



Deighton Pierce Glynn Solicitors' statement to the Equality, Local Government and Communities Committee of the National Assembly for Wales for its inquiry on refugee and asylum seekers in Wales: On the standard of housing provision from Clearsprings Ready Home Ltd.

8 February 2017

Dear Madam/Sir

Deighton Pierce Glynn Solicitors is a law firm that specialises in representing claimants in human rights and public law litigation. The firm has been instructed by a large number of asylum seekers to assist them with asylum support and accommodation matters in both England and Wales. A substantial number of our clients are accommodated by Clearsprings Ready Homes Ltd (CRH) and we therefore have extensive experience of dealing with the company specifically on issues concerning the standard of housing provision by the company.

We have raised concerns directly with CRH and the Home Office on a number of occasions regarding the standard, adequacy and suitability of accommodation provided to our clients. Though most of our clients are based in England many are also based in Wales.

We frequently receive complaints from our clients regarding the poor level of service and accommodation provided by CRH, in fact many of our clients instruct us specifically to assist them with dealing with failures by CRH and the Home Office in their various legal duties towards our clients regarding the provision of adequate accommodation. This is especially true with regard to their failure to make adequate provisions for particularly vulnerable groups of people, such as children and those suffering from either physical illness or severe mental health problems. These cases give rise to serious concerns that the Home Office and CRH are failing in their legal duties under the Equality Act, the Immigration and Asylum Act 1999, the Asylum Seekers (Reception Conditions) Regulations 2005, European Council Directive 2003/9/EC, and the European Convention on Human Rights.

We have drafted many letters and brought a number of proceedings on behalf of our clients either against the Home Office, CRH or both with regard to these failures.

Below are a number of examples of issues that our clients have experienced while being provided with accommodation by CRH in Wales. We are constricted by time and resources and have not been able to carry out an extensive survey within the firm or look into the below cases in great detail and also have a duty of confidentiality towards our clients and need to ensure that we do not reveal any information that could reveal their identity. However, we have picked four recent examples which we hope will assist paint a picture of the type of experiences that asylum seekers accommodated by CRH have. We also have many other similar examples from clients accommodated by CRH in England.

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1. Case 1

This client has been victimised by CRH after he raised a number of concerns regarding the standard of accommodation that he was provided. This included a mice/rat infestation; broken heating; people smoking inside the property; and leaking water which had adversely affected his health.

He was made to share a room with men that smoked which affected his own health conditions. Clearsprings and the Home Office had been made aware of his health problems on a number of occasions.

He was later provided with initial accommodation and Cardiff which was not adequate or suitable for our client, because he had been made to share a room with a number of other men that smoked and there were a number of cultural differences which made it unsuitable for these men to be accommodated in a room together. These included issues surrounding the other men's worshipping/praying needs and patterns, different bathing practices (e.g use of toilet paper v use of water)

Our client was then offered dispersal accommodation in a shared room with another man. He was told that this would be the permanent situation until his asylum application was processed. The person he was being asked to share with smoked in the room which would adversely affect our client's health problems. The same cultural differences applied as above.

Our client refused the accommodation and returned to the initial accommodation, where he was threatened by the management that they would call the police on him.

CRH then arranged for him to be taken back to the same accommodation a few days later despite him clearly setting out the reasons why it was unsuitable for him to share a room with the person in question.

The manager at the initial accommodation threatened our client that if he did not go the accommodation that he would call the police and have him arrested. Only after seeking advice from the local council and presenting it to Clearsprings that he should not be forced to share a room did they agree to not disperse him to a shared room.

About a month later our client saw that he was to be dispersed to another accommodation much further away and was assured by the manager that he would be getting a room to himself. Upon arriving at the accommodation it appeared that he has been lied to and he was told that he would be sharing with someone else and it transpired that this man also smoked in the room and was again from the different cultural and religious background that caused all the same issues as detailed above. Our client explained that he could not take the room because of the same reasons outlined above.

Furthermore, our client is a victim of torture and suffers from post-traumatic stress disorder, suicidal ideation, flashbacks, disturbed sleep, nightmares, depression and anxiety. CRH and the Home Office have been made aware of this and should understand that housing a person suffering from such ill health in a shared room on a permanent basis is not appropriate and that they have a legal duty to provide such persons with adequate and suitable accommodation making reasonable adjustments where necessary.

