sources of estimation have been applied as follows:

##### **Estimate**

##### **Basis of estimation**

Obligation under pension scheme.

This has relied on the actuarial assumptions of a qualified actuary which have been reviewed and are considered reasonable and appropriate.

#### 3. Legal status

The charitable company is a registered Scottish charity.

The charitable company is a company limited by guarantee and has no share capital. The liability of each member in the event of winding up is limited to £1.

#### 4. Related party transactions and directors' expenses and remuneration

The directors all give freely their time and expertise without any form of remuneration or other benefit in cash or kind (2015: £nil). Expenses paid to the directors in the year totalled £1,512 (2015: £1,586). These expenses were made up of 8 directors reimbursed for their travel expenses.

During the year no director had any personal interest in any contract or transaction entered into by the charitable company (2015: none).

Scottish Detainee Visitors occupy a room within the Scottish Refugee Council property and contribute towards overhead costs. Scottish Refugee Council director Katharine Jones is also a director of Scottish Detainee Visitors. There was no balance outstanding at the year end.

6 directors donated £1,401 during the year. (2015: 3 directors, £1,074).

The organisation purchased Trustee Indemnity Insurance totalling £1,325 (2015: £1,325).

## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 5. Income from donations and legacies

	2016 £	2015 £
Donations and membership	135,485	30,742
	<u>135,485</u>	<u>30,742</u>

#### 6. Income from charitable activities

	2016 £	2015 £
Grants (note 7)	2,153,851	2,311,703
Training, events and publications	68,633	87,739
	<u>2,222,484</u>	<u>2,399,442</u>

#### 7. Grants

	2016 £	2015 £
Scottish Government – Strategic	534,000	550,000
Scottish Government – Housing	130,000	130,000
Scottish Government – PSP	221,866	232,196
Scottish Government - Guardianship	205,000	200,000
Scottish Government – Refugee Women Employability	-	1,299
Scottish Government – FGM	-	15,170
Scottish Government – Syrian VPR	70,208	-
UKBA OSS Move on	-	55,206
UKBA transition costs	61,240	62,659
ESF Priority Works	(2,006)	50,045
EIF – BRC	30,207	43,623
Big Lottery – Investing in Ideas	14,358	5,609
Big Lottery – Joining a New Community	489,882	692,579
DASS (Oak Foundation)	45,365	-
Local Authorities	51,224	28,910
HBOS	22,868	-
NHS Greater Glasgow & Clyde	19,409	18,178
Comic Relief	123,207	144,473
Diana, Princess of Wales, Memorial Fund	4,700	-
Heritage Lottery Fund	36,318	20,342
Henry Smith Charity	23,600	23,600
ECRE	14,525	-
Small Trusts	57,880	37,814
	<u>2,153,851</u>	<u>2,311,703</u>

**SCOTTISH REFUGEE COUNCIL**

**NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016**

**8. Raising funds – expenditure on raising donations and legacies**

	<b>Direct Costs £</b>	<b>Support Costs £</b>	<b>Total 2016 £</b>	<b>Total 2015 £</b>
Seeking donations & grants	103,005	34,084	137,089	112,047
Governance costs (note 11)	-	4,620	4,620	5,893
	<u>103,005</u>	<u>38,704</u>	<u>141,709</u>	<u>117,940</u>

**9. Analysis of expenditure on charitable activities**

	<b>Refugee and Asylum Services £</b>	<b>Refugee Integration £</b>	<b>Policy &amp; Advocacy £</b>	<b>Total 2016 £</b>	<b>Total 2015 £</b>
Staff salaries	516,951	254,291	126,485	897,727	904,446
Charitable events/costs	488,336	52,163	14,876	555,375	717,248
Travelling costs	11,108	11,704	19,531	42,343	17,331
Printing & stationery	7,122	6,580	6,992	20,694	-
Telephone & ICT	51,311	10,308	29,923	91,542	-
General office supplies	16,313	12,598	11,363	40,274	18,825
Volunteering costs	23,605	4,351	2,385	30,341	12,248
Professional costs	4,768	3,667	10,522	18,957	12,323
Governance costs (note 11)	13,860	13,860	13,861	41,581	53,036
Support costs (note 11)	221,082	164,004	92,343	477,429	570,440
	<u>1,354,456</u>	<u>533,526</u>	<u>328,281</u>	<u>2,216,263</u>	<u>2,305,897</u>

