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Dear David

Thank you for your letter dated 23 February which provided initial findings from your visits to Penally and Napier Barracks.

I am pleased that you found that most residents reported that they were treated with respect by security and service staff. Some of your other findings are cause for concern and I will ensure that we take action to investigate and address the issues you have raised.

I am very conscious since I arrived here a month ago that the asylum support system has been significantly impacted by the Covid pandemic, in terms of the volumes of service users being supported, the restrictions on our operations from the Covid regulations and guidance, the restrictions placed on service users and the limitations placed on external support services that usually augment the statutory provisions. Establishing accommodation sites at Napier and Penally has been challenging, not least due to the speed at which they were set up, and there is clearly room for improvement in how we operate these sites. There is already much activity underway, especially in Napier, to ensure that we improve the operation to provide better support to service users and reduce the impacts on the local community.

I note that we are not following the usual processes or protocols with this inspection and would therefore be grateful if our teams could work together closely and constructively to ensure that your findings are as robust as possible. I would like to address your immediate points as well as ask for clarification on a few of the matters you raise and the evidence behind those findings.

Leadership and management

- **Although opening such accommodation safely during a pandemic presented substantial challenges, the Home Office gave contractors less than a week to make each site operational and both sites were opened before Public Health Wales and Public Health England recommendations had been actioned.**

I accept that the two sites were set up at very fast pace, however it is incorrect that the Home Office gave contractors less than a week to make each site operational. The sites were identified on 7 September 2020 and contact was made with the accommodation provider at that time, with notification on 9 September 2020 that we would like the sites operational within two to three weeks. There followed a sequence of daily calls with the Home Office and the accommodation provider to mobilise the site.

I think it is important to set out the context in which the sites were set up. As a result of the global Covid pandemic and subsequent litigation the Home Office was unable to move people from asylum accommodation. This, together with sustained asylum intake including from small boats, resulted in a rapid increase in the use of contingency accommodation. In order to ensure there was sufficient accommodation capacity for the Home Office to fulfil its statutory obligations it was important that additional capacity was brought on swiftly.

- **Public Health England had specifically advised against opening multi-occupancy accommodation at Napier and both they and Public Health Wales expressed concerns about the COVID-safety of the accommodation. Given the cramped communal conditions and ineffective cohorting at Napier, once one person was infected a largescale outbreak was virtually inevitable. In our resident survey at Napier, none of those who responded felt they had been kept safe from COVID-19. At Penally, the vast majority also did not feel they were being kept safe from the risk of infection.**

Throughout the pandemic we have worked closely with Public Health England (PHE) and Public Health Wales. Public Health officials have been aware of and provided advice on how multiple occupancy accommodation can be used in the most Covid-secure way. Relevant guidance on this type of accommodation can be found here:

<https://www.gov.uk/government/publications/covid-19-guidance-on-services-for-people-experiencing-rough-sleeping/covid-19-guidance-for-commissioners-and-providers-of-hostel-services-for-people-experiencing-homelessness-and-rough-sleeping>

<https://www.gov.uk/guidance/covid-19-provision-of-night-shelters>

<https://www.gov.uk/government/publications/covid-19-guidance-for-providers-of-accommodation-for-asylum-seekers/covid-19-guidance-for-providers-of-accommodation-for-asylum-seekers>

In their health guidance, PHE make clear that self-contained accommodation is preferable, however if that is not possible then measures should be taken to mitigate the risk of Covid transmission, including cohorting, distance between beds, staggered mealtimes, one-way systems and clear signage on Covid- compliance. Indeed, PHE make clear that in using shared accommodation consideration must be given to the health risks of people being destitute and on the street during a pandemic.

In setting up the accommodation at Napier and Penally the Home Office worked with providers to put Covid protection measures in place, including cohorting, signage and information to service users. Public health advice was followed in creating additional space for residents. However, we accept that there are lessons to be learned regarding

the operation of the sites. We have made a number of changes and will continue to ensure that both residents and staff are kept safe.

- **Kent Fire Service had very serious concerns about fire safety at Napier that had yet to be addressed. However, the work recommended by the Crown Premises Fire Safety Inspectorate at Penally had been largely completed.**

It is important to note that as a Crown site the responsibility for inspecting and advising on fire safety for Napier sits with the Crown Premises Fire Safety Inspectorate rather than Kent Fire Service. As you note in your findings the Home Office has acted on the recommendations of the Inspectorate. We are grateful for the proactive work undertaken by the Kent Fire Service and will continue to work with them and the Crown Premises Fire Safety Inspectorate.