Our client has since been destitute and street homeless.

We understand that since being accommodated at the initial accommodation that he has been targeted and victimised by Clearsprings staff and management who seemed to have a predetermined attitude and view of our client when he arrived.

For instance, we understand that one day he was in the television room watching the news by himself while some other residents talked amongst themselves. He was then asked to leave the room by one of the initial accommodation staff for no reason. When he asked the member of staff whether everyone had to leave or just him, he was told that it was just him. He asked for a reason why he should leave the room, however the member of staff could not give any reason and instead called the police. The police came. Another resident present, confirmed to the police that our client had not done anything wrong and was just watching the TV. Our client asked the police to look at the CCTV footage. The police then agreed with our client that there was no reason to ask him to leave the room by himself and stated that there had been no breach of the peace and left without giving the Claimant a warning or a caution.

As explained above, this pattern of victimisation and threats to call the police has been repeated on a number of occasions by Clearsprings' staff and management, while the Claimant has been living in accommodation run by Clearsprings.

2. Case 2

Our client was a victim of torture suffering from severe mental health problems.

While in the UK and being provided with accommodation by Clearsprings he experienced psychotic episodes, engaged in fights with fellow residents in his dispersal accommodation and threatened fellow residents including with blades. Both Clearsprings and the Home Office were made aware of this on several occasions, however continued to house him in accommodation with other people which was not suitable for his needs as someone suffering from severe mental health problems, psychotic episodes and trauma.

The client was eventually arrested and later detained under mental health powers for a prolonged period of time. He was then released from a secure psychiatric ward to initial accommodation in Cardiff. He was required to share a room with other people despite his fragile mental state. Given his psychotic history, this was a danger to both him and other residents.

We alerted the Home Office and Clearsprings that the accommodation at the initial accommodation was not suitable for our client and that they had a legal duty to provide him with adequate accommodation and make reasonable adjustments for his disability. We alerted them of the deterioration in the state of our client's mental health. We observed his health deteriorate, it seems largely due to the unsuitable conditions that he was being made to live in. The Home Office and CRH were also provided with a discharge note from the hospital clearly stating that he should not be accommodated in conditions such as those in the initial accommodation (i.e. sharing with other people and certainly not in cramped spaces with a large number of people.) and that this would likely be stressful for our client which could cause a deterioration in his mental health.

Despite this, the Home Office and Clearsprings failed to provide him with suitable accommodation as was their legal duty to do. Our client eventually experienced a further psychotic episode and a number

of months ago was detained again under mental health powers and is currently still very unwell and still being detained on a secure psychiatric hospital unit.

3. Case 3

Our client came to the UK after fleeing her country of origin with her husband, children and with her brother's family consisting of him, his wife and children. On the journey here, her husband, her brother, her brother's wife and one of her brother's children died. Her brother's children were orphaned and she was left to care for them.

She is extremely traumatised from these experiences and suffers from blackouts, seizures, flashbacks and nightmares. All the children are also traumatised from what they have experienced. She and her children therefore largely rely on her other brother for support who was already based in a town in Wales and has British citizenship.

However, when she arrived in the UK she was separated from her deceased brother's children and also placed far away from her brother already based in Wales. After being referred to our firm she was moved to accommodation provided by Cleasprings in a city about an hour away from her brother. She reported to us that the accommodation that she was provided with had issues, such as broken radiators and no heating.

During this time that she was separated from her brother her mental health deteriorated and this also placed many stresses on her children. She was eventually placed close to her brother after we placed pressure on the Home Office and threatened them with proceedings.

4. Case 4

Our client was dispersed to accommodation in Cardiff. On arriving at the accommodation he stated that the back garden was filled with a huge mound of rubbish and rubbish bags.

Conclusion

We are very concerned with the standard of housing provided to asylum seekers in Wales by CRH. Our clients frequently report issues regarding their accommodation, so much so we believe that there are systemic failings by both CRH and the Home Office in the provision of accommodation to asylum seekers in both Wales and England. There seems to be a regular failure to have regard to their wider legal duties, especially to particularly vulnerable groups.

We have also been made aware by the Home Office and Migrant Help that it is now common practice to house asylum seekers on a permanent basis in shared rooms. We believe that this raises a number of serious issues and in many, if not all cases, that requiring adults to share a room on a permanent basis is unlawful.

Yours faithfully



Deighton Pierce Glynn