**10. Summary analysis of expenditure and related income for charitable activities**

	<b>Refugee and Asylum Services £</b>	<b>Refugee Integration £</b>	<b>Policy &amp; Advocacy £</b>	<b>Total £</b>
Charitable activities	1,354,456	533,526	328,281	2,216,263
Direct grant support	(1,253,657)	(518,309)	(96,855)	(1,868,821)
Net cost funded from other income	<u>100,799</u>	<u>15,217</u>	<u>231,426</u>	<u>347,442</u>

**SCOTTISH REFUGEE COUNCIL**

**NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016**

**11. Allocation of governance and support costs**

The breakdown of support costs and how these were allocated between governance and other support costs is shown in the table below:

**Support Costs - Breakdown by activities**

	<b>Total £</b>	<b>Raising funds £</b>	<b>Refugee &amp; Asylum Services £</b>	<b>Refugee Integration £</b>	<b>Policy &amp; Advocacy £</b>	<b>Governance £</b>
Salaries	261,896	13,632	95,814	90,542	44,746	17,162
Other staff costs	67,676	-	23,010	22,333	16,919	5,414
Rent & rates	116,032	11,603	58,016	29,008	17,405	-
Property costs	88,485	8,849	44,242	22,121	13,273	-
	<u>534,089</u>	<u>34,084</u>	<u>221,082</u>	<u>164,004</u>	<u>92,343</u>	<u>22,576</u>

Salaries, other staff costs and past service defined benefit expense are apportioned on time spent and rent, rates and property costs on usage.

	<b>2016 £</b>	<b>2015 £</b>
<b>Governance costs:</b>		
Director's expenses	1,512	1,586
Auditor's remuneration	8,318	15,184
Legal fees	5,202	7,784
Costs of meetings	8,593	8,706
Support costs (see above)	22,576	25,669
	<u>46,201</u>	<u>58,929</u>

Governance costs are split into activities as follows:

	<b>Total £</b>	<b>Raising funds £</b>	<b>Refugee &amp; Asylum Services £</b>	<b>Refugee Integration £</b>	<b>Policy &amp; Advocacy £</b>
Governance costs	<u>46,201</u>	<u>4,620</u>	<u>13,860</u>	<u>13,860</u>	<u>13,861</u>



## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 12. Analysis of staff costs and remuneration of key management personnel

	2016	2015
	£	£
Salaries and wages	986,598	1,015,813
Social security costs	78,603	82,425
Employer contributions to defined contribution pension schemes	84,631	78,419
Employer contributions to defined benefit pension schemes	96,381	93,574
<b>Total staff costs and employee benefits</b>	<u>1,246,213</u>	<u>1,270,231</u>

The charitable company made £96,381 of contributions to the defined benefit pension plan, operated by The Pensions Trust, on behalf of the employees (2015: £93,574). For more information about the pension contributions refer to note 22.

The number of employees whose employee benefits fell within the following bands are as follows:

	2016	2015
	£	£
£70,000 - £80,000	1	-
£60,000 - £70,000	-	1

The key management personnel of the charitable company comprise of the chief executive and the senior management team. The total employee benefits of the key management personnel were £233,357 (2015: £247,795).