- **Senior leaders had not responded adequately to the unique challenges of accommodating asylum-seekers for several months in accommodation designed for short stays.**

- **The resources, skills and assurance systems required to provide long-term communal accommodation were inadequate at both sites.**

The Home Office acknowledges that some service users accommodated at both Napier and Penally have been accommodated at those sites for longer than we would have liked and envisaged when we established them. At the point at which we were planning to start circulating the populations and moving some of the longer staying service users to other accommodation in December 2020, a new strain of Covid had been discovered and new restrictions came into force in England and Wales. This required us to reconsider how we best utilised the available estate and it coincided with significant work to ensure that sufficient accommodation was available for the Christmas period, when standing up more accommodation would have been particularly challenging and to provide contingency should there have been impacts from the ending of the EU exit transition period. Since January we have been making consistent moves of service users from Penally (but have not been able to accommodate new service users there due to Welsh Covid restrictions). Similar plans were being worked on for Napier but were paused as we managed the Covid outbreak.

For both sites, the Covid regulations have considerably inhibited the activities we would have put in place for service users, be that more social and sporting activities or more engagement from charities and non-governmental organisations. However, on both sites we have taken a number of positive steps, providing phones and ensuring there is WiFi available, having a nurse on site regularly, having Migrant Help on site and working intensively with stakeholders who are able to help, including the British Red Cross and (in Penally) Oasis.

- **On-site management structures were unclear, partly because of the multiple subcontractors and partly because of inadequate oversight by the contracting companies.**
- **Managers at both sites lacked the experience and skills to run large-scale communal accommodation, although outcomes were better at Penally.**
- **The Home Office did not exercise adequate oversight at either site and Home Office staff were rarely present. There were fundamental failures of leadership and planning by the Home Office.**

The Home Office accepts that management and oversight of the sites could be improved. Whilst we believe the contractor plans and structures are clear on site, there is inevitably some complexity where different subcontractors are required to undertake different types of provision – our provider brought together a number of subcontractors with expertise in different areas, such as security, cleaning and catering. We have been working with our provider to strengthen its management of the sites and ensure they continue to operate effectively. The oversight of the sites and the accommodation provider has taken place remotely through daily and weekly calls, as well as limited Home Office inspections of both sites. We are working with our accommodation provider to improve management of both sites and have put a team in place to focus on ensuring that improvements are made at Napier for when it comes out of the lockdown we are currently operating as a result of the outbreak. We would be interested to understand what is meant by the conclusion that outcomes were found to be better at Penally to be able to feed any additional lessons into that work.

Safety

- **We met many men who described feeling depressed and hopeless at their circumstances. In our resident survey, all of those who responded at Napier and the vast majority at Penally said they had felt depressed at some points. At both sites about a third of respondents said they had mental health problems; about a third of respondents at Napier also said they had felt suicidal.**
- **We had serious safeguarding concerns in relation to Napier. There was inadequate support for people who had self-harmed. People at high risk of self-harm were located in a decrepit 'isolation block' which we considered unfit for habitation. Residents who may have been children were also housed in the same block pending an age assessment; in one case we were told that this was for up to two weeks.**

Both in the setting up and operation of Napier the Home Office has prioritised safeguarding. We designed a set of suitability criteria with the purpose of screening out individuals who were not suitable for dormitory style accommodation. Those not deemed suitable include minors and those with serious mental health issues where there is a high risk of suicide, serious self-harm or risk to others. To ensure a consistent approach to the operation of the suitability criteria we have shared the criteria with the provider's safeguarding team, the onsite nurse and Migrant Help to ensure everyone involved in safeguarding can identify when a resident no longer meets the criteria and takes the appropriate action. Where there is an immediate threat to life all staff onsite have been instructed to call the emergency services.

Our approach to safeguarding at the site is one of continuous improvement, for example our provider has been commissioned to provide safeguarding training to all staff operating onsite. We are also holding a lessons learned exercise reviewing our safeguarding

approach and its impacts in order to identify and make further improvements going forward.

The “isolation block” did not form part of our accommodation provision and has been decommissioned. In addition to safeguarding activity in relation to living at the site all Home Office staff encountering asylum seekers are trained to adopt a risk-based approach towards potential indications of vulnerability and to refer relevant cases to the dedicated Safeguarding Hub.