	2016	2015
	No.	No.
The average number of persons, by headcount, employed by the charity during the year was:	<u>45</u>	<u>46</u>

#### 13. Net income for the year

<b>This is stated after charging:</b>	2016	2015
	£	£
Depreciation	394	2,469
Auditor's remuneration: Audit fees	<u>8,318</u>	<u>15,000</u>

**SCOTTISH REFUGEE COUNCIL**

**NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016**

**14. Tangible fixed assets**

	<b>Computer Equipment £</b>	<b>Fixtures &amp; Fittings £</b>	<b>Total £</b>
<b>Cost or valuation</b>			
At 1 April 2015	175,558	52,544	228,102
Additions	1,786	-	1,786
Disposals	(15,939)	(50,023)	(65,962)
At 31 March 2016	<u>161,405</u>	<u>2,521</u>	<u>163,926</u>
<b>Depreciation</b>			
At 1 April 2015	175,558	52,544	228,102
Charge for the year	394	-	394
Eliminated on disposals	(15,939)	(50,023)	(65,962)
At 31 March 2016	<u>160,013</u>	<u>2,521</u>	<u>162,534</u>
<b>Net book value</b>			
At 31 March 2016	<u>1,392</u>	<u>-</u>	<u>1,392</u>
At 31 March 2015	<u>-</u>	<u>-</u>	<u>-</u>

**15. Debtors**

	<b>2016 £</b>	<b>2015 £</b>
Trade debtors	286,352	67,946
Prepayments and accrued income	146,681	286,637
	<u>433,033</u>	<u>354,583</u>

**16. Financial assets and liabilities**

	<b>2016 £</b>	<b>2015 £</b>
Financial assets at amortised cost	433,033	354,583
Financial liabilities	456,775	392,600
	<u>889,808</u>	<u>747,183</u>

Financial assets at amortised cost comprise of trade debtors, accrued income and prepayments, all due within one year.

Financial liabilities comprise of trade and other creditors, social security costs, deferred income, defined benefit pension scheme liability and accrued expenses, all due within one year.

## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 17. Creditors: amounts falling due within one year

	2016	2015
	£	£
Trade creditors	55,473	82,359
Other creditors and accruals	28,030	27,558
Deferred income (Note 18)	225,781	157,095
Taxation and social security costs	41,651	29,207
Defined benefit pension scheme	105,840	96,381
	<u>456,775</u>	<u>392,600</u>

#### 18. Deferred income

	£
Balance as at 1 April 2015	157,095
Amount released to income earned from charitable activities	(157,095)
Amount deferred in year	225,781
	<u>225,781</u>
Balance as at 31 March 2016	<u>225,781</u>

Deferred income comprises income received before the year end, for use on charitable activities during the 2016/17 financial year end. All deferred income relates to performance related grants, where the conditions have not yet been met in order to recognise the income.

#### 19. Creditors: Defined benefit pension provision

	2016	2015
	£	£
Defined benefit pension scheme		
Due > 1 year	1,206,160	1,047,619
	<u>1,206,160</u>	<u>1,047,619</u>

The defined benefit pension scheme liability due in less than one year is included under note 17.

#### 20. Lease commitments

Rentals payable under operating leases are charged to the Statement of Financial Activities on a straight line basis over the term of the lease.

	Rent 2016	Rent 2015
	£	£
<b>Building – 5 Cadogan Square</b>		
1 year	111,071	166,606
2 – 5 years	-	111,071
	<u>111,071</u>	<u>277,677</u>