• Residents at both sites were normally able to come and go. The exception was during the major COVID-19 outbreak at Napier, when over a hundred people were confined to their billets for approximately four weeks and unable to go outside unless it was to use the mobile toilets or showers. They were warned that they might be arrested if they left the camp. In at least one case, a resident was forcibly returned to the camp by the police.

The same regulations apply to asylum seekers as the general population. Service users at Napier and Penally are not detained but are expected to comply with Covid regulations. During the first phase of the outbreak at Napier it was important that service users self-isolated so as not to risk infecting each other or members of the wider community. The Home Office worked closely with public health officials to bring the outbreak under control and followed advice on who needed to self-isolate for what period. Service users were reminded of the Covid regulations, particularly those relating to people who are Covid positive or a close contact of someone who is Covid positive. The Home Office worked closely with Kent Police throughout, but decisions on enforcement of Covid regulations were matters for the police.

• At both sites, residents described feeling trapped in poor conditions and feared that if they moved out they would jeopardise their only source of support and possibly their asylum cases. Residents at both camps, especially at Napier, told us they had been shouted at and intimidated by members of the public who did not want them there and that this was another reason they did not want to leave the camp. Penally was a long walk from the nearest town.

It is unacceptable for asylum seekers to be intimidated. The Home Office worked closely with Dyfed Powis and Kent Police and our provider has reported any incidents that they were aware of. Additional security has been deployed for the safety of the residents.

Service users at both sites were not detained and were free to leave the sites but were expected to comply with Covid regulations.

Asylum accommodation is provided on a no choice basis, subject to the Home Office's general policy and the suitability criteria that we have published for former MoD sites.

We are working closely with the provider to ensure that the accommodation and services available on both sites remain adequate and enable us to meet the statutory obligations to house those asylum seekers who would otherwise be destitute.

Respect

- **The environment at both sites, especially Napier, was impoverished, run-down and unsuitable for long-term accommodation.**

- **Cleanliness at both sites was variable at best and cleaning was made difficult by the age of the buildings. Some areas were filthy.**

CRH are contractually obliged to maintain the standards which we set out in the Asylum Accommodation Support Contracts (AASC) and we have inspected the sites to ensure that they are suitable. We are aware that there have been some instances when the sites have fallen short of the required standards and we have made the provider aware of this and action has been, or is being, taken to address that. We agree entirely that the sites are not suitable for long term accommodation and we will not be using them as such. However, it must be recognised that during the pandemic different forms of accommodation in various housing sectors have been occupied for longer than would normally be the case.

We are considering how we can improve the sites in a way which will support the wellbeing of those living there, acknowledging that we do not intend any individual to remain there indefinitely for long periods.

In terms of site cleanliness at Napier the provider has been provided with a schedule of work in respect of a deep cleaning exercise of the workshops room and other communal spaces. A new cleaning regime of the living quarters has been implemented and will be reviewed for its effectiveness.

- **At Napier, the number of residents had been reduced from almost 400 in mid January to 62 in mid-February. They were unable to socially distance in the cramped multi-occupancy billets before the numbers were reduced. At Penally, numbers had been low enough to allow for reasonable social distancing since December.**

Given the inspectorates have not experienced the sites at full occupancy it is hard to see how they can come to such a firm conclusion about the sites previously. We are currently working with public health colleagues on how Napier can be best configured after the current outbreak has been declared closed. The Home Office, in line with PHE advice, took the decision to reduce the capacity of the site from the capacity that had been used in a Covid safe way by the Ministry of Defence when we set it up.

- **Most residents had been in the camps for several months awaiting asylum decisions. They did not know how long they would be there and when the next stage in the process would start. Home Office communication with them was poor. The Home Office had only recently commenced video meetings with residents at Penally, and at Napier only one such meeting had taken place. These meetings did not provide information on individual case progress.**

We recognise that we have not always done enough to keep service users at Penally and Napier up-to-date with information and that this has been a source of frustration for some of them. Since January 2021 the Home Office has undertaken regular video surgeries with service users at both sites and there have also been a number of in-person site visits from Home Office staff. Details of the video link meetings are provided below.

Meetings into the Napier site commenced by video link on 12/01/21 however they were suspended following the Covid outbreak because it was considered that the risk of several people congregating in one space would increase the likelihood of Covid transmission.

Meetings at Napier using interpreters commenced on 15/02/21 and have to date taken place on 17/02/21 and 22/02/21.