# SCOTTISH REFUGEE COUNCIL

## NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

### 21. Analysis of charitable funds

Analysis of Fund movements	Balance b/fwd £	Income £	(Expenditure)/ Gains/(Losses) £	Transfers £	Fund c/fwd £
<b>Unrestricted funds (a)</b>					
General funds	(36,676)	838,813	(925,277)	985,750	862,610
<b>Designated funds (b)</b>					
Potential pension withdrawal liability	964,416	-	-	(964,416)	-
Development & change	273,241	-	(37,361)	(135,880)	100,000
ICT	25,089	-	-	44,911	70,000
Property repairs	20,000	-	-	80,000	100,000
SRC 30 <sup>th</sup> anniversary	30,000	-	(19,635)	(10,365)	-
	1,312,746	-	(56,996)	(985,750)	270,000
<b>Total unrestricted funds</b>	1,276,070	838,813	(982,273)	-	1,132,610
<b>Restricted fund (c)</b>					
Refugee & Asylum Services	-	1,253,657	(1,253,657)	-	-
Refugee Integration Policy & Advocacy	-	270,817	(270,817)	-	-
	-	19,225	(19,225)	-	-
<b>Total restricted funds</b>	-	1,543,699	(1,543,699)	-	-
<b>TOTAL FUNDS</b>	1,276,070	2,382,512	(2,525,972)	-	1,132,610

a) The unrestricted funds are available to be spent for any of the purposes of the charitable company.

b) The Directors have created the following designated funds:

Development & change Reserve: this fund is kept aside to provide for any development or change needs, this can be to fund short term interim periods while transitioning from one project to another, or to fund redundancies.

ICT Reserve: this fund is kept to allow for the development and implementation of a new digital strategy during 2016/17.

Property Reserves: this fund has been set aside to allow for a potential move of office once the current lease comes to an end in November 2016. This fund will be used towards potential dilapidation and removal costs should the lease not be renewed.

Transfers represent movements on designated funds, in line with the reserves policy.

## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 21 Analysis of charitable funds continued

c) Restricted funds comprise:

Restricted funds are split into three charitable activities:

##### **Refugee and Asylum Services**

This relates to providing services to both refugees and asylum seekers. There are various projects within this charitable activity, which are funded by: Big Lottery (Project ID 10060489), Scottish Government, British Red Cross, The Home Office, Oak Foundation, Henry Smith Foundation, NHS Glasgow and Glasgow Clyde College. All funding had been spent at the year end. Where the terms of the funding have not yet been met, and income is potentially repayable to the funder, this income has been deferred.

##### **Refugee Integration**

Integration relates to the work around the Scottish Government's *New Scots* national Refugee Integration Strategy, covering all arts and community work around integrating refugees. This project is funded by Scottish Government, Heritage Lottery (Ref: OH-14-06357), Comic Relief, Local Authorities and various small trusts. All funding had been spent at the year end. Where the terms of the funding have not yet been met, and income is potentially repayable to the funder, this income has been deferred.

##### **Policy & Advocacy**

Policy work relates to working with refugees, community groups, partner organisations and others to proactively influence UK and Scottish Government legislation, policy and practice where possible. This work is funded by the Scottish Government, Barrow Cadbury and ECRE (European Council on Refugee and Exiles). All funding had been spent at the year end. Where the terms of the funding have not yet been met, and income is potentially repayable to the funder, this income has been deferred.

#### 22. Pensions

Scottish Refugee Council participates in the Scottish Voluntary Sector Pension Scheme ('the Scheme'). The Scheme is a multi-employer defined benefit scheme. The Scheme is funded and was contracted-out of the State scheme until 31 March 2010, when the Scheme was closed to future accrual. It is a "last man standing" scheme therefore the charity can be liable to the scheme for orphan liabilities in respect of formerly participating employees.

The Trustee commissions an actuarial valuation of the Scheme every three years.

Asset values are calculated by reference to market levels. Accrued pension benefits are valued by discounting expected future benefit payments using a discount rate calculated by reference to the expected future investment returns.

The last formal valuation of the Scheme was performed as at 30 September 2014, by a professionally qualified actuary using the Projected Unit Method. The market value of the Scheme's assets at the 30 September 2014 was £88.2 million. The valuation revealed a shortfall of assets compared with the value of liabilities of £33.9 million (equivalent to a past service funding level of 72%).