Meetings into the Penally site took place on 14/01/21, 15/01/21 and 21/01/21. Home Office staff were on site on 27/01/21 where residents were invited to engage and suggest changes that could be made to facilities.

A further call to site took place on 04/02/21 followed by calls on 18/02/21 and 25/02/21 using interpreters.

The above meetings are conducted in small groups or in the case of Napier, block by block, in a Covid safe way.

The meetings give an overview of where people are in the asylum process and next steps in terms of dispersal and the role of Migrant Help in providing assistance. The meetings do not talk to specific case details; however an opportunity is given at the end of the call for anyone to raise case specific matters.

The asylum decision making process does not operate differently for those residing on the MOD sites. However, we acknowledge that it would be helpful to explain the decision-making process, which Migrant Help do when asked and we will ensure it is set out in the induction of new residents. We are going further and working to provide the opportunity of onsite asylum interviews for those living at Napier.

There are a number of factors that contribute to the length of time to process asylum claims but we are determined to clear the outstanding cases, speed up decisions and prevent people becoming stuck in the system for long periods of time. We are working to streamline cases and have already made significant progress in prioritising cases with acute vulnerability, those in receipt of the greatest level of support including Unaccompanied Asylum Seeking Children, and those who require a reconsideration.

Following the suspension of asylum interviews at the start of the Covid outbreak in March 2020 the Home Office worked diligently on plans to restart asylum interviews building on the existing digital interviewing platform, expanding the capacity and capability to conduct more remote interviews.

The Home Office is in the process of setting up remote interviews for customers in Napier rather than asking them to travel due to current government restrictions and is continuing to work with colleagues to explore how we can remotely interview customers at Penally in a safe and secure way.

We continue to progress applications without an interview to the point of decision on those cases where we have received sufficient evidence from claimants/legal representatives and continue to communicate delays upon contact or via legal representatives. At residents' forum meetings we have made clear that the accommodation people are occupying has no bearing on how their asylum claim is viewed, that case progression is currently subject to Covid restrictions, and that we are taking steps to move people on from the MoD sites into other forms of accommodation as it becomes available.

- **Managers did not systematically survey or consult residents.**
- **Most residents we spoke to said that security and services staff treated them with respect.**
- **The lack of occupation, limited information and lengthy stays had a corrosive effect on residents' morale and mental health.**

We note the need for consultation. A residents' group was established in Penally and surveys are currently under consideration for both sites. There is a provision for questions and answers at Home Office forums and the answers are translated and shared with all residents.

At the start of the Covid outbreak at Napier CRH tried to establish block leads who would represent voices in each block, however this was not implemented as the residents were not able to agree who their leads should be. The creation of a residents' group at Penally is considered to be good practice that encourages engagement and collective ownership of site management needs. It is our intention to offer the opportunity to establish a residents' forum at Napier, subject to ensuring that fair and equal representation is achieved.

There are a number of planned activities for both Napier and Penally including indoor and outdoor activities, however the requirement to comply with Covid restrictions in England and Wales has seen the postponement of many activities. When the Covid regulations change activities such as football, basketball and use of a gym will be permitted.

- **At Penally, voluntary groups were able to provide some activities and distraction for residents, but there was less facilitation of support at Napier. Migrant Help provided a useful but limited onsite support service at both sites, and the charity, 'Oasis', organised activities at Penally.**

We care about the welfare of residents on both sites and have worked and will continue to work with NGOs and other stakeholders to maintain the wellbeing of the residents, subject to Covid regulations. We are pleased to see that the skills and efforts of the security and services staff at both sites have been recognised.

Activities and support had been set up for both sites from the outset, and I believe it would be more accurate to reflect that public health restrictions prevented these continuing at Napier during the outbreak. We and our provider are working to ensure appropriate provision is in place once the outbreak is declared closed.

Preparation for leaving the accommodation

- **All residents had a mobile phone and could access the internet.**
- **There was little focus on helping residents to prepare for next steps, but the visiting agencies and charities provided useful practical support for those who were moving on.**

It should be understood that telephony and connectivity are provided to residents at the outset, rather than as preparation for leaving the accommodation. Onward moves from both sites have generally happened at fairly short notice in response to customer need and/or alternative accommodation becoming available, and it has been most practicable to provide briefing prior to moving followed by full induction on arrival at the alternative accommodation.

Please do not hesitate to contact me if you would like to discuss this further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Emma Haddad', with a stylized, cursive script.

Emma Haddad
Director General Asylum and Protection