The net present value of the pension obligation has been disclosed on the balance sheet. Any movement in the liability has been recognised in the Statement of Financial Activities as an actuarial (loss) on defined benefit pension schemes.

## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 23. Reconciliation of net income to net cash flow from operating activities

	2016 £	2015 £
Net income for the year (as per the Statement of Financial Activities)	24,540	27,164
Adjustments for:		
Depreciation charges	394	2,469
Interest	(24,543)	(20,817)
(Increase) in debtors	(78,450)	(52,214)
Increase/(decrease) in creditors	54,716	(188,268)
<b>Net cash provided by/(used in) operating activities</b>	<u>(23,343)</u>	<u>(231,666)</u>

#### 24. Analysis of cash and cash equivalents

	2016 £	2015 £
Cash in hand	2,361,120	2,361,706
<b>Total cash and cash equivalents</b>	<u>2,361,120</u>	<u>2,361,706</u>

#### 25. Ultimate controlling party

In the opinion of the directors there is no ultimate controlling party.

#### 26. FRS 102 transition

The financial statements for the year ended 31 March 2016 are the charitable company's first financial statements that comply with FRS 102. The charitable company's date of transition to FRS 102 was 1 April 2014.

At the date of transition, in applying the requirement to recognise liabilities arising from valuing the defined benefit pension scheme liability, a liability was recognised at 31 March 2014, 31 March 2015 and 31 March 2016, and comparative figures and opening balances adjusted accordingly. In accordance with the requirements of FRS 102 a reconciliation of opening balances for the year is provided. Movements on the liability have been taken to the Statement of Financial Activities as an actuarial (loss) on defined benefit pension scheme.

#### Restated statement of financial position

Total funds as at 31 March 2014 per signed financial statements	2,392,906
Effect of adjustment to incorporate defined benefit pension scheme past service deficit liability	<u>(1,106,000)</u>
Restated total funds as at 31 March 2014	<u>1,286,906</u>

## SCOTTISH REFUGEE COUNCIL

### NOTES TO THE ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2016

#### 26 FRS 102 transition continued

##### Restated statement of financial position

Total funds as at 31 March 2015 per signed financial statements	2,420,070
<u>Prior year adjustments</u>	
Effect of adjustments to incorporate defined benefit pension scheme past service deficit liability	(1,106,000)
<u>In year adjustments</u>	
Effect of adjustment to incorporate defined benefit pension scheme past service deficit liability	<u>(38,000)</u>
Restated total funds as at 31 March 2015	<u>1,276,070</u>

#### 27. Post balance sheet event

Since the year end a significant services contract has come to an end and staff redundancy notices have been issued. An application to the Big Lottery is in progress for a new services agreement and the board have agreed some interim funding to reduce the number of redundancies required until the decision from the Big Lottery is finalised. The decision on the new application is due in August 2016. This is considered a non-adjusting event with no financial effect on the financial statements.

**Gary Christie, Scottish Refugee Council**

6 December 2016

Dear Gary

I am writing to you on behalf of the members of the Equality, Local Government and Communities Committee to thank you for the invitation to visit the Scottish Refugee Council last week, and for the varied and interesting programme you put together for us.

We were very grateful to you for hosting us and to the many individuals who gave up their time to participate in the visit. It was particularly helpful to our inquiry to have the opportunity to hear about the key issues in refugee and asylum seeker support from the Scottish Refugee Council and GRAMNet and to speak to the range of organisations that were represented about their work.

I would be interested to receive further information about the structure and resources of the Scottish Refugee Council, so that the Committee can compare them with those of the Welsh Refugee Council. I have asked the Committee clerks to liaise with you about this.





Please pass on our thanks to Nina and the rest of your team for their help in making our visit such a success.

Yours sincerely,

A handwritten signature in black ink that reads "John". The letters are cursive and fluid, with a long horizontal stroke for the 'J'.

John Griffiths AM

**Chair, Equality, Local Government and Communities Committee**



Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon