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# Evaluation of ‘Action Access’, an Alternatives to Detention Pilot

REPORT ON AN  
INDEPENDENT EVALUATION  
(MARCH 2019 – OCTOBER 2021)

JANUARY 2022

Conducted by: NatCen Social Research

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## Acknowledgements

The evaluation team would like to thank the UNHCR staff in the UK and in the Evaluation Service for their support in conducting this evaluation. We gratefully acknowledge the staff from Action Foundation, the Home Office, the North East Law Centre, and all the key informants from civil society who gave their time to take part in the interviews and workshops. In particular, we thank the women accessing *Action Access* who shared their stories with us.

Evaluation information at a glance	
<b>Title of the evaluation:</b>	Evaluation of the Action Access pilot
<b>Timeframe covered:</b>	March 2019 – October 2021
<b>Expected duration:</b>	Two Years
<b>Type of evaluation:</b>	Decentralised Longitudinal Evaluation
<b>Countries covered:</b>	UK
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Commissioned by UNHCR, United Kingdom

Evaluation Quality Assurance provided by UNHCR Evaluation Service

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# Executive Summary

## Background and methods

Since 2015, the number of people being detained in the UK has gradually declined<sup>1</sup> and several Immigration Removal Centres have closed.<sup>2</sup> However, the UK still has one of the largest detention estates in comparison with European countries<sup>3</sup> and, unlike EU countries, has no time limit on immigration detention. One of the recommendations of the Shaw Progress Report, published in 2018,<sup>4</sup> was that the Home Office establish an Alternatives to Detention (ATD) project. The Detention Reform Program, started in 2018, set out a strategic direction for use of immigration detention in the UK and a wide range of reforms to underpin that including developing ATD pilots.<sup>5</sup>

In response and after working closely with UNHCR, the UK government announced the Community Engagement Pilot (CEP) Series. The overall principle of the CEP Series is to test approaches to supporting people to resolve their immigration case in the community. UNHCR commissioned NatCen Social Research to undertake an independent evaluation of *Action Access*, the first pilot in the CEP series. Delivered by Action Foundation over two years from 2019 to 2021, *Action Access* aimed to support women with asylum-seeking status in a community-based, engagement-focused ATD through the provision of one-to-one support from a support worker, shared accommodation, and legal counselling from a qualified legal professional. Our evaluation included desk research, interviews with pilot participants (at two time points) and interviews with delivery and strategic stakeholders and key informants from civil society. The main findings and recommendations are summarised below.

## The pilot model

The support offered through *Action Access* responded directly to the needs of the participant group. This included meeting basic subsistence needs for women who were at risk of destitution, providing legal and pastoral support and providing links to the community.

Participating in the pilot meant that women were in a better place emotionally and mentally to work with legal counsellors and support workers to achieve outcomes.

The pilot was adapted in the face of the COVID-19 pandemic and associated restrictions on movement and social contact. *Action Access* support workers also facilitated links to other support through signposting, referrals and supporting participants to self-refer.

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<sup>1</sup> Home Office (2020) "[Immigration statistics: Year ending December 2019](https://www.gov.uk/government/publications/immigration-statistics-year-ending-december-2019/how-many-people-are-detained-or-returned)" London: Home Office. Accessed August 24, 2020. <https://www.gov.uk/government/publications/immigration-statistics-year-ending-december-2019/how-many-people-are-detained-or-returned>

<sup>2</sup> Silverman, S.J. Griffiths, M.E.B. and Walsh, P.W. (2020) "[Immigration detention in the UK. Migration Observatory briefing](https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/)" Oxford: COMPAS. Accessed August 24, 2020. <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

<sup>3</sup> Global Detention Project (2019) "[Mapping immigration detention around the world](https://www.globaldetentionproject.org/organisations-alliances/european-union-eu)" Geneva: GDP. Accessed August 24, 2020. <https://www.globaldetentionproject.org/organisations-alliances/european-union-eu>

<sup>4</sup> Shaw, S. (2018) "[Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: A follow-up report to the Home Office](https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report)" London: Home Office. Accessed August 24, 2020. <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

<sup>5</sup> Sturge, G. Wilkins, H. Gower, M. and McGuinness, T. (September 2018) 'Immigration detention in the UK: an overview', House of Commons Library Research Briefing. Accessed October 12, 2021. <https://commonslibrary.parliament.uk/research-briefings/cbp-7294/>

The Action Access pilot did not reach its full capacity. This was attributed to the impact of the COVID-19 pandemic, lower than anticipated numbers of eligible participants, set-up of recruitment routes and the time necessary to build on cautious levels of trust and engagement with the pilot. Recruitment documents in a range of languages were developed during the pilot in response to feedback. Future ATD programmes would benefit from accessible recruitment information and opportunities for in-person discussions with potential participants from the outset.

Participants spent longer on the pilot than originally planned, with both delivery and cost implications for the pilot. The Home Office and Action Foundation worked together to identify and reduce delays. Variation in length of time on the pilot should be built into planning and budgeting of future pilots, and strategies developed to identify and reduce any potential delays. The importance of timely movement of participants through the pilot in terms of both participant wellbeing and expectations, and cost effectiveness, is an important learning point.

## Costs

The cost of the pilot is less expensive per participant per night than holding an individual in detention. Reductions in rent on longer-term leases and running the project at capacity could mean that a future ATD programme could be less than half the cost of holding an individual in detention.

However, participants spent on average almost double the number of days on the pilot than was originally budgeted, increasing the cost per participant of the pilot and limiting the cost effectiveness of the pilot overall.

## Legal counselling & more holistic outcomes

The pilot's legal counselling model is an important example of promising practice in terms of providing pilot participants with the opportunity to have their case reviewed by an independent legal representative and to feel that they had been treated fairly. The legal counselling model provided pilot participants with three meetings with a legal representative and was designed to allow the pilot participants to fully explore their immigration options. This approach was seen to be more likely to result in case resolution.

The holistic support offered in parallel with the legal counselling was integral to the delivery of the legal counselling model. The pilot provided a more humane and less stressful environment for pilot participants to engage in the legal review and make decisions about their future, compared with immigration detention. Even when those decisions were difficult and participants had no legal case to remain in the UK, the pilot gave the participant space and time to engage with their immigration options.

Our evaluation found qualitative evidence that participants experienced more stability and better health and wellbeing outcomes whilst being supported in the community than they had received while in detention. Evidence from this pilot suggests that these outcomes were achievable without decreasing compliance with the immigration system.

More widespread use of ATD in partnership with NGOs to deliver timely legal reviews and case resolution has the potential to address any systemic issues in immigration such as the reliance on immigration detention and the damage done to mental and physical health by detention. Timely case resolution may also reduce the impact of uncertainty and instability regarding their immigration status on migrants and reduce the human cost of immigration.

However, there were challenges around managing expectations about what the pilot could and could not achieve within the wider immigration system and around supporting women who had had negative experiences of that system.

The legal counselling model changed over the lifetime of the pilot to better support active engagement and reliable information. This is the legal model that is being carried forward in the second pilot in the CEP series.

It is hoped that that *Action Access* pilot will be used as evidence that ATD can offer a more humane way to support people seeking case resolution, without reducing compliance with the requirements of the system.

## Recommendations

### For organisations designing and/or delivering ATD Programmes

Recommendation 1: Prioritise the recruitment of participants into ATD programmes, ensuring the involvement of participants at the earliest possible stage, clarifying the purpose and extent of the ATD Programme from the outset in a language that is understood.

Recommendation 2: Ensure that a structured design process is in place to account for possible delays.

Recommendation 3: Make the roles and purpose of casework support and legal counselling explicit, specifically in terms of supporting and developing links for participants in the community, effectively managing the participants expectations, and cooperating directly with local legal representatives.

### For consideration by the Home Office in increasing effectiveness and efficiency of any future ATD Programmes or roll out of aspects that are proven to be effective

Recommendation 4: Ensure that future ATD programmes are informed by the outcomes from earlier ATD programmes, with clarity afforded to longitudinal tracking of participants and an understanding of how to define and measure engagement with the system.

Recommendation 5: Accelerate the introduction of effective aspects of the ATD programme into the Home Office's 'business as usual' model.

Recommendation 6: Prioritize the sharing of financial information, ensuring that collection, analysing and sharing of data is possible.

### For UNHCR and/or other civil society actors

Recommendation 7: Ensure that the roles being carried out by the Home Office and civil society, and the shared aims, are explicit and understood.

*The Home Office and Action Foundation have both provided management responses to the findings of this report, specifically addressing these recommendations. We welcome these management responses, which are included as an appendix to the report.*



# 1. Introduction

1. UNHCR has commissioned NatCen Social Research to undertake an independent evaluation of *Action Access*, the first pilot in the Community Engagement Pilot (CEP) series. This final evaluation report brings together findings from all elements of the evaluation to identify lessons learned from the *Action Access* pilot that can inform decision-making around further development and implementation of alternatives to detention in the UK and beyond.
2. In Chapter 1, we give an overview of the evaluation questions and methods. Chapter 2 outlines the context for the pilot and Chapter 3 outlines the design of the pilot. In Chapter 4, we give a description of the pilot delivery, in terms of recruitment, provision of basic needs, case management approach and legal counselling and in Chapter 5 we discuss the extent to which the pilot met its aims and intended outcomes. Chapter 6 outlines the cost of the pilot with reference to the cost of immigration detention, and Chapter 7 summarises the key learning points for the evaluation and their relevance to the wider context of migration management. In Chapter 8, we bring together conclusions of the evaluation and recommendations are set out in Chapter 9.
3. In this introductory chapter, we briefly outline the context for the pilot and the evaluation, introduce the key evaluation questions and give an overview of the research activities undertaken.

## 1.1 Context for the pilot

4. Since 2015, the number of people being detained in the UK has gradually declined<sup>6</sup> and several Immigration Removal Centres have closed<sup>7</sup>. However, the UK still has one of the largest immigration detention estates in comparison with European countries<sup>8</sup> and, unlike EU countries, has no time limit on immigration detention. The impact of detention on irregular migrants, refugees and asylum seekers in the UK has received increased attention in recent years, and the ongoing coronavirus pandemic has increased pressure on the UK Government from civil society to review the use of immigration detention<sup>9</sup>.
5. The Shaw Review, published in 2016, and the subsequent Shaw Progress Report, published in 2018, recommended exploring the potential for ATD in the UK as a means of improving the welfare of vulnerable persons in immigration removal centres.<sup>10,11</sup>

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<sup>6</sup> Home Office (2020) "[Immigration statistics: Year ending December 2019](https://www.gov.uk/government/publications/immigration-statistics-year-ending-december-2019/how-many-people-are-detained-or-returned)" London: Home Office. Accessed August 24, 2020. <https://www.gov.uk/government/publications/immigration-statistics-year-ending-december-2019/how-many-people-are-detained-or-returned>

<sup>7</sup> Silverman, S.J. Griffiths, M.E.B. and Walsh, P.W. (2020) "[Immigration detention in the UK. Migration Observatory briefing](https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/)" Oxford: COMPAS. Accessed August 24, 2020. <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

<sup>8</sup> Global Detention Project (2019) "[Mapping immigration detention around the world](https://www.globaldetentionproject.org/organisations-alliances/european-union-eu)" Geneva: GDP. Accessed August 24, 2020. <https://www.globaldetentionproject.org/organisations-alliances/european-union-eu>

<sup>9</sup> MacGinley, A. and Pillay, M. (2020) UK: Civil society engagement on immigration detention amid covid-19. *In* COVID-19 Impacts on Immigration Detention: Global Responses, Chew, V., Phillips, M. & Yamada Park, M. (eds). International Detention Coalition and HADRI/Western Sydney University.

<sup>10</sup> Shaw, S. (2016) "[Review into the welfare in detention of vulnerable persons](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf)" London: Home Office. Accessed August 24, 2020. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/490782/52532\\_Shaw\\_Review\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf)

<sup>11</sup> Shaw, S. (2018) "[Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: A follow-up report to the Home Office](https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report)" London: Home Office. Accessed August 24, 2020. <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

One of the recommendations of the Shaw Progress Report was that the Home Office establish an ATD project which included intensive case management for vulnerable people who might otherwise be detained. The Detention Reform Program, started in 2018, set out a strategic direction for use of immigration detention in the UK and a wide range of reforms to underpin that including developing ATD pilots.<sup>12</sup>

6. In response and after working closely with UNHCR to establish a Home Office/UNHCR working group on ATD, the UK government announced the CEP Series. The overall principle of the CEP series is to test approaches to supporting people to resolve their immigration case in the community.
7. The CEP series is framed around five pillars of appropriate personal decision making:
  1. Personal stability: achieving a position of stability (in relation to, for example, housing, subsistence and safety) from which people are able to make difficult, life-changing decisions;
  2. Reliable information: providing and ensuring access to accurate, comprehensive, personally relevant information on UK immigration and asylum law;
  3. Community support: providing and ensuring access to consistent pastoral and community support, addressing the need to be heard and the need to discuss their situation with independent and familiar people;
  4. Active engagement: giving people an opportunity to engage with immigration services and ensuring that they feel able to connect and engage at the right level, enabling greater awareness of their immigration status, upcoming events and deadlines with routine personal contact fostering compliance; and
  5. Prepared futures: being able to plan for the future, finding positive ways forward, developing skills in line with their immigration objectives, identifying opportunities to advance ambitions.
8. *Action Access*, delivered by Action Foundation over two years from 2019 to 2021, was the first pilot in the CEP series. The pilot aimed to support women with asylum-seeking status in a community-based, engagement-focused ATD through the provision of one-to-one support from a support worker, shared accommodation, and legal counselling from a qualified legal professional.

## 1.2 Research aims and objectives

9. The evaluation of *Action Access* assessed the pilot's effectiveness in meeting its overall aim of 'providing more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by encouraging voluntary engagement with the immigration system'.<sup>13</sup>

The evaluation considered four **Key Evaluation Questions** (KEQ):

1. How effectively does the ATD pilot deliver basic needs, case management and legal support?

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<sup>12</sup> Sturge, G. Wilkins, H. Gower, M. and McGuinness, T. (September 2018) 'Immigration detention in the UK: an overview', House of Commons Library Research Briefing. Accessed October 12, 2021.

<https://commonslibrary.parliament.uk/research-briefings/cbp-7294/>

<sup>13</sup> Action Foundation (no date) "*Action Access*". Accessed August 24, 2020.

<https://actionfoundation.org.uk/projects/action-access/>

2. To what extent does the ATD pilot contribute to desired outcomes across the five pillars of support (personal stability, reliable information, community support, active engagement and prepared futures)?
3. Considering the long-term aims of the pilot programme, to what extent does the ATD pilot represent value for money?
4. What lessons learnt and examples of promising practice are emerging from the ATD pilot that could be applied across the UK government's approach to asylum and migration management?

### 1.3 Research methodology

10. The evaluation comprised the following elements:

- **Desk research:** A review of pilot documentation and relevant literature; Analysis of management information (MI) data and costs data provided by the Home Office and Action Foundation.
- **Research with pilot participants:** In-depth narrative interviews with 7 women who took part in the pilot, at 2 time points.
- **Research with delivery and strategic stakeholders:** Ongoing delivery and follow up interviews with 4 delivery stakeholders from Action Foundation; Final reflection interviews with 4 strategic stakeholders from Action Foundation and the Home Office and 1 legal representative who provided legal services to pilot participants.
- **Research with key informants:** Interviews with 6 key informants from civil society working in asylum and immigration; Online workshop with key informants.<sup>14</sup>

We have drawn on the evaluation criteria proposed by the Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) and adapted by the Active Learning Network for Accountability and Performance (ALNAP) for use in humanitarian evaluations<sup>15</sup> as a framework for this evaluation.

11. Table 1 sets out how the KEQs and our proposed research activities map on to this framework.<sup>16</sup>

**Table 1: Evaluation framework**

	KEQs	Desk-based research	Research with pilot stakeholders	Research with pilot participants	Research with key informants
Relevance/appropriateness	1,2,4		*	*	*
Connectedness	1,2,4		*	*	
Coherence	1,2,4	*			*
Coverage	1,2,4	*	*	*	
Efficiency (value for money)	3	*	*		
Effectiveness	1,2,4	*	*	*	
Impact	N/A				

<sup>14</sup> Interviewees are not named in the report as the consent process included an assurance of anonymity.

<sup>15</sup> Beck, T. (2006) *Evaluating Humanitarian Action using the OECD-DAC Criteria* London: ALNAP. Accessed August 24, 2020. <https://www.alnap.org/system/files/content/resource/files/main/eha-2006.pdf>

<sup>16</sup> As discussed by Beck (ibid.), not all criteria will be relevant to all evaluations. We expect that it will not be feasible to assess wider, systemic 'impacts' in this pilot evaluation due to its small scale and since the research will be conducted during the intervention.

## 1.4 Reporting conventions

12. We present the main analytic findings from the qualitative data, with a particular focus on consensus and disagreement within and across participant groups. Quotes and examples are used to illustrate findings. Monitoring data is summarised in tables and we discuss the cost of the pilot in terms of cost per participant per day.

## 1.5 Glossary of terms

Terms which are frequently used in this report are set out in

13. Table 2.

Table 2: Glossary of terms

Term	Definition
<b>ATD (Alternatives To Detention)</b>	UNHCR defines “ <i>alternatives to detention as any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement. As some alternatives to detention also involve various restrictions on movement or liberty (and some can be classified as forms of detention), they are also subject to human rights standards</i> ”. <sup>17</sup>
<b>CEP series</b>	Community Engagement Pilot series: a series of Alternatives To Detention pilots run by the Home Office
<b>SAR</b>	Subject Access Request: a written request to a company or organisation asking for access to the personal information it holds on an individual
<b>‘Three-meeting model’ of legal counselling</b>	Developed through the <i>Action Access</i> pilot and comprising three meetings between a legal representative and a person with asylum seeking status
<b>UNHCR</b>	The UN Refugee Agency

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<sup>17</sup> UNHCR (2016) The 10 Point Plan in Action, available at: <http://www.refworld.org/10pointplaninaction2016update.html>

## 2. Context of the Action Access Pilot

14. In this chapter, we summarize the findings of our review of the wider research and evidence base on ATD<sup>18</sup> and draw on the findings from interviews with key informants to place *Action Access* in the context of the UK's approach to asylum and migration management.

### 2.1 The case for alternatives to immigration detention

15. The challenges and harms associated with immigration are well evidenced. The use of immigration detention can be costly,<sup>19</sup> harmful to mental health,<sup>20</sup> and often ineffective in both reducing irregular migration and achieving other migration management outcomes such as case resolution.<sup>21</sup>
16. Developing and promoting ATD, enshrining them in law and embedding them in practice has been a focus for UNHCR through their Global Strategy - Beyond Detention 2014-2019 ('Global Strategy').<sup>22</sup> UNHCR defines "*alternatives to detention as any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement. As some alternatives to detention also involve various restrictions on movement or liberty (and some can be classified as forms of detention), they are also subject to human rights standards*".<sup>23</sup>
17. ATD have the potential to be at least as effective, more cost efficient and less harmful than detention in managing migration.<sup>24</sup> Recent ATD which involve case management-based programmes in the community, such as those in Cyprus, Bulgaria and Poland, have proven to be highly effective in terms of cost and compliance, and in helping people to reach case resolution without the need for coercion.<sup>25</sup>

### 2.2 The current set up for immigration detention in the UK

18. Despite a reduction in the use of immigration detention in recent years, the UK Home Office continues to rely heavily on immigration detention as a means of immigration

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<sup>18</sup> Review of relevant research is included in: Marshall et al (2020) Evaluation of *Action Access*: Evaluation inception report, NatCen. Available at: <https://natcen.ac.uk/media/1938417/NatCen-Evaluation-of-Action-Access-%E2%80%93-Inception-report.pdf>

<sup>19</sup> Liberty (2019) Economic impacts of immigration detention reform. Available at: <https://www.libertyhumanrights.org.uk/our-campaigns/end-indefinite-detention/economic-impacts-immigration-detention-reform>

<sup>20</sup> von Werthern, M., Robjant, K., Chui, Z. *et al.* (2018) The impact of immigration detention on mental health: a systematic review. *BMC Psychiatry* **18**, 382. <https://doi.org/10.1186/s12888-018-1945-y>

<sup>21</sup> International Detention Coalition (2015) Reframing immigration detention in response to irregular migration: Does Detention Deter? Available at: [https://idcoalition.org/wp-content/uploads/2015/04/Briefing-Paper\\_Does-Detention-Deter\\_April-2015-A4\\_web.pdf](https://idcoalition.org/wp-content/uploads/2015/04/Briefing-Paper_Does-Detention-Deter_April-2015-A4_web.pdf)

<sup>22</sup> UNHCR (2014) Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019. Available at: <https://www.refworld.org/docid/536b564d4.html>

<sup>23</sup> UNHCR (2016) The 10 Point Plan in Action, available at: <http://www.refworld.org/10pointplaninaction2016update.html>

<sup>24</sup> Council of Europe (2017) Legal and practical aspects of effective alternatives to detention in the context of migration. Available at: <https://rm.coe.int/legal-and-practical-aspects-of-effective-alternatives-to-detention-in-/16808f699f>

<sup>25</sup> Ohtani, E. (2018) Alternatives to detention from theory to practice Evaluation of three engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland. Available at: [https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report\\_FINAL.pdf](https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report_FINAL.pdf)

management,<sup>26</sup> with 1,033 individuals detained under immigration powers on 31 March 2021.<sup>27</sup> During the COVID-19 pandemic, the Home Office has additionally relied on contingency asylum accommodation, most notably Penally Camp (now closed) and Napier Barracks which had a combined capacity of 665.<sup>28</sup>

19. The UK still has one of the largest immigration detention estates in Europe<sup>29</sup> and, unlike EU countries, has time no limit on immigration detention. Limitations that do exist include the Hardial Singh principles which state that individuals can only be detained with the intention of removal and for a “reasonable” time period.<sup>30</sup> Despite this, as of 31 December 2020, 5 individuals had been detained for more than two years.<sup>31</sup> A proposed amendment to the Immigration and Social Security Co-ordination (EU Withdrawal) Bill to impose a 28-day time limit on immigration detention was rejected by the House of Lords in October 2020.<sup>32</sup>
20. Pre COVID-19, the UK immigration detention estate consisted of seven Immigration Removal Centres (IRCs), two Short-Term Holding Facilities, one Pre-Departure Accommodation facility, and additional spaces in a number of prisons.<sup>33</sup> During COVID-19, several IRCs were redesignated, but have since returned to their pre COVID-19 operation status. The majority of these are run by private firms contracted by the Home Office.<sup>34</sup> Additionally, in January 2021, the Home Office announced plans for a new IRC in County Durham to open in Autumn 2021.<sup>35</sup>
21. In the years ending March 2019 and March 2020, over 23,000 individuals entered immigration detention (including those held solely under immigration powers within prisons). During the COVID-19 pandemic, this significantly reduced with 12,967 individuals being detained in the year ending March 2021. These numbers mark a decrease from a peak of 32,000 individuals entering immigration detention in 2015.<sup>36</sup>

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<sup>26</sup> Silverman, S.J. Griffiths, M.E.B. and Walsh, P.W. (2020) “[Immigration detention in the UK. Migration Observatory briefing](#)” Oxford: COMPAS. Accessed August 24, 2020.

<sup>27</sup> Home Office (2021) Immigration statistics, year ending March 2021. Available at: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2021>

<sup>28</sup> UK Visas and Immigration (2020) Contingency Asylum Accommodation: Ministry of Defence sites Factsheet. Available at: [https://folkestone-hythe.gov.uk/media/3000/Contingency-Asylum-Accommodation-Ministry-of-Defence-Sites-Factsheet/pdf/Contingency Asylum Accommodation Ministry of Defence Sites Factsheet.pdf?m=637381172008830000](https://folkestone-hythe.gov.uk/media/3000/Contingency-Asylum-Accommodation-Ministry-of-Defence-Sites-Factsheet/pdf/Contingency%20Asylum%20Accommodation%20Ministry%20of%20Defence%20Sites%20Factsheet.pdf?m=637381172008830000)

<sup>29</sup> Global Detention Project (2019) “[Mapping immigration detention around the world](#)” Geneva: GDP.

<sup>30</sup> Singh, R (on the application of) v Governor of Durham Prison [1983] EWHC 1 (QB) (13 December 1983). Available at: <https://www.bailii.org/ew/cases/EWHC/QB/1983/1.html>

<sup>31</sup> Home Office (2021) Immigration statistics, year ending March 2021. Available at: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2021>

<sup>32</sup> HL Deb (19 October 2020) Vol. 682, Col. 867 – 870. Available at: [https://hansard.parliament.uk/commons/2020-10-19/debates/97E83258-6E39-432F-8AE0-C2D7E0B1966F/ImmigrationAndSocialSecurityCo-Ordination\(EUWithdrawal\)Bill](https://hansard.parliament.uk/commons/2020-10-19/debates/97E83258-6E39-432F-8AE0-C2D7E0B1966F/ImmigrationAndSocialSecurityCo-Ordination(EUWithdrawal)Bill). Accessed March 19, 2021.

<sup>33</sup> Silverman, S.J. Griffiths, M.E.B. and Walsh, P.W. (2020) “[Immigration detention in the UK. Migration Observatory briefing](#)” Oxford: COMPAS. Accessed August 24, 2020. <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

<sup>34</sup> Silverman, S.J. Griffiths, M.E.B. and Walsh, P.W. (2020) “[Immigration detention in the UK. Migration Observatory briefing](#)” Oxford: COMPAS. Accessed August 24, 2020. <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

<sup>35</sup> All Party Parliamentary Group on Detention (2021) Letter to Home Secretary about Hassockfield IRC. Available at: <https://appgdetention.org.uk/wp-content/uploads/2021/06/240621-Hassockfield-Letter-final.pdf?x11024>

<sup>36</sup> Home Office (2021) Immigration statistics, year ending March 2021. Available at: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2021>



22. IRCs are meant to provide “secure but humane” accommodation in a relaxed regime for those who have no right to remain in the UK and who the Home Office believes can be deported or removed within a reasonable timeframe.<sup>37</sup> They provide a number of services for detainees including legal advice, healthcare, welfare support, and internet and mobile phone access.<sup>38</sup> The estimated average daily cost of holding an individual in immigration detention is £94.56.<sup>39</sup>
23. Numerous organisations have raised concerns in recent years about the conditions of immigration detention and the treatment of detainees. In 2015, the then Home Secretary Theresa May commissioned Stephen Shaw to conduct an independent review of Home Office policies and procedures that affected the welfare of immigration detainees. Published in 2016, the Shaw Review criticised a number of aspects of the immigration detention estate, including that there is no correlation between the number of individuals detained and the number lawfully deported, and that the number of individuals in detention should be reduced “both for reasons of welfare and to deliver better use of public money”.<sup>40</sup>
24. Additionally, the Shaw Review noted a number of shortcomings regarding the services provided in IRCs including inadequate healthcare provision, lack of access to regular medication, lack of interpretation services and reliance on other detainees translating, lack of access to quality and timely legal representation, and restricted internet access preventing detainees from accessing legal information or social media to keep in touch with family and friends.<sup>41</sup> A report from the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration also found that individuals are frequently unable to access adequate legal advice due to restrictive contracts for firms providing advice. They note that this is particularly significant due to the lack of automatic judicial oversight regarding the decision to detain or continue to detain, meaning challenges to detention must be brought forward by the detainee.<sup>42</sup>
25. The Shaw Review also reported significant issues with detainee wellbeing and mental health, with one study finding that four out of every five detainee respondents met the criteria for depression, and longer periods in immigration detention were associated

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<sup>37</sup> Shaw, S. (2016) “[Review into the welfare in detention of vulnerable persons](#)” London: Home Office. Accessed August 24, 2020.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/490782/52532\\_Shaw\\_Review\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf)

<sup>38</sup> Shaw, S. (2016) “[Review into the welfare in detention of vulnerable persons](#)” London: Home Office. Accessed August 24, 2020.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/490782/52532\\_Shaw\\_Review\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf)

<sup>39</sup> Border Force, UK Visas and Immigration, & Immigration Enforcement (2020) Immigration Enforcement data: February 2020. Available at: <https://www.gov.uk/government/publications/immigration-enforcement-data-february-2020>

<sup>40</sup> Shaw, S. (2016) “[Review into the welfare in detention of vulnerable persons](#)” London: Home Office. Accessed August 24, 2020.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/490782/52532\\_Shaw\\_Review\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf)

<sup>41</sup> Shaw, S. (2016) “[Review into the welfare in detention of vulnerable persons](#)” London: Home Office. Accessed August 24, 2020.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/490782/52532\\_Shaw\\_Review\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf)

<sup>42</sup> All Party Parliamentary Group on Refugees & All Party Parliamentary Group on Migration (2015) The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom. Available at: <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>

with higher levels of distress.<sup>43</sup> The Review also notes that asylum seekers, victims of torture, children, and women have often been identified by research as particularly vulnerable to deteriorating mental health in immigration detention.<sup>44</sup>

26. Bail for Immigration Detainees found in one survey of immigration detainees that only 64% of individuals had an immigration solicitor, and of these only 69% had a legal aid solicitor. While they recognise this was higher than their previous survey, they note it is a decrease compared to surveys carried out prior to the 2013 cuts to legal aid. They additionally report the unique challenges faced by those detained in prisons under immigration powers, finding that of those who had been transferred from a prison to an IRC, only 7% had received legal advice from an immigration solicitor while being held in prison. They also note that those detained in prisons are not able to access mobile phones.<sup>45</sup>
27. The opening of contingency asylum accommodation at Napier Barracks and Penally Camp during the COVID-19 pandemic also led to significant criticism. The Independent Chief Inspector of Borders and Immigration notes that Public Health England advised the dormitory-style accommodation was not in line with COVID-19 safety regulations, while residents reported feeling they had not been protected from COVID-19. The inspection also found residents had not received information about how long they would be housed in this accommodation, or information regarding their individual asylum claims.<sup>46</sup> On 3 June 2021, the High Court ruled that residents at Napier Barracks had been unlawfully detained and that the accommodation was inadequate and unsafe.<sup>47</sup>
28. The Shaw Review also included a list of recommendations to improve the welfare of vulnerable persons in immigration removal centres, including that the Home Office investigate the development of ATD. In July 2018, the Shaw Progress Report was published, building on the previous review and exploring the potential for ATD in the UK more detail.<sup>48</sup>
29. The immigration detention estate has been reduced in size (by around 40% between 2015 and 2019, for example, before the pandemic). As part of its response to the Shaw review, the government has reduced the number of beds within IRCs, has rolled out the use of Skype, has increased the ratio of staff to detainees and introduced

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<sup>43</sup> Bosworth, M. & Kellezi, B. (2015) Quality of Life in Detention: Results from MQLD questionnaire data collected in IRC Campsfield House, IRC Yarl's Wood, IRC Colnbrook, and IRC Dover, September 2013 – August 2014.

Available at: <https://www.law.ox.ac.uk/sites/files/oxlaw/mqld.pdf>

<sup>44</sup> Shaw, S. (2016) "[Review into the welfare in detention of vulnerable persons](#)" London: Home Office. Accessed August 24, 2020.

<sup>45</sup> Bail for Immigration Detainees (2019) Spring 2019 Legal Advice Survey: Position Paper. Available at:

[https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2\\_assets/files/890/190523\\_legal\\_advice\\_survey\\_spring\\_2019.pdf](https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2_assets/files/890/190523_legal_advice_survey_spring_2019.pdf)

<sup>46</sup> Independent Chief Inspector of Borders and Immigration (2021, 8 March) An inspection of the use of contingency asylum accommodation – key findings from site visits to Penally Camp and Napier Barracks.

Available at: <https://www.gov.uk/government/news/an-inspection-of-the-use-of-contingency-asylum-accommodation-key-findings-from-site-visits-to-penally-camp-and-napier-barracks>

<sup>47</sup> The Joint Council for the Welfare of Immigrants (2021) Home Office unlawfully detained asylum-seekers at Napier Barracks – High Court ruling. Available at: <https://www.jcwi.org.uk/high-court-ruling-finds-napier-barracks-asylum-accommodation-unlawful#:~:text=The%20High%20Court%20ruled%20on,Barracks%20were%20unlawfully%20detained%20there>

<sup>48</sup> Shaw, S. (2018) "[Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: A follow-up report to the Home Office](#)" London: Home Office. Accessed August 24, 2020. <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>



additional safeguarding measures (including new engagement teams to improve the links between detainees and their caseworkers).

30. In response to the reliance on the use of immigration detention in the UK and the lack of community-based ATD, UNHCR deemed the provision of support to and advocacy with the UK government to develop ATD as a priority. Given the rate of immigration detention in the UK and the limited availability of ATD, (and in particular, community-based alternatives), the UK was identified as a focus country by UNHCR for prioritisation of advocacy with and support to the Government on ATD under the Global Strategy.<sup>49</sup>
31. Currently, the only ATD that is in operation by the UK government is immigration bail. This was enshrined in law in 2016 as per Schedule 10 of the Immigration Act 2016,<sup>50</sup> and came into force on 15 January 2018. Immigration bail is available to those in detention, or at risk of being detained and the statutory conditions of immigration bail include living at a particular address and meeting Home Office reporting requirements. Immigration bail does not currently specify the provision of case management.
32. In a submission to the Shaw Progress Report, UNHCR argued that while bail and reporting requirements provide a framework through which people can remain in the community or be released from detention, they do not offer substantial case management and support to individuals to resolve their immigration status. One of the report's recommendations was that the Home Office establish an ATD project which included intensive case management, whilst also progressing the case, for vulnerable people who might otherwise be detained.<sup>51</sup>

## 2.3 Action Access in the context of alternatives to immigration detention

33. *Action Access* represented a unique partnership between the state and civil society. While initiated and funded by the UK Government, *Action Access* used a voluntary community-based case management approach and was run by a non-governmental organisation. Civil society retained a wider involvement throughout the pilot, from early engagement and involvement in the initial design and development stages, to their ongoing role throughout the length of the pilot in decision-making through a reference group comprised of key civil society stakeholders.
34. *Action Access* and the CEP pilot series present an opportunity for the UK Government to develop more trusting and cooperative relationships between the Home Office and civil society and to be seen as world leaders in adopting a more humane approach to immigration management. Benefits of the pilot were identified for pilot participants in terms of more efficient progress of their case and more humane treatment. However, KIs identified challenges for *Action Access* in the current context of the UK immigration system in that ATD do not address perceived structural issues associated with immigration management.

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<sup>49</sup> UNHCR (2016) Beyond detention: Baseline Report - Detention situation as of end 2013. Available at: <https://www.unhcr.org/protection/detention/57b579d84/unhcr-global-strategy-beyond-detention-baseline-report.html>

<sup>50</sup> UK Government (2016) Schedule 10 of the Immigration Act 2016. Available at: <https://www.legislation.gov.uk/ukpga/2016/19/schedule/10>

<sup>51</sup> Shaw, S. (2018) "Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: A follow-up report to the Home Office" London: Home Office. Accessed August 24, 2020.

### 3. Design of the Action Access pilot

35. This chapter outlines the approach to the design and set up of the *Action Access* pilot, describes its aims and introduces the logic model and the key activities of the pilot. It draws on key project documentation and findings from interviews with strategic stakeholders.

#### 3.1 Design and set up of the pilot

36. The *Action Access* pilot was designed by the Home Office and Action Foundation, with input from UNHCR and a number of detention-based specialist NGOs. It was delivered by Action Foundation, a charity providing support to disadvantaged refugees, asylum seekers and other migrants across Tyne and Wear in the North of England.
37. Strategic stakeholders felt there was a need for the pilot for the following reasons:
- To help people to make informed decisions about their immigration options and move towards resolving their cases, without the need for detention;
  - To provide personal stability for individuals while they make those decisions;
  - To promote voluntary returns and support individuals to take up this option.

#### 3.2 Overview of the pilot

##### 3.1.1 Aims of the pilot

38. To address the needs described above, the *Action Access* pilot set out to support up to 50 female asylum seekers (a maximum of 21 any one time) who would otherwise be detained in Yarl's Wood Immigration Removal Centre. The pilot aimed to test whether support in the community leads to more efficient case resolution<sup>52</sup> for migrants and asylum-seekers when compared with immigration detention. By supporting participants in the community while resolving their immigration cases, the pilot aimed to deliver humane and cost-effective case management.
39. Strategic stakeholders' understandings of the pilot aims were largely consistent with the pilot design. In their view, the pilot's main aim was to test different approaches to immigration management and to provide lessons for future policy and practice, such as how users' needs could be better met. They also described how the pilot aimed to help participants understand their immigration options through the provision of legal counselling.

##### 3.1.2 Logic model

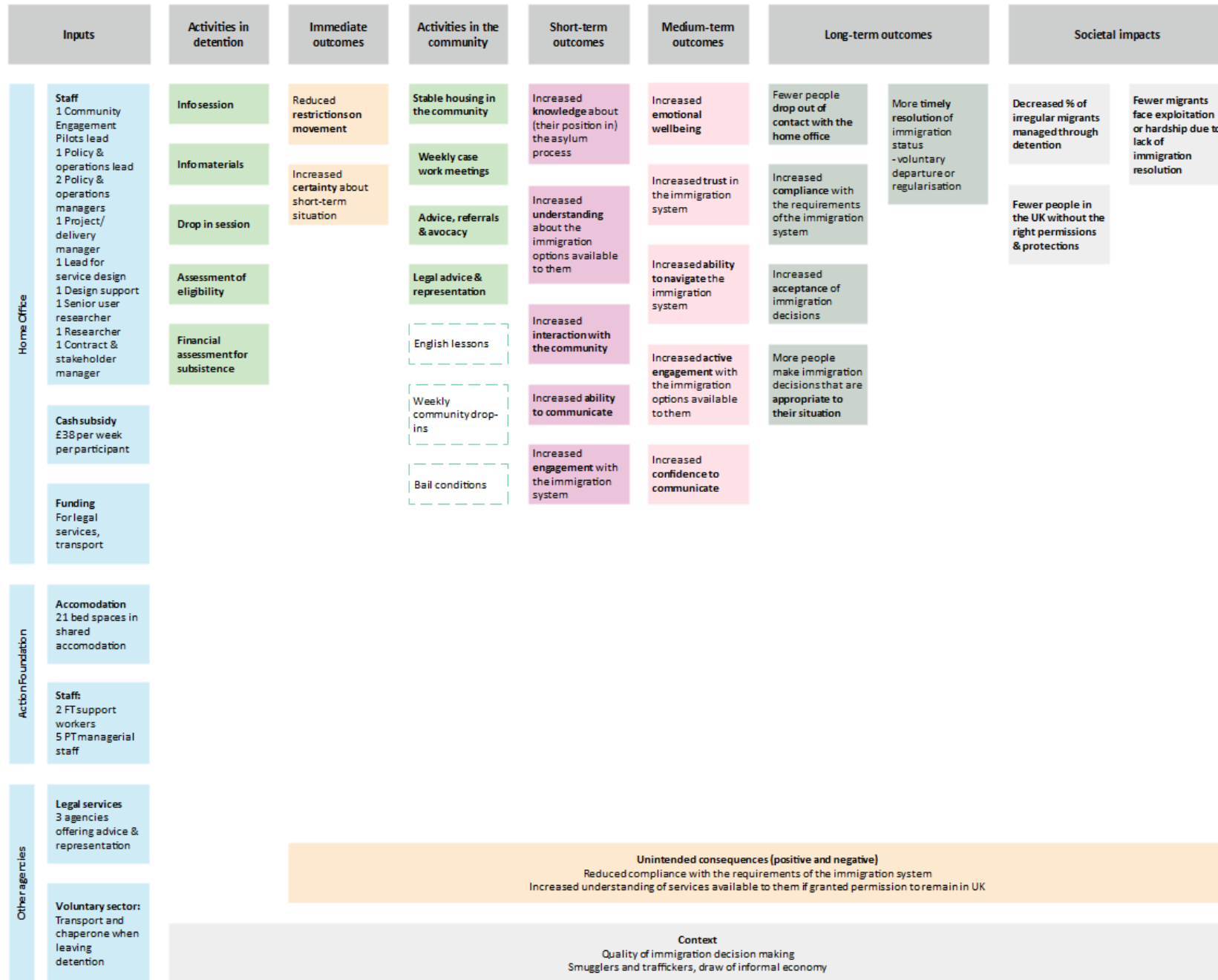
40. Figure 1 provides a logic model for *Action Access*, setting out the planned inputs and activities and intended outputs, outcomes and impacts for the pilot. The logic model was developed in collaboration with UNHCR, Home Office staff and Action Foundation managers at a workshop during the inception phase of the evaluation. The Kellogg Foundation approach<sup>53</sup> was used to facilitate the workshop attendees to articulate each aspect of the logic model.

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<sup>52</sup> 'Case resolution' refers to gaining the right to remain in the UK or voluntarily returning to the country of origin.

<sup>53</sup> W.K. Kellogg Foundation (2004) "[Logic Model Development Guide](#)" Michigan: W.K. Kellogg Foundation. Accessed April 30, 2021. <https://www.betterevaluation.org/sites/default/files/LogicModelGuidepdf1.pdf>

Figure 1: Action Access Logic Model



### 3.1.3 Key pilot activities

41. As shown in the logic model above, the pilot was designed to provide the following activities while participants were in immigration detention:

**Information sessions:** interpreted information sessions delivered by the Home Office to candidates that wanted one;

**Information materials:** provision of hard copies of information materials in a range of the main languages spoken by those detained;

**Drop-in sessions:** sessions run by Action Foundation and the Home Office to answer candidates' questions about the pilot (with interpreters available);

**Assessments of eligibility:** assessments by support workers of candidates' general and accommodation needs, to determine their suitability for the pilot; and

**Financial assessments for subsistence:** support for participants to apply for financial assistance for living costs while on the pilot.

42. In the community, it was designed to provide participants with:

**Stable housing:** a private room in good quality shared accommodation in Newcastle, managed by Action Foundation;

**Weekly case work meetings:** regular meetings with a support worker to consider and address participants' needs in relation to their health and wellbeing, social inclusion, the legal review process and planning next steps regarding their case;

**Advice, referrals and advocacy:** signposting and referrals to other support offered by Action Foundation and other local and specialist organisations;

**Legal counselling:** a legal review carried out by an independent legal representative and help to participants to understand their immigration options; and

**Support to meet bail conditions:** support to regularly report to the Home Office while on the pilot, to help participants meet their bail conditions.

43. While not a formal component of the pilot, Action Foundation also provided participants with:

**English lessons:** access to free English classes provided by Action Foundation; and

**Weekly community drop-ins:** access to a drop-in facility run by Action Foundation which offers social activities and informal support.

## 4. Delivery of the Action Access Pilot

- |  |
|--|
| 1. How effectively does the <i>Action Access</i> pilot deliver basic needs, case management and legal support?   |
| 2. To what extent does the <i>Action Access</i> pilot contribute to desired outcomes across the five pillars of support (personal stability, reliable information, community support, active engagement and prepared futures)? |
| 3. Considering the long-term aims of the pilot programme, to what extent does the <i>Action Access</i> pilot represent value for money?  |
| 4. What lessons learnt and examples of promising practice are emerging from the <i>Action Access</i> pilot that could be applied across the UK government's approach to asylum and migration management?                       |

44. In this chapter, we draw together perspectives from pilot participants and stakeholders to explore the delivery of the pilot through recruitment, provision of basic needs, the case management approach and legal support. The key successes and challenges of each element of delivery are also described.

### 4.1 Implementation & Conduct

45. The Home Office provided MI data on the delivery of the pilot. It is presented here in the context of the original expectations for the pilot. The first round of recruitment began on 7 March 2019. The last participant left the pilot on 31 March 2021, when the pilot ended.
46. Table 3 shows the original expected pilot figure alongside the number of participants who accessed the pilot. There was an expectation that the pilot would manage a total number of 50 participants, with no more than 21 participants at any one time over the two years.

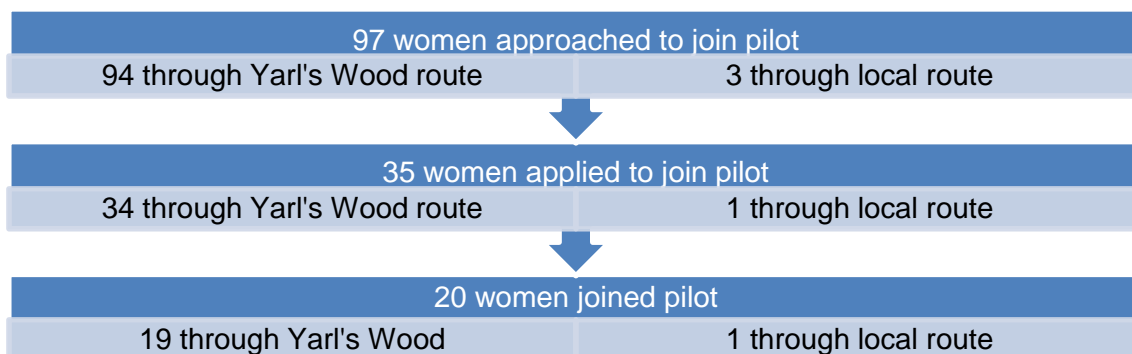
**Table 3: Number of pilot participants**

Original figure	Number of participants
50	20

47. The Home Office and Action Foundation recruited a total of 20 women to the *Action Access* pilot between March 2019 and November 2020. This total was lower than expected due to the impact of the COVID-19 pandemic. Throughout the course of the pilot, Action Foundation delivered 481 support sessions to clients and 32 legal counselling sessions were delivered by solicitors.
48. Figure 2 summarises the recruitment to the pilot through each route.
49. The Home Office and Action Foundation completed four rounds of recruitment at Yarl's Wood Immigration Removal Centre. Over these four rounds, Action Foundation support workers approached 94 women in immigration detention who were eligible for the pilot. To be eligible for the pilot, women must have claimed asylum in the UK, have no criminal convictions, no history of violence and no dependent children in the UK. Of the 94 women approached through this route, 34 made applications to join the pilot. Of these 34 applications, 19 were successful. An alternative recruitment route to immigration detention was subsequently developed. This "local" recruitment route identified women with similar legal cases to those recruited from Yarl's Wood, and who had grounds for detention, but who lived in the community and were reporting to the Home Office.

The Home Office and Action Foundation approached three women and one joined the pilot through this route.<sup>54</sup>

**Figure 2: Summary of recruitment to the *Action Access* pilot**



50. Table 4 summarises the reasons for unsuccessful applications to the *Action Access* pilot, which included women being bailed from immigration detention prior to onboarding to the pilot being completed, receiving a removal direction, withdrawing after submitting their application, or failing to pass assessment criteria.

**Table 4: Reasons for unsuccessful applications to join the pilot**

Bailed after making application	Removal directions set/ removed after making application	Withdrawn after making application	Failure to pass assessment criteria
6	2	1	6

#### 4.1.1 Recruitment steps

51. Pilot participants were invited to join *Action Access* by Action Foundation and Home Office staff. Once potential participants demonstrated initial engagement, support workers performed a robust assessment of participants' needs to determine whether they were appropriate for the pilot. Action Foundation worked in collaboration with UNHCR to customise the UNHCR Vulnerability Screening Tool<sup>55</sup> at the outset of the pilot and used this form in all assessments during the pilot to generate initial risk assessments and the urgent support needs of each participant on their arrival onto the pilot. The assessment procedure was also designed to give potential participants a better understanding of the pilot offer, so they could determine if it was right for them.
52. Pilot participants recruited from immigration detention described meeting with a Home Office representative, as well as Action Foundation support workers to learn about the pilot offer. Information about the pilot was provided over the course of two or three meetings, which included time to complete the participant assessment.

<sup>54</sup> Due to the low numbers of women joining the pilot through this route and the introduction of this route at a late stage in the pilot, the participant who joined the pilot through this route was not included in the interviews.

<sup>55</sup> UNHCR Vulnerability Screening Tool (2016). Available at: <https://www.unhcr.org/uk/protection/detention/57fe30b14/unhcr-idc-vulnerability-screening-tool-identifying-addressing-vulnerability.html>

53. Pilot participants reported receiving basic information about the pilot, including that the pilot:
- was a type of bail and meant leaving immigration detention
  - was located in Newcastle
  - included an offer of accommodation
  - included case management from a support worker
  - involved processing of their asylum application
54. Participants were supported during recruitment to the pilot and with travel from Yarl's Wood to their accommodation in Newcastle by Action Foundation, Hibiscus<sup>56</sup> and Yarl's Wood Befrienders<sup>57</sup>. Pilot participants were given a train ticket to Newcastle from Yarl's Wood and accompanied to the train station in order to join the pilot. Support workers met participants at the train station and showed them to their accommodation.

#### *4.1.2 Participant motivations for joining the pilot*

55. Both “push” and “pull” factors motivated participants to join the pilot; the desire to leave immigration detention and the appeal of specific support offered by the pilot. Pilot participants explained that their decision to join the pilot was straightforward because it meant leaving detention (an experience they described as traumatic, and psychologically and physically damaging).

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*“...when I left there, I just thought, wow, this is very good. Of course, I wanted to get out because living in detention was awful” (Pilot participant)*

*“it felt like somebody was coming to rescue you [from detention]” (Pilot participant)*

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56. Participants who were at risk of destitution described the aspects of the pilot as a motivating factor in their decision to join the pilot, in particular the offer of accommodation and the promise of stability for the duration of the pilot. Increased access to community services and the chance to live more independently were also appealing.
57. Another “pull” factor was the offer of legal counselling. Pilot participants could not afford to instruct their own solicitors from immigration detention and felt that joining the pilot would mean they could access legal services more quickly than through legal aid. As discussed later in this chapter, another motivating factor was the idea that joining the pilot would increase their chances of being granted leave to remain.
58. Pilot participants also described feeling encouraged to sign up to the pilot by others. This included feeling reassured because other detainees were joining the pilot and being encouraged by staff in the IRC who had suggested to them that they would be better off in the community. Participants also gained reassurance

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<sup>56</sup> Hibiscus Initiatives (Hibiscus) is a voluntary sector organisation with distinct expertise in working with marginalised foreign national and black, minority ethnic and refugee women in prison, in the community, and in immigration removal centres,

<sup>57</sup> Yarl's Wood Befrienders is a registered charity with around 60 volunteers who visit and befriend detainees in Yarl's Wood.



from Action Foundation support workers about the pilot offer. However, some pilot participants who felt they lacked agency in the decision-making process described how they felt as though the decision for them to join the pilot had already been made by somebody else.

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*"...what followed was not dependent on me anymore, they called me, there were some meetings and I took place... so here I am!"* (Pilot participant)

*"I was being released [from Yarl's Wood to join Action Access pilot]. I was still sleeping and they said to me, 'You're going to be released today.' I couldn't do anything because the papers, everything, were already in the hands of Serco staff, so I couldn't say no. So I said, 'Okay, I will go.'"* (Pilot participant)

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### 4.1.3 Successes and challenges in recruitment

#### Clear recruitment process

59. Stakeholders felt that clear communication from support workers and a robust assessment process helped ensure that participants made informed decisions to join the pilot. Support workers believed that their expertise in working with vulnerable people helped them to build trust and rapport with potential participants. Both stakeholders and pilot participants felt that support workers provided useful information and answered participant questions, which supported informed decision-making.

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*"...I searched the pilot scheme. It was not really clear to me what the pilot scheme was until the Action Foundation workers talked to me..."* (Pilot participant)

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60. Pilot stakeholders also felt that the robust assessment procedure helped Action Foundation better understand the needs of potential participants, as well as helping potential participants better understand the pilot offer. However, accounts from pilot participants suggested that recruitment process did not universally enhance participants' comprehension of the pilot offer. The documents available to potential participants during the first round of recruitment were only available in English. However, following feedback from participants, recruitment documents were translated into the main languages spoken by those in detention and were used in subsequent rounds of recruitment. Participants, on the whole, were unable to recount details about the information they received (which is understandable given the length of time that had passed from recruitment to interview) and gave examples of being unable to understand the written recruitment information in English or why they had been selected for the pilot.

#### Recruitment and low uptake of pilot

61. Pilot stakeholders reported challenges around meeting recruitment expectations for the pilot and participants spoke about challenges around ensuring that women who submitted applications were making informed decisions. As detailed above, fewer women were recruited to the pilot than originally hoped. Across both recruitment routes, stakeholders also felt that strict eligibility criteria limited



uptake. However, the parameters around eligibility were agreed by all stakeholders at the outset.

62. Stakeholders attributed low recruitment numbers from immigration detention to:
- **the set-up of the recruitment process:** Whilst the recruitment process commenced on time and proceeded as initially planned, Action Foundation stakeholders reported some delays resulting from Home Office internal processes and the limited availability of required Home Office staff to travel to Yarl's Wood for recruitment once the process had been set up.
  - **smaller than anticipated numbers of eligible women** in Yarl's Wood at the start of the pilot and numbers continued to reduce (eventually reaching zero due to COVID-19).
  - difficulties overcoming the **adverse effects of immigration detention** on potential participants' levels of trust and engagement.
  - prospective participants' wariness of engaging with the pilot recruitment process due to the **presence of Home Office staff at initial awareness raising sessions**. Data that we gathered from participants who eventually chose to join the pilot also confirmed feelings of scepticism towards the pilot due to the involvement of Home Office representatives in the initial phase of recruitment.

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*"I questioned her, I said, 'You are taking all my detail. I hope you are not sending me home', like that. Then she said, 'No.' I said, 'I'm sorry', because I felt this and I don't hide my feelings, so I said to her, 'I hope this is not a kind of, any plan like that. She said, 'No, it's not like that'" (Pilot participant)*

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63. There were additional challenges associated with the "local" recruitment route, which was adopted towards the end of the pilot and during the COVID-19 pandemic. Stakeholders explained that recruitment through this route was especially challenging due to:
- **the set-up of the recruitment process:** Action Foundation stakeholders felt that the Home Office did not move to prioritise "local" recruitment following low uptake in immigration detention,
  - **COVID-19 restrictions:** key staff needing to isolate disrupted lines of communication and hampered implementation; provision of Section 4 accommodation for people seeking asylum and at risk of destitution reduced the number of eligible participants for the pilot
64. The recruitment paperwork was prohibitively dense and difficult to understand, especially for those who had low levels of English proficiency. Pilot participants reported that this discouraged other women in Yarl's Wood from accessing the pilot. The documents available to potential participants during the first round of recruitment were only available in English. However, the Home Office undertook user research<sup>58</sup> with pilot participants and used this to improve recruitment documentation. Subsequently, recruitment documents were translated into the main languages spoken by those in detention and were used in later rounds of recruitment. Action Foundation and Home Office staff and interpreters were

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<sup>58</sup> Home Office user research data did not form part of this evaluation and was not available to the evaluation team.

available to help prospective participants with completing the recruitment documentation.

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*“...so I think forms sometimes are a hindrance for many people to decide.” (Pilot participant)*

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## Informed decisions and managing expectations

65. Challenges were also identified in supporting participants to make informed decisions about the pilot and managing their expectations. Pilot participants did not provide a detailed account of the information they received when being recruited to the pilot, and some could not remember the information at all. As described earlier in the chapter, pilot participants who could recall the recruitment process reported that the paperwork was lengthy and difficult to fill out, leading to poor levels of meaningful engagement. Despite the availability of Action Foundation and Home Office staff and interpreters to help with completing recruitment documentation, participants with weaker proficiency in English reported filling out documents without comprehending the content at all. One recommendation from pilot participants to help support informed decision-making was that the recruitment process could involve verbal presentations about the pilot with question-and-answer sessions, as well as translation of documents into relevant languages. Translated documents and open sessions were available to potential participants, although participants may not have been aware of this.

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*“Everybody is different. Some people like to read, and some people like to listen. I'm a person who likes to read as well as want to listen. I acted upon it and I spoke to a few more people in detention and they also filled in the forms, but those who didn't fill in the forms, maybe they didn't fill because one lady I know, she didn't fill because she couldn't read” (Pilot participant)*

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66. Pilot participants who were in a vulnerable psychological state whilst in immigration detention also described applying for the pilot without fully understanding what participation meant, due to their overwhelming desire to leave detention and/or the impact of detention on their mental health.

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*“The decision was mine, they gave me papers, but I had no other decision to make really. I was in depression, I couldn't eat, my eyes were so dark.” (Pilot participant)*

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67. Consequently, pilot participants demonstrated misunderstanding about the pilot offer itself. In particular, pilot participants demonstrated inaccurate expectations around their chances of legal success as a result of joining the pilot. Despite the information given in the recruitment documents and face-to-face meetings, participants had heightened expectations that participating in the pilot would increase their chances of success in their legal cases. Stakeholders also recognised that through offering a route out of immigration detention and mentioning the legal review during the recruitment process, they may have inadvertently raised expectations. Action Foundation stakeholders acknowledged these heightened expectations and described action taken to manage participants' expectations of success in their legal case, such as taking more time

to fully explain the pilot and potential outcomes to participants. Despite Action Foundation's efforts, these raised expectations endured among the pilot participants.

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*“There seemed to be this common misconception that we did try and address from day one, but it didn't seem to matter who relayed what message, or through how many different mediums are used, or who gave that message, if it came from us, if it came from the Home Office, it didn't seem to matter. There was this fixed thought amongst the women that being on the pilot was pretty much a shoo-in and a guarantee that you'd get a positive decision.”* (Action Foundation stakeholder)

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## 4.2 Delivering case management

### 4.2.1 Case management approach

68. Support workers provided one-to-one support in two ways: regular weekly meetings and ad hoc support. Support workers reported having at least one meeting a week with each pilot participant and providing a minimum total of two contact hours per week. Ad-hoc provision included individualised pastoral support via phone and digital contact (e.g. WhatsApp), and daily welfare checks when women first joined the pilot. Pilot participants could also contact their support worker as needed and were able to drop into the Action Foundation offices without an appointment.
69. During COVID-19, contact primarily moved to remote provision. Support workers increased the frequency with which they contacted participants. Instead of having one in-person meeting a week, they contacted participants two to three times a week via phone and online. Pilot participants were given one laptop per household to facilitate this and were supported to use platforms like Zoom.
70. Stakeholders and pilot participants described several types of support provided by support workers:
  - **Orientation and induction:** Support workers provided guidance and support in addressing primary needs such as registering with a GP and setting up technology (smart phones and/or laptops).
  - **Pastoral support:** Support workers ensured the personal wellbeing of participants, for example by visiting them more regularly when they first joined the pilot. Peer support between participants was also encouraged (e.g. through a WhatsApp group).
  - **Practical support:** Support workers helped participants liaise with their accommodation provider regarding repairs and maintenance, organised interpreters when needed, and facilitated travel to see social networks outside of Newcastle.
  - **Support with social inclusion:** Support workers helped women to get involved in social and community groups and activities.
  - **Medical support:** Support workers reminded participants to take their medication and encouraged them to exercise.
  - **Support with legal counselling and engaging with Home Office:** Support workers helped participants with their legal counselling

appointments. They also reminded participants to report to the Home Office and accompanied them to the reporting centre when necessary.

- **Support to move on from the pilot:** Support workers encouraged participants to think about their future plans. They also supported them with next steps after their legal review (e.g. moving into independent accommodation, arranging transport to 'home' country through the Voluntary Return Service).

#### 4.2.2 *Links with other support*

71. Support workers facilitated links to other support through signposting (e.g. leaving leaflets and information packs in the shared accommodation), referrals and supporting participants to self-refer. They facilitated links with other support offered by Action Foundation and with wider provision from other organisations.

72. Provision offered by Action Foundation included:

- move-on accommodation through Action Foundation's lettings scheme, which could be offered to women who received a positive outcome from their legal review. All accommodation moves were ceased as part of the first national lockdown. From July 2020 this resumed.
- activities provided by Action Foundation that were not a formal part of the *Action Access* pilot. These included English language classes and InterAction,<sup>59</sup> a drop-in facility that aims to create a sense of community by offering social activities and informal support. ESOL continued online from July 2020 (and remained so at the time of writing)
- social and community events and activities such as coffee mornings, day trips managed by Action Foundation and a community garden which was run by an external charity partner. From March 2020, some coffee mornings were offered remotely. The drop-in closed in March 2020 but some services were still available remotely. The drop-in reopened in July 2020.

73. Provision offered by local organisations included:

- medical services (including mental health provision). This included support to register with GP; support to self-refer to the commissioned Improving Access to Psychological Therapies (IAPT) service for therapeutic provision (face to face and telephone support); referral to the Crisis team, in conjunction with the GP (1 client)
- support for refugees and asylum seekers (e.g. services offered by Freedom from Torture)
- specialist support (e.g. services for survivors of domestic violence)
- places of worship
- gyms
- community groups and projects (e.g. growing vegetables in a women's group)
- volunteering (e.g. providing references for women applying to voluntary jobs)
- move-on accommodation through external lettings schemes

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<sup>59</sup> Action Foundation (no date) InterAction. <https://actionfoundation.org.uk/projects/interaction/>

### 4.2.3 Successes and challenges of case management approach

#### Organisational expertise and relationships

74. Pilot stakeholders understood case management to be one of the key strengths of the pilot and indicated that providing individualised support on a frequent and flexible basis enabled support workers to build strong and trusting relationships with participants. Support workers also felt that over time, the Home Office gave them more freedom to make decisions around the support they gave to pilot participants, for instance granting additional travel funds to enable participants to see friends. They felt that this freedom allowed them to better respond to participant's needs.
75. Stakeholders felt that Action Foundation's organisational expertise was a key ingredient in the pilot's success. First, experience of working with similar client groups through their other work with Action Foundation gave staff an awareness of the issues participants might face and an understanding of their potential needs. Second, support workers knew the local area and could share this knowledge with pilot participants. Finally, Action Foundation's links with other services further added value. Not only did they know how to access local services, but stakeholders felt that their reputation encouraged relevant local organisations to collaborate with them.
76. Pilot participants also described their relationship with their support worker as a positive element of the pilot. Participants spoke positively about the one-to-one support that they were receiving. Participants also felt it was helpful to have an English-speaking support worker who could liaise with other professionals (such as doctors and solicitors) on their behalf and assist with form filling. In addition, they felt they could ask for an interpreter when needed.

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*“She [support worker] helps with everything, every time I contact her, she is really nice. She always calls me to check how I am. She supports me. I am happy for this.” (Pilot participant)*

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77. However, there were also challenges associated with the case work approach. These included communication challenges, variable experiences of links with community support and the impact of COVID-19. Challenges around communication with their support worker that pilot participants reported included:
  - language barriers for participants not fluent in English
  - support workers not explaining things slowly or clearly enough
  - participants initially not feeling comfortable being open with their support worker
  - support workers not initiating contact as often or replying as quickly as participants wished
  - conversely, some participants not wanting to “bother” their support worker as they knew their support worker was busy
78. Action Foundation has a complaints policy that includes the facility to submit a complaint to any member of staff and in any language or format. Many participants engaged with other internal projects and would have been supported

to raise any issues in that context too. Participants could engage with and report an issue to any other organisation in the local community.

#### 4.2.4 Provision for basic needs

##### Accommodation

79. Pilot participants were offered a private room in a shared house in Newcastle, which included a kitchen, bathroom and communal area(s), as well as outside space. Participants reported sharing their accommodation with one to two other pilot participants.

##### Financial subsistence

80. Pilot participants received £38 per week in subsistence payments (roughly equal to Asylum Support). Money was initially transferred through the Asylum Support system, however this was later replaced by an alternate approach, which saw direct payments to Action Foundation from the Home Office. Payments were given to pilot participants in cash, which later changed to a contactless payment system due to COVID-19.
81. Pilot participants were assessed, on entry to the pilot, prior to receiving subsistence payments. Payment was conditional on that initial one-off assessment (i.e. if they were deemed to already have adequate funds, they did not receive the subsistence payment). They would subsequently become eligible if and when their own funds were exhausted.

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*“They used to get quite a lot of travel allowance and things like that, and because of Covid, that was restricted in some ways [because of the stay-at-home order]”. (Action Foundation stakeholder)*

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82. Support-workers described acting in a flexible manner to allow participants to travel to maintain contact with their pre-existing networks. Travel to meet contacts was only encouraged in the case that contacts were considered to be a positive influence by support workers. However, some pilot participants felt they were not supported through *Action Access* to maintain networks outside of Newcastle because they received no extra funds to travel or make additional phone calls.

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*“We are keen to make sure that clients can retain contact with support networks in other locations. Many of them still travel to see friends down in London over a weekend or might spend a couple of days in Manchester. None of that is prohibited and we would champion that provided that we’re confident that they are truly a support network and not people who might be coercing or jeopardising the well-being of the client.” (Action Foundation stakeholder)*

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##### Health

83. Support workers developed holistic and individualised support plans for pilot participants, which in some cases included support around mental and physical health needs. As discussed in section 4.3, support workers referred pilot



participants to general and specialist medical services. They also reminded participants to attend medical appointments, to take their medications, and helped them understand communications sent by medical professionals. Support workers described advocating for pilot participants' continued medical treatment in light of the COVID-19 pandemic and consequent changes to services. They also arranged taxis for participants to attend appointments during lockdowns.

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*“They engage with health services, and that's been seen very clearly over the last few months, when I've got women asking me, vaccines and testing and all the rest of it. They're very engaged with their mental health support if they need it, or their physical health support or dentist or what have you.” (Action Foundation stakeholder)*

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84. Pilot participants with specific dietary requirements explained that support workers offered them advice on diet and nutrition. However, access to fresh fruit and vegetables was not always available to participants due to their limited financial means and COVID-19 travel restrictions which prevented participants from travelling by bus to less expensive shops and markets.

## 4.3 Findings and results

### 4.3.1 COVID-19 and lockdown

85. Both pilot stakeholders and participants reported communication challenges resulting from COVID-19. Support workers felt that online communication could not fully replicate in-person interactions and found it more difficult to assess participants' wellbeing via video calls or telephone. Using video calls was challenging where participants had weaker English language skills or were not proficient with technology. Pilot participants who were concerned about the lack of privacy afforded by having to carry out sensitive conversations remotely at home, where other members of their household could listen in, felt stressed about this.
86. COVID-19 also led to some participants being on the pilot for longer than originally planned, as it slowed down their legal review or prevented them from moving on after receiving their final outcome. Pilot stakeholders and participants explained how this could lead to the support worker-participant relationship being exhausted:

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*“The support worker client relationship should never go on that long if the support needs should have been addressed... So, yes, we can provide emotional support around the restraints and restrictions that they were living under and that additional waiting and uncertainty that lasted longer, but it would have got pretty stale that working relationship.” (Action Foundation stakeholder)*

*“Sometimes, I think, I don't know if it's a strange idea, but there could be change of support worker as well, to give different, like the whole year I was with one, so if it would be changed, that could be also helpful.” (Pilot participant)*

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### 4.3.2 Relationship with support worker

87. Stakeholders and participants felt that the relationship between support worker and pilot helped to ensure that mental and physical health needs were better understood and provided for. However, COVID-19 and lockdown limited the extent to which support workers felt able to assess the psychological and emotional wellbeing of participants. In addition, support became more limited during the pandemic because external mental and physical health services were curtailed. Even outside of the pandemic, stakeholders reported struggling to meet the mental health needs of pilot participants, either because there were no relevant services or because services had no capacity. Delays are common with accessing mental health support, this was common prior to March 2020 and was further exacerbated with the impact of COVID-19.

### 4.3.3 Meeting the needs of participants

88. Pilot participants described the accommodation provided as clean, warm, and well-maintained. They also thought the accommodation was located well within the city of Newcastle, as it was close to the city centre, a supermarket, a swimming pool, park and other amenities. For pilot participants who were well-matched with other housemates in terms of common language, culture or complementary personalities, shared living was an enjoyable experience and fostered wellbeing. However, there were also challenges around providing accommodation for participants, which were compounded further by the COVID-19 pandemic and the requirement to stay at home. There were interpersonal tensions between participants living together, and in some cases, participants were moved to new accommodation, leading to feelings of insecurity and loneliness. Communication barriers between residents speaking different languages also created difficulties for relationship-building and bonding. The COVID-19 lockdowns exacerbated these pre-existing tensions and provided additional challenges for pilot participants who struggled with a lack of privacy within the accommodation provision, since it was more difficult to have private conversations. Pilot participants who had negative experiences of living in the accommodation reported actively avoiding common areas.

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*“There was a lockdown, there were so many meetings before with lawyer or someone but there were always girls around. There was no privacy. This is also why I am stressed because there is no privacy. I don’t want to listen to anyone, nor do I want someone to listen to me. Right now, I am in my room. There is some girl in the house who is having an interview with the Home Office, she’s in the kitchen.” (Pilot participant)*

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89. Participants were informed from the start that accommodation would be shared and is offered on a no choice basis. However, despite this condition, pilot participants still recommended that there be an offer to live alone if desired and that accommodation also be offered in bigger cities such as London or Manchester, so that pre-existing networks could more easily be maintained.

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*“I think living alone is good, right. It’s better, I think” (Pilot participant)*

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90. During the pandemic where there was a stay at home order, Action Foundation temporarily ceased purchasing or reimbursing travel tickets. This change limited the number of activities and appointments requiring public transport that could be accessed (e.g. English classes which took place three times a week became inaccessible) Relevant engagement was provided online (support work sessions, ESOL classes, legal support) and if travel was necessary for exceptions it was reimbursed, e.g. for health appointments. .

#### 4.3.4 *The legal counselling model*

91. The *Action Access* pilot used a ‘three-meeting model’ of legal counselling. In this model, participants receive their case files and choose a legal representative (from three Office of the Immigration Services Commissioner ‘OISC’ Level 3 legal representatives working with the pilot), before having three meetings with them:

**First meeting:** Opportunity for participant to meet and get to know their legal representative. They have the option to change their legal representative at the end of the session

**Second meeting:** Participant explains their situation and discusses their case with their legal representative

**Third meeting:** legal representative explains to participant their options and answers any questions

92. Legal counselling was provided by three individuals from separate organisations. One was a solicitor with Law Society Accreditation who worked with all but one participant. Two operated under OISC regulation - one was unused and one worked with one participant.
93. After the final meeting, the participant has time to consider their options and discuss them with their support worker, friends and family. Once they decided what they wanted to do, their support worker helped them to take their decision forward.
94. This model was implemented in January 2020. Prior to this, it was planned that support workers of Action Foundation (trained to OISC Level 2) would be able to provide the necessary legal advice for participants. When it became clear that OISC Level 3 advice would be required, the legal model was developed.
95. However, after the pilot began, Action Foundation, the Home Office and the North East Law Centre agreed to switch to the three-meeting model. This would be funded by the Home Office instead of legal aid, allowing participants to receive counselling in respect of all relevant options available to them. Having three meetings would also allow time for participants to ask questions, feel comfortable with the legal representative and provide them with all the relevant information for their case. While other options were open to the participants prior to the model changing, other solicitors (that they were previously working with) may not have proactively explored these options and therefore the participants may not have known about them.
96. There were also other ways in which legal counselling changed over the duration of the pilot. Stakeholders described how Action Foundation initially approached casework support and legal counselling as two discrete elements of the pilot, with staff not always recognising the importance of the latter. It was later realized that

the two needed to be more integrated, and support workers put increased efforts into emphasising the importance of legal counselling to participants.

97. Legal counselling was also originally intended to take place in person. However, due to COVID-19 restrictions, many of the sessions took place remotely using phone or video calls.
98. Finally, exit letters sent from the Home Office to participants were introduced part way through the pilot. They helped make it clear to participants that decisions around their case were made by the Home Office rather than Action Foundation, which made it easier for support workers to help participants in their next steps. The exit letter was sent following their notification of the outcome of their legal counselling (sent by the solicitor) and their 90 day Notice to Quit (NTQ) (sent by AF). The exit letter was sent from the Home Office with confirmation of the participant's position. The Home Office were able to infer from their 'stage on the pilot' and the issuing of the NTQ, that a client had no viable options to apply to remain in the UK. The exit letter did not comment on the specific outcome of their legal review. The agreed position to protect client confidentiality relating to the legal case was to only share the 'stage on the pilot' and next actions for each client with the Home Office at the weekly meeting with Action Foundation.

#### *4.3.5 Support with legal counselling from support workers*

99. Stakeholders and pilot participants described several ways in which support workers helped participants with their legal counselling. Support workers:
  - helped participants understand and be prepared for the legal counselling process on the pilot
  - kept participants informed of any updates related to their case
  - helped pass non-confidential information between legal advisors and participants (e.g. about the information a solicitor required for a meeting)
  - liaised with the Home Office on behalf of participants
  - arranged practical aspects of meetings (e.g. setting up Zoom calls, printing out documents)
  - attended video call meetings with legal advisors to support women and help them talk about their situation
  - had debriefs with participants after meetings with their legal advisor and made sure they understood what was said during meetings
  - helped with gathering the paperwork required by legal advisors
  - helped explain documents and communications participants received from legal advisors
  - attended the Asylum and Immigration Tribunal with participants

#### *4.3.6 Successes and challenges of legal counselling*

##### *Delays to legal counselling*

100. Pilot stakeholders highlighted delays to legal counselling as a key challenge on the pilot. Stakeholders explained how these initial delays meant that legal counselling sessions were not staggered throughout the year, and there was a rush to get participants' cases resolved before the end of the pilot. They pointed to a range of reasons for these delays:

- the Home Office were slow to return responses to SARs (prior to the introduction of Home Office files), which meant that appointments for the initial group of participants with legal representatives were delayed.
  - legal representatives were very busy in general, and Action Foundation had to put pressure on them to speed up the provision of legal counselling sessions and also encourage them to spend the requisite time with participants, so that they felt listened to and not rushed through the process
101. There was likely a small delay in Action Foundation getting Service Level Agreements (SLAs) set up initially with legal providers, however, this is unlikely to have had a significant effect on any of the legal cases. More significant factors were cited as: a) The delay in initially obtaining the participant's Home Office files, and b) COVID-19-related delays.
102. From March 2020, Action Foundation report that legal providers were both inundated with work and working at lower capacity due to COVID-19. In addition, they also did not accommodate any face to face appointments and took a number of months before agreeing to conduct appointments virtually.
103. Action Foundation reported that every reasonable action was taken by Action Foundation and where relevant the Home Office to work through these delays, but unfortunately the combination of factors led to a lengthy delay in the conclusion of their legal case for some participants.
104. COVID-19 also contributed to delays in the following ways:
- it took some time for solicitors and courts to transfer their services online
  - Action Foundation had to set up participants with the necessary technology to communicate with their legal representative remotely
105. However, pilot stakeholders noted that the Home Office showed adaptability by putting a different system in place to help speed up the rate at which participant's Home Office files were provided.

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*“We were sort of waiting and waiting on the documents coming from the Home Office, but to give them their dues, they did work around that and started presenting a different sort of bundle that they can give much quicker. It's great to hear that the team behind them are flexible in that way.” (Action Foundation stakeholder)*

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### Facilitating online access to legal counselling

106. Pilot stakeholders also emphasised the difficulty of supporting participants remotely through legal counselling during COVID-19. Staff felt that it was more difficult for support workers and participants to concentrate fully during long video calls with legal advisors, and for support workers to assess how participants were feeling over the phone or online following legal meetings. Stakeholders also perceived that it was harder for participants to gain rapport with their legal representatives over video call, and to feel comfortable to challenge them and argue their case. Some mentioned that using video calls could have reminded participants of their negative experiences in immigration detention, where cases were carried out via video link. Those who expressed this view suggested that in turn, it was difficult for legal advisors to gain new or adequate evidence from participants to progress their case or build a detailed understanding of it.

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*“Perhaps if they felt more comfortable in an office environment, they may be able to take a bit more ownership of their case and really argue their case, where I can't imagine how stressful it must be to have to sit there on a screen and say your case to somebody you've never met before.” (Action Foundation stakeholder)*

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### Implementing the three-meeting model

107. There were also challenges around the implementation of the three-meeting model. There was a lack of clarity around the legal counselling model for support workers, who were sometimes unsure whether they should insist on a participant having all three meetings even where the legal representative or participant said they did not want or need them. Stakeholders who felt that three meetings were not always necessary commented that Action Foundation would have benefitted from having more flexibility from the Home Office to carry out fewer where appropriate. However, testing the three-meeting legal model was an important element of the pilot and each meeting had a specific and distinct purpose as described in section 4.3.4. Action Foundation staff suggested that there could have been improved handover during changes to their internal pilot delivery team, as new staff did not always fully understand the model or its rationale. This made it difficult for those staff to ensure the legal counselling model was being delivered as intended.
108. No participants spoke of having, or being offered, three meetings. Both pre-lockdown and during lockdown, participants suggested that there could have been more frequent meetings with their legal representative, and also felt that communication with their support worker about their case could be more regular and detailed. This may have been exacerbated by the move to holding legal counselling meetings online during lockdown.

### Managing expectations

109. Stakeholders reported that it was challenging to manage participants' expectations around the outcome of their legal counselling. Support workers shied away from reiterating to participants the possible outcomes of their legal counselling, as it could feel at odds with their role as caring figures. Stakeholders also felt that it could be difficult for support workers to balance their supportive role with the aims of the Home Office. They explained that whilst the Home Office needs to action returns where participants have exhausted their immigration options, Action Foundation staff are there to support women and may be concerned about their wellbeing if they are returned. Pilot stakeholders experienced some tension between their role and the aims of the Home Office, as they thought there would be more positive decisions on participants' cases.

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*“...my agenda is possibly, yes, it's responding to what the Home Office requires, but my agenda is with those women and what's best for them. That's where the conflicts have come in...” (Action Foundation stakeholder)*

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## 5. Outcomes of the Action Access Pilot

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| 1. How effectively does the <i>Action Access</i> pilot deliver basic needs, case management and legal support?   |
| 2. To what extent does the <i>Action Access</i> pilot contribute to desired outcomes across the five pillars of support (personal stability, reliable information, community support, active engagement and prepared futures)? |
| 3. Considering the long-term aims of the pilot programme, to what extent does the <i>Action Access</i> pilot represent value for money?  |
| 4. What lessons learnt and examples of promising practice are emerging from the <i>Action Access</i> pilot that could be applied across the UK government's approach to asylum and migration management?                       |

110. In this chapter we explore the extent to which the *Action Access* contributed to desired outcomes for participants.
111. We first present the case resolution outcomes reached by pilot participants, according to the MI data provided by the Home Office. We then consider the extent to which pilot participants and stakeholders felt that the immediate, short-term, medium-term and long-term outcomes set out in the logic model were achieved. We conclude the chapter by considering the extent to which the pilot met its overall aim to '*provide more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by encouraging voluntary engagement with the immigration system*'.<sup>60</sup> We focussed on the outcomes in the logic model, recognising that some of the five pillars of support refer to what we would understand as inputs (as opposed to outcomes).

### 5.1 Pilot participant outcomes

The Home Office provided MI data on the outcomes of the pilot for the pilot participants.

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<sup>60</sup> Action Foundation (no date) "*Action Access*". Accessed April 19, 2021. <https://actionfoundation.org.uk/projects/action-access/>

112. **Table 5** summarises the outcomes for pilot participants. It should be noted that there is no comparison group for this data and caution should be taken in drawing conclusions from this small sample.

By the definition of case resolution set out in the *Action Access* logic model (Figure 1), resolution of immigration status refers to voluntary departure or regularization. This was achieved for 5 participants. A further 5 participants have submitted new applications or appealed their decision since leaving the pilot, and 8 remained without any options to remain in the UK. Three participants left the pilot without informing Action Foundation. Safeguarding concerns for those who left the pilot without information Action Foundation were addressed jointly by Action Foundation and the Home Office. One participant who left the pilot without informing Action Foundation subsequently re-engaged by submitting an application at a later date.



**Table 5: Home Office outcomes data (terminology used by the Home Office)**

<b>Participant outcome</b>	<b>n</b>
Granted asylum in the UK	1
Took up voluntary return (or voluntary return pending)	4
Left pilot - outstanding application	5
No options to remain	8
Left pilot – without informing Action Foundation	2

## 5.2 Logic model outcomes

113. **Figure 3** summarises immediate, short, medium and long-term outcomes of the Action Access pilot.

**Figure 3: Action Access logic model outcomes**

<b>Immediate</b>	<b>Short-term</b>	<b>Medium-term</b>	<b>Long-term</b>
Reduced restrictions on movement	Increased knowledge (about their position in) the asylum process	Increased emotional wellbeing	Fewer people drop out of contact with the Home Office
Increased certainty about short-term situation	Increased understanding about the immigration options available to them	Increased trust in the immigration system	Increased compliance with the requirements of the immigration system
	Increased interaction with the community	Increased ability to navigate the immigration system	Increased acceptance of immigration decisions
	Increased ability to communicate	Increased active engagement with the immigration options available to them	More people make immigration decisions that are appropriate to the situation
	Increased engagement with the immigration system	Increased confidence to communicate	More timely resolution of immigration status (voluntary departure or regularisation)

### 5.2.1 Immediate outcomes

#### Reduced restrictions on movement

114. Participants reported an immediate improvement to their wellbeing resulting from leaving immigration detention and having the freedom to move around, leave their accommodation, explore the local area and travel to visit friends. This benefit of the pilot was tempered by the COVID-19 lockdown, and the lockdown's impact on participants' freedom of movement negatively impacted participants' wellbeing.

## Increased certainty about their short-term situation

115. As described in section 4.2, participants benefitted from increased certainty about their short-term situation during recruitment to the pilot and on joining the pilot. Support workers gave clear information during recruitment about what the pilot would entail including the offer of accommodation, support from a support worker and legal counsel. This provided participants with clarity and certainty about their immediate future on leaving immigration detention.

## 5.2.2 Short term outcomes

### Increased understanding about the immigration options available to them

116. Participants received more support with their case and a thorough assessment of their options within the asylum system through *Action Access* than they may have otherwise received. However, participants still had a varied knowledge of their position in the immigration system and understanding about the immigration options available to them.
117. This variety can be attributed in part to the complexity of the information conveyed. Stakeholders acknowledged that, despite the best efforts of those working on the pilot, this complexity contributed to the potential for misunderstanding.

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*“So because the information is necessarily complex and detailed, and is often in a second language or is translated material, either written literature or in person, there is just huge scope for widespread and quite significant misunderstandings.”* (Action Foundation stakeholder)

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118. The complexity of the information presented and processes involved led to participants placing their trust in their legal representative rather than increasing their own understanding of the specifics of their legal case. When asked about communicating with their legal representative and their understanding of their case, a pilot participant described their lack of understanding and reliance on their support worker when communicating with their legal representative:

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*“The lawyer knows what the law is, what case can be put together. I know nothing...It won't be easy. There's nothing easy. I don't understand anything.”* (Pilot participant)

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119. Other factors identified as limiting participants' knowledge and understanding of their case were language issues, making decisions under significant stress and participants' experience of trauma. The evaluation found the role of support workers was crucial in supporting participants to engage with legal counselling and to understand the information they received.
120. Additionally, as described in section 4.5, we note that both the legal counselling model and accompanying support from support workers developed during the pilot and that later participants benefited from the additional legal counselling available through the three-meeting model.

### Increased interaction with the community

121. Participants had increased interaction with the local community, relative to immigration detention. Due to its position within the local community and strong pre-existing links to local groups, Action Foundation was well-situated to provide opportunities for interaction through their additional services such as English language classes and their strong links with the local community. This helped participants to access religious services and voluntary work. Participants were supported to maintain their pre-existing social networks through assistance in travelling to visit friends in other cities.
122. Support workers described supporting participants to keep in touch with their prior communities but participants described the difficulties they had in replicating the local networks they had before joining the pilot. This made the transition to living in Newcastle difficult and contributed to a sense of isolation in the participants. Participants valued being able to maintain their social connections by travelling to visit friends in other cities

### Increased engagement with the immigration system

123. There was limited evidence from the evaluation that participants on the pilot had increased engagement with the immigration system beyond meeting their Home Office reporting requirements. Action Foundation support workers supported participants to comply with Home Office reporting requirements by reminding participants of their reporting requirements and accompanying them to report in person. That only two participants remained out of contact with the pilot irregularly was cited as an illustration of the success of casework support in the community in promoting the participants' active and elected engagement with the immigration system. However, it is unclear whether this represents increased engagement with the immigration system relative to detention and the extent to which the engagement was understood by participants as 'voluntary'.

## 5.2.3 Medium term outcomes

### Increased emotional wellbeing

124. The evaluation found strong evidence that the pilot gave participants the space and time to improve their mental and physical wellbeing, leading to improved emotional wellbeing, in comparison with immigration detention. This is indicated by increases in confidence and resilience among participants. Participants spoke about the provision of accommodation, friendship with other pilot participants and the feeling of freedom as promoting wellbeing. However, participants described the mental and physical health problems from which they were recovering as caused or exacerbated by the negative and traumatic experience of being detained and gave examples of experiencing suicidal thoughts and physical illnesses caused by stress and lack of access to appropriate food in immigration detention.

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*"In detention, you don't have this kind of positive atmosphere. You just want to cry. You just want to stop eating. You just want to kill yourself. This is because you are so in trouble there, right. Then, when you come out, it's like everything is going to be nice again... the*

*atmosphere is very different, and I think you recover yourself.” (Pilot participant)*

*“My diabetes and cholesterol went really high. My iron has gone down, and I’ve been so ill. I’m so tired, I tell you.” (Pilot participant)*  
*“But I have so much tension, which happened in detention with all the food stuff. My whole body is ruined.” (Pilot participant)*

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125. Improvements to participants’ wellbeing were constrained by external factors, including the COVID-19 pandemic and their limited financial means (pilot participants received £38 a week- roughly equivalent to asylum support).

#### Increased active engagement with the immigration options available to them

126. There is limited evidence from the evaluation that participants had increased ability to navigate the immigration system or increased active engagement with their immigration options, in comparison with detention. Participants received support from Action Foundation support workers to engage with and navigate the immigration system through the casework approach, which would not have been available to them in detention. However, as discussed above, participants’ ability to navigate the immigration system and their active engagement with their immigration options varied. For those participants with limited options, the first meeting with a legal representative as part of the legal counselling was a point at which participants became less actively engaged with the pilot and the immigration system:

*“Certainly in the early stages of somebody’s journey, there’s every reason to engage, and I think there was really significant active engagement. I think where that fell down a little bit, is perhaps when the first solicitors appointment became very clear that there was very little grounds on which they could gain regular status. I think there was a small number of people that perhaps that was quite a key point at which they started to disengage a little.” (Action Foundation stakeholder)*

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#### Increased trust in the immigration system

127. There was some, albeit limited, evidence from the evaluation that the pilot made a difference to participants’ trust in the immigration system. Action Foundation support workers suggested that the participants were wary of the Home Office and that the support workers advocated on participants’ behalf, acting as a buffer between participants and Home Office staff:

*“I think one of the main strengths that I think we’ve had with our role with Action Foundation, is that we could be a buffer for the women, where they knew that things weren’t going to be passed back to the Home Office unless, obviously, they were needed and were agreed with the women that we could do that. I think, keeping the Home Office at arm’s length allowed the women to feel a bit more safe and secure in the places that they were living.” (Action Foundation stakeholder)*

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## 5.2.4 Long term outcomes

### More timely resolution of immigration status (voluntary departure or regularisation)

128. Overall, there is insufficient evidence from the evaluation to ascertain whether participants experienced more timely case resolution than they would otherwise have done. Resolution of immigration status (regularisation or voluntary departure) was achieved for five pilot participants during the course of the pilot. Due to COVID-19, voluntary and enforced returns were not being processed for a significant time, which may have impacted upon the timely resolution of cases. However, this impact is hard to quantify.
129. Action Foundation report that although the pace of case resolution in the final 3-4 months of the pilot was really good, it is unclear as to the reasons for this. Stakeholders described the pilot as having made little difference in terms of case resolution for the participants who completed legal counselling and had no options to remain, or those who left the pilot, in that they had the same immigration options that were available to them as in immigration detention. Pilot participants who left the pilot returned to live with friends in the cities in which they lived prior to being detained. Stakeholders raised concerns that participants leaving the pilot were at risk of being detained again or experiencing exploitation. Generally, strategic stakeholders and support workers felt that case resolution had been reached for some of the participants, but not all.
130. Stakeholders described a lack of clarity at the outset of the pilot as to the expectations for support workers' role in preparing participants for the outcome of their case and their plans for the future. For stakeholders, their expectation of positive outcomes for asylum cases and perceived conflict between the agendas of the Home Office and the support workers may have prevented them from discussing the potential for negative decisions with participants. Strategic stakeholders felt that learning about when and how to talk to participants about options and possible outcomes came too late in the pilot.
131. It was suggested by one Home Office stakeholder that more could have been done to fully explore with participants the options for voluntary returns to their home country. Action Foundation stakeholders reported that accessing the Voluntary Return Scheme helped participants to feel in control of their immigration case, but others expressed concerns around the safety of participants returning to their home countries.
132. Delays to the legal counselling process were experienced which meant that participants spent longer than expected on the pilot. However, it was suggested that the development of the legal counselling model throughout the pilot contributed to more timely resolution being achieved towards the end of the pilot.

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*"I think we could have seen quicker resolutions, and I think with legal immigration status, a quicker resolution is a better resolution, and regardless of what that is. Being caught in limbo is one of the key issues with our immigration system, full stop, beyond the scope of the pilot. (Action Foundation stakeholder)*

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## More people make immigration decisions that are appropriate to the situation

133. There was no evidence within the timescale of the pilot that participants' immigration decisions were more appropriate to their situation as a result of being on the pilot, or whether these decisions were different to those which they otherwise would have made. Despite their situation and experience of immigration detention, pilot participants hoped to remain in the UK and expressed fear and uncertainty about returning to their home country. This is supported by the number of participants who had no option to remain following their legal review but who did not take up the option of voluntary return.
134. Participants' increased expectations of achieving a positive outcome for their asylum case through being on the pilot may have influenced their immigration decisions. This was a common theme raised by both stakeholders and pilot participants. Participants' expectations of remaining in the UK endured despite Action Foundation's efforts to explain the situation and manage their expectations. One stakeholder reflected that the longer time spent on the pilot and the uncertainty around the progress of legal reviews may have contributed to participants' expectations on a positive decision.

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*"So basically, it was like "if you want to come with us, we will take two years, 24 months, to help you. If your case is hopeful, we will continue helping you. If your case is not so hopeful, like you won't win in court...then we will tell you nine months in advance." I understood that they were going to help us to get a legal status to stay in the UK."*  
(Pilot participant)

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## Increased acceptance of immigration decisions

135. There was also limited evidence within the timescale of the pilot that the pilot had made a difference to participants' acceptance of immigration decisions. Stakeholders described the legal model as having been designed to provide participants with the opportunity to fully explore their legal options and to "close the loop" of people feeling that they had not had the opportunity to be heard and to have their case fully reviewed and continuing to seek additional legal counselling. However, an Action Foundation support worker indicated that all the pilot participants with whom they had worked intended to re-engage with legal services regarding their immigration cases as they had not had time to provide the evidence they needed during the pilot, indicating that participants did not accept the outcome. Participant expectations of a positive outcome may also have influenced the extent to which participants accepted immigration decisions.

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*"I've heard all the women who were leaving the pilot are keen that they want to get engaged with the legal services again, which is obviously a positive. They just didn't have the evidence that they needed at the time."* (Action Foundation stakeholder)

*"[Support worker] told me that I shouldn't be too disappointed if they don't give me any legal status in the UK after 90 days. We will give them new evidence for me to stay in the UK. We can appeal."* (Pilot participant)

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136. As pilot participants are not followed up beyond the end of the pilot, it is not possible for the evaluation to determine whether participants change their immigration decisions or go on to re-engage with legal services. Participants' cases are being followed up in the longer term by the Home Office.

#### Increased compliance with the requirements of the immigration system

137. There was some indication that participants left the pilot more compliant with the immigration system, and that this may extend beyond the timescale of the pilot for those participants. As described above, *Action Access* support workers supported participants to comply with their Home Office reporting requirements.

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*“Some left the pilot to go and stay with friends but were very compliant in terms of, okay this is what you need to do to make sure that your bail conditions are met still even if you're not with us anymore. What's your forwarding address? They were happy to share that with us knowing that we would share that with the Home Office. So I guess you could say that the majority of the clients – I don't know numbers – but perhaps the majority were more voluntary compliant with the system.”* (Action Foundation stakeholder)

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#### Fewer people dropping out of contact with the Home Office

138. The increased compliance described above may lead to fewer people dropping out of contact with the Home Office. However, a limitation of both the pilot and the evaluation is that participants are not followed up beyond the duration of the pilot and therefore the evidence for this claim is limited. As above, the Home Office is following up participants' cases beyond the timescale of the evaluation.

### 5.3 Meeting the aim of the *Action Access* pilot

139. The overall aim of the *Action Access* pilot was 'providing more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by encouraging voluntary engagement with the immigration system'. The evaluation found clear evidence that the *Action Access* pilot provided a more humane environment for participants, in comparison with immigration detention. However, due to the lack of a comparison group and published data on the outcomes for a comparable population in detention, there is limited evidence from the evaluation that the participants on the *Action Access pilot* experienced more efficient case resolution than they would have otherwise experienced, or whether they engaged with the immigration system on a more voluntary basis.
140. Stakeholders felt that the pilot had met its aim for the participants who were involved in the pilot, but for the reasons discussed above, had not met its target in terms of numbers which limited the extent to which the pilot met its outcomes overall.
141. Through the provision of accommodation, basic needs and pastoral support, the pilot provided '*a much more humane comfortable environment in which to exist while that legal review took place*' in comparison with immigration detention (Action Foundation stakeholder). This approach was seen to have value by both participants and stakeholders in providing space and time for participants to

engage with immigration decisions and reflect on their option outside of the stressful environment of detention.

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*“Whether or not that changes the outcome of their cases is not I think necessarily the case, but I think it obviously gives them the best opportunity to pursue viable options, whereas they may not have had that conversation in a detention setting.”* (Action Foundation stakeholder)

*“Even if they ultimately end up making difficult decisions in terms of voluntary return and things like that, at least then they've had the time to do that, rather than within an instant hour consultation in a detention centre somewhere. I think that reflection time is really important, because these are big life decisions that they end up making.”* (Action Foundation stakeholder)

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142. The pilot was seen to have benefits in terms of self-esteem and wellbeing, above and beyond providing the opportunity for participants to engage with legal counselling to reach case resolution.

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*So I think a lot of the narrative around the project and certainly their perspective is, it's about legal outcomes, I think the value of support work goes far beyond that. It's almost a totally additional element to building somebody's capability; competence; self-confidence; self-esteem; hope. All of that good stuff is really important and really valuable, no matter what their legal outcome.* (Action Foundation stakeholder)

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143. The costs of the pilot are discussed in Chapter 6.

## 6. Cost of the *Action Access* pilot

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| 1. How effectively does the <i>Action Access</i> pilot deliver basic needs, case management and legal support?   |
| 2. To what extent does the <i>Action Access</i> pilot contribute to desired outcomes across the five pillars of support (personal stability, reliable information, community support, active engagement and prepared futures)? |
| 3. Considering the long-term aims of the pilot programme, to what extent does the <i>Action Access</i> pilot represent value for money?  |
| 4. What lessons learnt and examples of promising practice are emerging from the <i>Action Access</i> pilot that could be applied across the UK government's approach to asylum and migration management?                       |

144. In this chapter we explore the costs of the *Action Access* in comparison with the costs of immigration detention. We draw on costs data provided by Action Foundation and published data on the costs of immigration detention.

### 6.1 Cost of the *Action Access* pilot

145. Data regarding the costs of the pilot as delivered and as designed were provided by Action Foundation. Costs as delivered were provided as spend from December 2018 to project end in March 2021. The costs of *Action Access* include:

**Property and associated costs** - includes accommodation rental, rates, heating, lighting, utilities, broadband, maintenance, inspection and repairs;

**General project costs** – includes:

- cash support for clients (£38 subsistence per week, approximately equal to cash support provided to asylum seekers and paid by pre-paid card, cash or bank transfer);
- legal counselling support, translation and interpreter costs;
- client travel cost, including local travel, and travel to meetings in Liverpool and embassies in London,
- staff travel costs that are directly related to client work, including travel to support clients and accompanying clients to meetings.

**Total staff costs** - covers two full time support workers, supervision and management.

**Staff travel** - only applies to those costs not directly associated with client work (travel to Yarl's Wood, meetings with Home Office in London).

146. Annual estimated costs of the continuation of the *Action Access* pilot were provided by Action Foundation, with the assumption that the programme is running at full capacity of 21 participants and that participants remain on the pilot for 6 months.

### 6.2 Differences in costs of *Action Access* as designed and as delivered

**The differences in the design and delivery relevant to the costs of the *Action Access* pilot are summarised in**

147. Table 6. While the *Action Access* pilot supported around half of number of participants originally budgeted for, the participants stayed on the pilot for over

twice as long as originally budgeted, with a range of time on the pilot from 20 to 621 days.

**Table 6: Number of participants and time on pilot as designed and as delivered**

	<b>Designed</b>	<b>Delivered</b>
<b>Number of participants</b>	21	20
<b>Average length of time on pilot</b>	182.5 days (six months)	295 days

148. Additional differences to the costs of the pilot as designed included an underspend on staff time as fewer pilot participants were supported than originally budgeted. However, the 20 participants who were supported through the pilot required additional staff time to that budgeted as it took longer or casework to be carried out remotely. Other costs directly attributable to the COVID-19 lockdown included the purchase of 5 laptops to facilitate remote meetings and casework.

### 6.3 Cost of *Action Access* in comparison with cost of immigration detention

149. The cost of the *Action Access* pilot as conducted (Table 7) is less expensive per participant per night than holding an individual in detention. However, the potential savings offered by extending the pilot, such as reductions in rents on longer leases and running at capacity, indicate that the cost of the *Action Access* pilot could be less than half the cost of holding an individual in detention.
150. A number of delays contributed to participants spending longer than anticipated on the pilot, including delays to SARs and the COVID-19 pandemic and lockdown. The cost of the pilot per participant per day is cheaper as designed (£74.83 per participant per day) than as delivered (£87.02 per participant per day), and is less than the cost of immigration detention per person per day (£93.35 per participant per day). However, due to the longer than anticipated time that participants spent on the pilot, something that was not envisaged during the design of the pilot, the mean total cost per participant is much greater for the pilot as delivered (£28,365.70 per participant) than as designed (£13,656.58 per participant).
151. Costs provided by Action Foundation for the continued running of *Action Access* predict that the ongoing cost of *Action Access* would be less than half the price of immigration detention per person per day (£41), to a mean total cost per participant of £7,441.50. This is based on three assumptions: 1) longer leases on property 2) that the project runs at full capacity and 3) participants are supported for a maximum of 6 months. For cost savings to be fully realised, ATD programmes should aim to operate at capacity. This is discussed further in the recommendations section below.

**Table 7: Cost calculations for *Action Access* pilot as designed, as delivered, if continued, and cost of immigration detention<sup>61</sup>**

	<b><i>Action Access</i> pilot as designed</b>	<b><i>Action Access</i> pilot as delivered</b>	<b>Continuation of <i>Action Access</i></b>	<b>Immigration Detention</b>
<b>Total cost (£)</b>	682,829.24	567,314	312,544 p.a. <sup>62</sup>	-
<b>Cost per participant per day (£)</b>	74.83	87.02	41	93.35 <sup>63</sup>

## 6.4 Limitations of comparison between costs of *Action Access* and immigration detention

152. The extent to which the Key Evaluation Question, ‘Considering the long-term aims of the pilot programme, to what extent does the *Action Access* pilot represent value for money?’, can be answered using this data and in comparison with the cost of immigration detention is extremely limited. Given the overall aim of ‘providing more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by encouraging voluntary engagement with the immigration system’, the lack of published data on the outcomes for people in immigration detention means that it is not possible to compare the cost-effectiveness of case-resolution of pilot participants with people in detention. This reflects on an ongoing discussion in the literature as to how the cost-effectiveness of ATD can best be assessed.<sup>64</sup>
153. The cost comparison with immigration detention is limited by the lack of available data on cost and length of stay in immigration detention for the profile of women who were recruited to the pilot. The published costs for detention are the average across the detention estate, rather than for Yarl’s Wood specifically. In addition, the average length of stay for individuals in detention<sup>65</sup> is much shorter than the length of time participants spent on the pilot.
154. The costs of the pilot as designed and as delivered reflect the substantial setting-up cost at the beginning of the pilot and ongoing management costs, which are spread across the number of individuals who received support from the pilot. Not included in these costs calculations are the hidden costs of immigration detention such as requirement for primary healthcare in the community, the cost of support and care provided by civil society organisations and compensation paid for

<sup>61</sup> It was not possible to provide the annual costs of immigration detention for comparison because of a lack of published data.

<sup>62</sup> Annual estimate of the costs for the continuation of the *Action Access* pilot were provided by Action Foundation.

<sup>63</sup> Cost of detention per person per day is calculated as the mean cost of detention per person per day from the start of the pilot to the latest available data in Q2 2020. Available at: <https://www.gov.uk/government/publications/immigration-enforcement-data-february-2020>.

<sup>64</sup> Ohtani, E. (2018) Alternatives to detention from theory to practice: Evaluation of three engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland. European Programme for Integration and Migration. Available at: [https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report\\_FINAL.pdf](https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report_FINAL.pdf)

<sup>65</sup> Most recent published data on the average length of detention is available in National Audit Office (2020) Immigration enforcement [available at <https://www.nao.org.uk/report/immigration-enforcement/>]. Immigration Enforcement’s management information shows that, in December 2019, it detained an individual for an average of 24 days.

wrongful detention.<sup>66</sup> Beyond the cost of the services that Action Foundation is contracted to deliver by the Home Office as part of the Action Access pilot, the value of the additional services provided by Action Foundation through their network of volunteers, activities and ability to refer participants to other voluntary organisations is difficult to quantify.

155. The longer than planned length of time that participants spent on the pilot contributed to the higher-than-designed cost of the pilot per participant. The COVID-19 pandemic and resulting lockdown undoubtedly contributed to this. However, the initial delays to SARs extended the initial participants' time on the pilot. In addition, the relatively long length of time that the pilot participants had spent in the UK and the complexity of their cases may have added to the length of time they spent on the pilot.

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<sup>66</sup> Between 2012 and 2018, Home Office wrongful detention claims paid totalled £24.4 million. Home Affairs Select Committee, *Immigration detentions*. (HC 2017-2019) Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/913/91306.htm>



## 7. Learning from the Action Access Pilot

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|--|
| 1. How effectively does the <i>Action Access</i> pilot deliver basic needs, case management and legal support?   |
| 2. To what extent does the <i>Action Access</i> pilot contribute to desired outcomes across the five pillars of support (personal stability, reliable information, community support, active engagement and prepared futures)? |
| 3. Considering the long-term aims of the pilot programme, to what extent does the <i>Action Access</i> pilot represent value for money?  |
| 4. What lessons learnt and examples of promising practice are emerging from the <i>Action Access</i> pilot that could be applied across the UK government's approach to asylum and migration management?                       |

156. In this chapter, we explore the key lessons learnt from the *Action Access* pilot and identify examples of promising practice emerging from the pilot.
157. We first present key challenges from the pilot and discuss how these were addressed to identify lessons which can be learnt about implementing ATDs. Secondly, we consider examples of promising practice emerging from the pilot. Finally, we consider the application of these lessons and examples of promising practice to the UK government's approach to asylum and migration management.

### 7.1 Key challenges and lessons learned from the *Action Access* pilot

#### 7.1.1 *Developing a collaborative working between Action Foundation and the Home Office*

158. Despite initial concerns on both sides regarding reputational risk and differences in organisational culture, the Home Office and Action Foundation developed a successful collaborative relationship through building trust and the expression of key shared aims.
159. The collaborative working relationship between Action Foundation and the Home Office was a source of opportunities and challenges for the pilot. Action Foundation and Home Office strategic stakeholders described risks to the Home Office that pilot participants would abscond from the pilot and risks to Action Foundation's reputation within the refugee and asylum support sector that they would be seen as working to further the aims of the Home Office (although the aims of the pilot had been agreed between all stakeholders, including the Home Office).

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*"...word of mouth and credibility is everything. If word gets out, 'Oh, don't go to Action Foundation, they're working on behalf of the Home Office and you'll be out of the country before you know it.' "* (Action Foundation stakeholder)

*"I found that Home Office were surprisingly comfortable with taking some risks. This whole project is a risk."* (Action Foundation stakeholder)

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160. It was reported that two participants absconded from the pilot. Actions taken by Action Foundation included: reporting to the Home Office at the earliest

opportunity; follow-up with client from a safeguarding perspective; making contact with absconders and although no forwarding address was provided, they were advised to make themselves known to the Home Office.

161. Strategic stakeholders and support workers described challenges presented by this collaborative approach. Strategic stakeholders perceived there to be conflict between the values of Action Foundation and the Home Office. Stakeholders from both organisations acknowledged that the motivations and aims of the two organisations would never fully align, and that this conflict was particularly felt by support workers working directly with pilot participants.

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*“So to say to support workers, 'We're going to work with Home Office,' they're not going to say, 'Yes, great, fine, no problem,' because most of their time they're fighting Home Office on behalf of our clients. They're advocating on behalf of our clients.”* (Action Foundation stakeholder)

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162. Differences in organisational culture was identified as another challenge in collaborative working. Stakeholders from both the Home Office and Action Foundation described the disparity in size and pace of decision-making between the two organisations, which led to frustration at times.

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*“I guess the Home Office is a mighty beast and has a number of layers and bureaucracies that obviously in a small organisation like ours we don't have to go through these layers. Decisions can be made pretty quickly and that's different at the Home Office. So, yes, that might have been frustrating at times.”* (Action Foundation stakeholder)

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163. Lessons were learnt from the pilot in terms of how to overcome these challenges to develop a positive and productive collaborative working relationship between the Home Office and Action Foundation. These included building trust, not just at the strategic level but also between the support workers and the Home Office, through the articulation of shared aims and a sense of working in the best interests of the pilot participants and by setting boundaries which preserved Action Foundation's values and protected their limitations.

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*“Central to all of that, is about developing trust. Home Office need to trust us as an organisation, that we're not just going to hide people, or tell them not to turn up, or disengage, but the individuals engaging with that needed to trust us, that we weren't being the Home Office in different clothes, and we weren't going to coerce them.”* (Action Foundation stakeholder)

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164. Action Foundation report that they are not aware of any negative impact on reputation from having engaged in this pilot.

165. Strategic stakeholders and support workers identified ongoing opportunities for open, continuous and positive communication without defensiveness as key to collaboration between Action Foundation and the Home Office. They also

highlighted clarity around roles, boundaries and responsibilities for both parties as important in supporting a positive working relationship.

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*“We were able to talk openly and honestly, in a way that people didn’t feel defensive or casting blame. It was a very collaborative constructive working relationship, would be my view, and because of that, I think we were able to overcome, within reason.”* (Action Foundation stakeholder)

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### 7.1.2 Maximising recruitment to, and uptake of, the pilot

166. Recruitment of participants to the pilot posed a significant challenge for *Action Access*. Factors which limited recruitment to the pilot included COVID-19 and lockdown, lower than anticipated numbers of eligible participants, slow set up of recruitment routes and low levels of trust and engagement with the pilot. Suggested strategies for maximising recruitment included providing accessible recruitment information in a variety of languages and formats.
167. The *Action Access* pilot supported 20 pilot participants and did not reach its full capacity of 21 participants. Stakeholders from both Action Foundation and the Home Office identified the low uptake of the pilot as a major challenge and felt that this had limited the extent to which the pilot could meet its overall aim. While COVID-19 and lockdown contributed to the challenges in recruiting the target number of participants to the pilot, stakeholders and support workers identified additional challenges (as described in Chapter 4) including the process of setting-up of both the Yarl’s Wood and local recruitment routes, fewer eligible women in immigration detention than anticipated and low levels of trust and hesitancy to engage with the pilot related to the adverse effects of immigration detention and wariness regarding the Home Office’s involvement in the pilot. Stakeholders from Action Foundation spoke about having suggested widening the criteria for accessing the pilot to allow more participants to be recruited, but having experienced resistance from the Home Office. However, parameters around eligibility criteria were agreed by stakeholders at the outset.

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*“I think we could have been a little bit more open to slightly widening the criteria, but I think [Home Office] were keen to keep very rigid and strict with who could or couldn’t engage with the pilot. I think that meant that the amount of time to build some momentum with a number of people engaging with the pilot was very slow.”* (Action Foundation stakeholder)

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168. While these challenges were not overcome during the life of *Action Access*, they do offer opportunities to learn from the pilot. Stakeholders highlighted the importance of a well-planned and thought through recruitment process with clear criteria and processes. The paperwork involved in the application process was found to be off putting to some potential participants and stakeholders suggested that accessible recruitment information for potential participants should be developed and made available in a variety of languages and formats, as well as opportunities for in-person discussions with potential participants about the pilot. Documents available to potential participants during the first round of recruitment were only available in English. However, following feedback from participants, recruitment documents were translated into the main languages spoken by those

in detention and were used in subsequent rounds of recruitment. Stakeholders also felt that it was important to understand the potential and perceived risks to participants of joining the pilot, particularly those who had not previously been known to the Home Office.

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*I know there was a lot of talk about it shining a light on clients and then being concerned that they may have been quite comfortable, as they had been for a number of years potentially, and then all of a sudden, they're cast into the light of the Home Office. (Action Foundation stakeholder)*

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### 7.1.3 Timely delivery of pilot

169. Participants spent much longer on the pilot than originally planned (as described in Chapter 6), with both delivery and cost implications for the pilot. Variation in length of time on the pilot should be built into planning and budgeting, and strategies developed to identify and reduce delays, such as the introduction of the “Home Office bundle” as an alternative to SARs. This was introduced during the course of the pilot in a move to reduce delays.
170. Delays to the delivery of the pilot such as delivery of the legal model, participants receiving information on their immigration options and moving on from the pilot constituted a significant challenge. While some of the delays to the pilot were due to the COVID-19 lockdown, there were already significant delays to recruitment and elements of the legal model, such as accessing Home Office files, before the onset of the pandemic. These delays, which were not always something that either Action Foundation or the Home Office had control over, meant that participants spent longer than planned on the pilot, and stakeholders voiced concerns that this was contributing to increased expectations of a positive outcome on the part of the participants and the development of more involved and personal relationships between pilot participants and support workers. These close relationships made participants receiving a negative decision more difficult for both pilot participants and support workers.

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*So if the timescale had have been tighter, it would have been better. Well, the same thing would have happened, but of course, we wouldn't have had such an intense relationship with the people. (Action Foundation stakeholder)*

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171. This increased length of time spent on the pilot also had an impact on the costs of the pilot. As described in Chapter 6, participants spent on average almost double the number of days on the pilot than was originally budgeted, increasing the cost per participant of the pilot and limiting the cost effectiveness of the pilot overall.
172. While this challenge was only overcome during the pilot for the last participant, the importance of timely movement of participants through the pilot in terms of both participant wellbeing and expectations, and cost effectiveness, is an important learning point.

## 7.2 Emerging examples of promising practice

### 7.2.1 Model of delivery between Action Foundation and Home Office

173. The unique collaboration between Action Foundation and the Home Office in the delivery of *Action Access* is a key example of promising practice. The Home Office's ability to provide bespoke solutions to challenges, and Action Foundation's reputation, experience and position within the local community contributed to the success of this approach to delivery.
174. Government and civil society working together to deliver the pilot was seen as a unique approach to delivering ATD and stakeholders valued the iterative process of planning and developing the pilot. Action Foundation support workers were involved in the design of the pilot and had some influence in design which helped to build trust. Action Foundation and the Home Office worked together to solve problems and develop more bespoke approaches to Home Office processes such as provision of Home Office files as an alternative to SARs and providing asylum support payments directly to Action Foundation. This model of building relationships between Government and civil society was viewed as a successful way of helping to break down any existing barriers to working together to reach better outcomes for participants.
175. The involvement of a third sector organisation such as Action Foundation in developing and delivering the pilot was identified as a key example of promising practice. The input of the team at Action Foundation brought huge benefit in terms of their reputation in the sector, their experience in delivering similar work and their connections with the local organisations, legal providers and the wider community. The involvement of UNHCR in the *Action Access* pilot has also considered to be a positive element of this partnership approach.

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*One of the things I think we've been able to do effectively is, and again working from the bottom up, is link clients with other organisations locally, because they're housed in community settings with other support, whether it's from the refugee sector or just local organisations in the voluntary sector or statutory. (Action Foundation stakeholder)*

*"UNHCR being involved, I think really helped hold our decision-making in context" (Action Foundation stakeholder)*

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### 7.2.2 Legal counselling model and provision of holistic support around legal counselling

176. Action Foundation and Home Office stakeholders described the legal counselling model as an important example of promising practice in terms of providing pilot participants with the opportunity to have their case heard and to feel that they had been treated fairly. As described in section 4.5, this legal counselling model provided pilot participants with three meetings with a legal representative and was designed to allow the pilot participants to fully explore their immigration options. Stakeholders saw this as fairer than the provision of legal advice and representation in detention, and more likely to result in case resolution.

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“If you want to resolve people's cases, they need to feel that they've had a fair hearing,' and integral to that is good quality legal advice.”  
(Action Foundation stakeholder)

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177. The holistic support around legal counselling provided by Action Foundation support workers was described as integral to the delivery of the legal counselling model. This support developed throughout the duration of the *Action Access* pilot and required support workers to have a clear understanding of the legal counselling model. The legal representative reflected on the benefits of the more supportive setting provided to pilot participants taking in counselling, in comparison with immigration detention.

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*“I think in terms of added benefits, I think you get both better engagement with the pilot more generally and with the legal review by providing genuine support and consistent support. I also think the client gets better personal outcomes.”* (Action Foundation stakeholder)

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### 7.2.3 Pursuing case resolution in a humane environment

178. As discussed in Chapter 5, the *Action Access* pilot provided a more humane and less stressful environment for pilot participants to engage in the legal review and make decisions about their future, compared with immigration detention. Even when those decisions were difficult and participants had no legal case to remain in the UK, the pilot gave the participant space and time to engage with their immigration options. As described in Chapter 5, the support provided on the pilot improved pilot participants' mental health and physical wellbeing and, while we cannot directly compare the outcomes for pilot participants with those for a similar population in immigration detention, there is a strong indication that compliance with the immigration system is not any worse among pilot participants. Stakeholders also highlighted the importance of supporting pilot participants to work towards case resolution and highlighted the negative impacts to participants of being in “*limbo*” within the immigration system.

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*“...accommodating these people in a safe comfortable environment and actively pursuing case resolution are the two pieces that were absolutely integral.”* (Action Foundation stakeholder)

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## 7.3 Application to UK government's approach to asylum and migration management

179. In this section, we draw together reflections from the key informant interviews and workshop with findings from the previous chapters to discuss the application of the pilot for the UK government's approach to migration management.
180. The development, design and delivery of the *Action Access* pilot indicates that there are possibilities for alternatives to the current immigration management system to be explored in the future. The delivery of the pilot has shown that it is possible for government and civil society to work together in a positive and collaborative way, and further opportunities for this model of collaboration were



welcomed by stakeholders from Action Foundation and the Home Office. Stakeholders felt that, for this to happen, there needed to be greater openness to working together on both sides, and that government should create environments where the risk to NGOs is reduced. The pilot has also shown that it is possible for the Home Office to be more flexible and bespoke in its approach to engaging with migrants and asylum seekers.

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*“I think if there are more aspects across the asylum system where NGOs engage in a more positive collaborative way, that's partly speaking to those in my sector who think we're crazy for getting engaged with Home Office.” (Action Foundation stakeholder)*

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181. The legal counselling model developed during the pilot and designed to give participants an opportunity to be treated fairly, have their case fully considered and their options clearly explained has potential applicability as a model of best practice across the immigration system. This legal counselling model is being taken forward into the second pilot of the CEP series, Refugee and Migrant Advice Service.<sup>67</sup>
182. More widespread use of ATD in partnership with NGOs to deliver timely legal counselling and case resolution has the potential to address any systemic issues in immigration such the reliance on immigration detention and the damage done to mental and physical health by detention. Timely case resolution may also reduce the impact of uncertainty and instability regarding their immigration status on migrants and reduce the human cost of immigration. Key informants suggested that intervention at an earlier point in the process, before people have been detained or been through multiple asylum claims, could be more effective in reducing the risk of harm associated with the immigration system.

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*“I think we could demonstrate through this pilot how timely legal reviews and outcomes are in the best interest of the client, but also of us as a system and as a country.” (Action Foundation stakeholders)*

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183. Key informants and stakeholders also reflected on the position of ATDs within the political landscape and immigration policy context. Key informants were concerned that the current UK approach to asylum and migration management might not lean towards more widespread use of ATD, but hoped that the *Action Access* pilot would be used as evidence that ATD can offer a more humane way to support people seeking case resolution, without reducing compliance with the requirements of the system.

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<sup>67</sup> Marshall, L and Iyer, P. (2021) Evaluation of The Refugee and Migrant Advice Service: Evaluation inception report. Available at: <https://natcen.ac.uk/media/2054360/Evaluation-of-the-Refugee-and-Migrant-Advice-Service.pdf>

## 8. Conclusions and reflections

184. UNHCR commissioned NatCen Social Research to undertake this independent evaluation of *Action Access*, the first pilot in the Community Engagement Pilot (CEP) series. This final evaluation report has synthesised findings from all elements of the evaluation to identify lessons learned from the *Action Access* pilot that can inform decision-making around further development and implementation of alternatives to immigration detention in the UK and beyond.

**In this chapter we provide conclusions about the overall success of the pilot, reflecting on the evaluation criteria proposed by the OECD DAC and adapted by ALNAP for use in humanitarian evaluations<sup>68</sup> as set out in our Evaluation Framework (**

**185. Table 1).**

### Relevance and appropriateness

186. The support offered through *Action Access* responded directly to the needs of the participant group. This included meeting basic subsistence needs for women who were at risk of destitution, providing legal and pastoral support and providing links to the community.
187. While there was consistent recognition of the importance of secure and stable housing, participants' experiences of the shared housing varied according to their individual preferences and the relationships that they were able to build with their housemates.
188. The pilot was adapted in the face of the COVID-19 pandemic and associated restrictions on movement and social contact. Challenges around social isolation and wellbeing arose as a result of the pandemic measures, but support workers were able to maintain relationships remotely, and participants were able to continue with their legal review.

### Connectedness

189. *Action Access* support workers facilitated links to other support through signposting, referrals and supporting participants to self-refer. This included links with other provision offered by Action Foundation (e.g. English language classes, social events) and provision offered by external organisations (e.g. specialist mental health services, places of worship, volunteering opportunities).
190. This connectedness to other services was strengthened by Action Foundation's local expertise and standing in the sector. Support workers knew the local area and services available, and could share this knowledge with pilot participants. In addition, stakeholders felt that Action Foundation's reputation encouraged relevant local organisations to collaborate with them to support pilot participants.

### Coherence

191. Stakeholders felt that the pilot demonstrated how people seeking asylum could be supported in the community while still meeting the requirements of the wider UK immigration system – including reporting conditions and engagement with support for voluntary return. However, there were challenges around managing expectations about what the pilot could and could not achieve within the wider

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<sup>68</sup> Beck, T. (2006) *Evaluating Humanitarian Action using the OECD-DAC Criteria* London: ALNAP. Accessed August 24, 2020. <https://www.alnap.org/system/files/content/resource/files/main/eha-2006.pdf>

immigration system and around supporting women who had had negative experiences of that system.

192. Strategic stakeholders made concerted efforts to explain to participants that participation in the pilot would not have an influence on the nature of their case outcome, but both participants and support workers faced disappointment when women received a negative decision and support workers found it difficult to balance explaining this news with their desire to help individual women. Support workers also discussed the difficulties they experienced in building rapport and clear communication with women who had had negative experiences of the immigration system, including traumatic events in immigration detention.

### Coverage

193. A total of 20 women joined the pilot between March 2019 and November 2020, compared to an original expectation of up to 50. Stakeholders attributed lower numbers than anticipated to the slow-set up of the recruitment process, the impact of the COVID-19 pandemic, smaller than anticipated numbers of eligible women in Yarl's Wood, and difficulties gaining potential participants' trust in the face of adverse effects of immigration detention and general distrust of the Home Office (who were visible in the recruitment process).
194. Stakeholders felt that the support offered by *Action Access* was highly relevant for this participant group, but that it could offer benefits for other people at risk of immigration detention too. One view was that the selection criteria were too limited for this pilot and that this had contributed to low numbers. Another was that the legal support offered as part of *Action Access* might have been more beneficial for newly arrived migrants with more straightforward cases. Many of the participants on the pilot had complex cases after being in the UK for a number of years and having previously failed to claim asylum.

### Efficiency

195. In comparison with immigration detention, cost per participant per day was around the same for the pilot as designed and as delivered. However, the lower than planned number of pilot participants and the longer than planned length of time that participants spent on the pilot meant that the cost per participant was higher than planned. It is not possible to determine the value for money of the pilot due to the lack of outcome data for individuals with asylum seeking status in immigration detention. Efficiency of the pilot could be improved by supporting individuals at an earlier stage in their involvement with the immigration system.
196. Projects need to run at capacity and the Home Office needs to commit to funding projects on a longer-term basis for potential savings to be fully realised.

### Effectiveness

197. *Action Access* aimed to provide more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by supporting migrants to make appropriate personal immigration decisions.<sup>69</sup>
198. The main value of the pilot from the perspective of pilot stakeholders, pilot participants and key informants from the wider sector was that *Action Access*

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<sup>69</sup> Action Foundation (no date) "*Action Access*". Accessed August 24, 2020. <https://actionfoundation.org.uk/projects/action-access/>

offered more humane treatment than immigration detention. Our evaluation found qualitative evidence that participants experienced more stability and better health and wellbeing outcomes whilst being supported by *Action Access* in the community than they had received while in detention. Evidence from this pilot suggests that these outcomes were achievable without decreasing compliance with the immigration system.

199. The evidence as to whether the pilot enabled participants to better understand and more actively engage with their immigration case – and therefore to make more appropriate personal immigration decisions – was less conclusive. One view among stakeholders was that having more stability and being in a better state of physical and mental health meant that participants were more able to consider their options and pursue viable and appropriate outcomes. However, barriers to understanding and active engagement remained, including language and communication challenges, difficulties managing participants' expectations and participants' continued emotional distress, either as a result of experience in immigration detention or fear about possible future outcomes. Evidence from interviews with participants suggested that many lacked understanding about what was happening in their legal case and were waiting to be told what would happen next rather than actively considering their options.
200. The legal counselling model changed over the lifetime of *Action Access* and stakeholders felt that it better supported active engagement and reliable information by the end of the pilot. This is the legal counselling model that is being carried forward in the second pilot in the CEP series.
201. The evaluation of the second pilot in the CEP series, the Refugee and Migrant Advice Service, provides the opportunity to explore the applicability of the legal model and case work approach to support for individuals living in the community, and without the provision of accommodation.

## 9. Recommendations

### For organisations designing and/or delivering pilots

**Recommendation 1:** Prioritise the recruitment of participants into ATD programmes, ensuring the involvement of participants at the earliest possible stage, clarifying the purpose and extent of the ATD Programme from the outset in a language that is understood.

- To provide recruitment documents in multiple languages and verbal explanations of the programme with the opportunity for participants to ask questions.
- To consider involving participants earlier on in their pathway through the immigration system when they may have more legal options and when cases are potentially less complex.

**Recommendation 2:** Ensure that a structured design process is in place to account for possible delays.

- To build in contingency to budget and deliver planning for case resolution to take longer than anticipated.

**Recommendation 3:** Make the roles and purpose of casework support and legal counselling explicit, specifically in terms of supporting and developing links for participants in the community, effectively managing the participants expectations, and cooperating directly with local legal representatives.

- Casework support could be delivered through partnership with other local organisations.
- To support the development of links between participants and the local community to help with developing social networks.
- The management of expectations is important: for participants but also for support workers. These expectations need to be managed from the recruitment stage. This is especially true/important for refused asylum seekers or those with limited options within the immigration system.
- The offer of tailored support is important. For example, some participants wanted to develop more links with the community whereas others felt as though this wasn't relevant to them and wanted to maintain links with their former communities. One-to-one case management approach facilitates this tailoring, support workers appreciated the flexible budget to allow for the payment of travel.
- Collaborative working between legal advisors and support workers was found to be a positive way of delivering more holistic support to participants.

### For consideration by the Home Office in increasing effectiveness and efficiency of any future ATD Programmes or roll out of aspects that are proven to be effective

**Recommendation 4:** Ensure that future ATD programmes are informed by the outcomes from earlier ATD programmes, with clarity afforded to longitudinal tracking of participants and an understanding how to define and measure engagement with the system.

- Longer-term outcomes of participants in ATD programmes would be better captured through more longitudinal tracking of participants, including follow-up post programme exit.
- To clarify how 'engagement with the Home Office/immigration system' is to be understood or defined and measured.
- The costing model of ATD programmes means that more cost-efficient delivery would be achieved through extended ATD programmes and longer-term property lets.

**Recommendation 5:** Accelerate the introduction of effective aspects of the ATD programme into the Home Office's 'business as usual' model.

- To consider the rollout of the legal model
- To extend the 'bundle' process for accessing documents and to include targeted action to reduce any associated waiting time.
- In the identification of issues causing delays and in developing solutions, the Home Office should continue to offer flexibility and bespoke solutions.

**Recommendation 6:** Prioritize the sharing of financial information, ensuring that collection, analysing and sharing of data is possible.

- This evaluation primarily focuses on qualitative evaluation of the Action Access ATD programme. The costs and value for money of ATD could be better understood through a full economic analysis which considers the cost-benefit of ATD in comparison with detention.

#### For UNHCR and/or other civil society actors

**Recommendation 7:** Ensure that the roles being carried out by the Home Office and civil society, and the shared aims, are explicit and understood.

- Shared aims between the Home Office and civil society actors could be developed and articulated, which could then be revisited throughout the ATD programme.
- Clear communication pathways between the different actors to be established from the outset with defined roles and responsibilities of each party. This may help with the conflict of managing differing (and sometime conflicting) mandates of different organisations involved.

*The Home Office and Action Foundation have both provided management responses to the findings of this report, specifically addressing these recommendations. We welcome these management responses, which are included below as an appendix to the report.*



## 10. Appendices

### 10.1 Management responses

We welcome the following management responses to the findings in the report.

#### Home Office management response

The Home Office thanks the United Nations High Commissioner for Refugees (UNHCR) and the National Centre for Social Research (NatCen) for this report. The Government is committed to a fair and humane immigration policy that welcomes those here legally, but tackles abuse and protects the public. Immigration detention plays a limited but crucial role in maintaining effective immigration control and securing our borders. The Home Office will always seek to facilitate voluntary return as an alternative to detention and enforced removal. The detention system operates with a presumption of liberty: the vast majority (95%) of people liable to be removed from the UK are already managed within the community while their immigration case is progressed.

Improvements to immigration detention have been made in recent years, with an ambitious programme of reforms introduced following Stephen Shaw's reviews of welfare in detention. Our strategic priorities on immigration detention are clear: to keep the use of immigration detention to a minimum; to ensure that decisions to detain, and subsequent decisions to maintain detention or release from detention are well made, with more systematic safeguards and support for the vulnerable; to secure greater transparency around immigration detention; and to ensure that people who are detained are treated with dignity and in an estate fit for purpose - all while continuing to tackle abuse of the system.

The Home Office are grateful for the support that UNHCR have given us with testing case management-focused alternatives to detention in the UK. We look forward to continuing to work with UNHCR on the evaluation of the second pilot, the Refugee and Migrant Advice Service, which will also inform our future approach to community-based alternatives to detention (ATDs).

A systematic approach to modernisation and rationalisation of the detention estate is improving further the quality of the provision and ensuring that we have the geographical footprint and resilience to meet future need. As part of these plans the Home Office is opening Derwentside immigration removal centre (IRC) for around 80 women this year. This smaller IRC will replace Yarl's Wood as the only dedicated IRC for women. In order to maintain operational flexibility, we will continue to maintain some limited detention capacity for women at the Colnbrook, Dungavel and Yarl's Wood IRCs. These changes will significantly reduce the overall immigration detention capacity for women.

Derwentside is a new facility that will maintain the standards and high expectations for the detention of women. Healthcare services at Derwentside will be delivered to meet the health needs of female residents. This will include healthcare services which take into account gender specific issues such as domestic violence and sexual abuse, emotional wellbeing and mental health.

The Home Office endeavours to treat all people in immigration detention with dignity and respect and takes the welfare of the people in its care very seriously.

The provision of 24 hour, seven days a week healthcare in all IRCs ensures that individuals held in them have access to medical professionals and levels of primary care in line with individuals in the community. All incidents of self-harm are treated very seriously, and every step is taken to try to prevent incidents of this nature. There are established procedures in place in every IRC to minimise instances of self-harm with formal risk assessments on initial detention and systems for raising concerns at any subsequent point. Staff at all centres are trained to identify and prevent the risk of suicide and self-harm.

The development of skills and services for those in detention is encouraged. A full range of recreational activities are available in each IRC and includes education courses, access to computer suites, a library, fully equipped gymnasiums and wellbeing services. In addition, IRCs provide a varied and healthy menu, taking account of the religious, cultural and medical needs of residents.

We are committed to ensuring that all individuals in immigration removal centres have access to the legal support they need. They can easily contact their legal representatives by telephone, email and video call, and also receive 30 minutes free advice through the legal aid scheme.

## **Recommendation 1**

*1.1 Prioritise the recruitment of participants into ATD programmes, ensuring the involvement of participants at the earliest possible stage, clarifying the purpose and extent of the ATD Programme from the outset in a language that is understood.*

*a. To provide recruitment documents in multiple languages and verbal explanations of the programme with the opportunity for participants to ask questions.*

*b. To consider involving participants earlier on in their pathway through the immigration system when they may have more legal options and when cases are potentially less complex.*

1.2 **Accepted**; in principle and in relation to any future ATD programmes.

1.3 We understand the need for clarity in terms of verbal and written communication throughout the recruitment process and whilst on the pilot. We took a user-centred approach in undertaking extensive user research with pilot participants about their experiences on the pilot, including on the recruitment process. We used this user research to improve the recruitment documentation after the first recruitment in March 2019. These improvements led to the documentation being made clearer and available in the required languages for all subsequent recruitments. We also held open sessions for potential participants during the recruitment process.

1.4 We recognise the need to engage with individuals early in their immigration journey in order to maximise their engagement and to resolve their cases as early as possible. For that reason, we are exploring initiatives to better help individuals navigate the immigration system towards case conclusion.

## **Recommendation 2**

*2.1 Ensure that a structured design process is in place to account for possible delays.*

*a. To build in contingency to budget and delivery planning for case resolution to take longer than anticipated.*

**2.2 Accepted;** in principle and in relation to any future ATD programmes.

2.3 We are pleased that the report recognises the importance of effective planning to maximise outcomes, and highlights some of the impact of COVID on delivery. We started recruitment in March 2019 as planned, with further recruitments in June 2019, November 2019 and January 2020, but subsequent recruitment from detention was not possible due to the pandemic. From March 2020 we worked closely with Action Foundation to identify and reduce delays to delivery and to maximise recruitment from the local community. However, lockdown restrictions meant that this recruitment could not commence until September 2020.

2.4 Our iterative design approach allowed us to identify and deliver a more streamlined process through which participants could receive their Home Office documents. This process was used from January 2020 and allowed legal bundles to be provided within a matter of weeks. Our design approach also allowed us to design and deliver a more streamlined approach to providing subsistence support to women on the pilot.

### **Recommendation 3**

*3.1 Make the roles and purpose of casework support and legal counselling explicit, specifically in terms of supporting and developing links for participants in the community, effectively managing the participants expectations, and cooperating directly with local lawyers.*

*a. Casework support could be delivered through partnership with other local organisations.*

*b. To support the development of links between participants and the local community to help with developing social networks.*

*c. The management of expectations is important: for participants but also for case workers. These expectations need to be managed from the recruitment stage. This is especially true/important for refused asylum seekers or those with limited options within the immigration system.*

*d. The offer of tailored support is important. For example, some participants wanted to develop more links with the community whereas others felt as though this wasn't relevant to them and wanted to maintain links with their former communities. One-to-one case management approach facilitates this tailoring, case workers appreciated the flexible budget to allow for the payment of travel.*

*e. Collaborative working between legal advisors and caseworkers was found to be a positive way of delivering more holistic support to participants.*

**3.2 Accepted;** in principle and in relation to any future ATD programmes.

3.3 We fully accept all the points made under this recommendation and are pleased that the report recognises the importance of the structured legal and casework support that was delivered under the pilot. A particular learning point for us is the need to manage participants' and support workers' expectations for those with limited immigration options and empowering them to be able to make their own positive and informed decisions.

## **Recommendation 4**

4.1 *Ensure that future ATD programmes are informed by the outcomes from earlier ATD programmes, with clarity afforded to longitudinal tracking of participants and an understanding how to define and measure engagement with the system.*

- a. Longer-term outcomes of participants in ATD programmes would be better captured through more longitudinal tracking of participants, including follow-up post programme exit.*
- b. To clarify how 'engagement with the Home Office/immigration system' is to be understood or defined and measured.*
- c. The costing model of ATD programmes means that more cost-efficient delivery would be achieved through extended ATD programmes and longer-term property lets.*

4.2 **Accepted**; in principle and in relation to any future ATD programmes.

4.3 We agree that the findings and outcomes of the current ATD pilots should feed into any future wider ATD programmes. We are already feeding the learning and longer-term outcomes from this pilot into the development and delivery of the second Community Engagement Pilot – the Refugee and Migrant Advice Service. As demonstrated by the second pilot, we note that accommodation may not be needed in all future models of ATD programmes.

## **Recommendation 5**

5.1 *Accelerate the introduction of effective aspects of the ATD programme into the Home Office's 'business as usual' model.*

- a. To consider the rollout of the legal model*
- b. To extend the 'bundle' process for accessing documents and to include targeted action to reduce any associated waiting time.*
- c. In the identification of issues causing delays and in developing solutions, the Home Office should continue to offer flexibility and bespoke solutions.*

5.2 **Accepted**.

5.3 We are exploring how positive aspects of the pilot can feed into the future immigration system, with a particular focus on the legal model and accessing Home Office documents.

## **Recommendation 6**

6.1 *Prioritize the sharing of financial information, ensuring that collection, analysing and sharing of data is possible.*

- a. This evaluation primarily focuses on qualitative evaluation of the Action Access ATD programme. The costs and value for money of ATD could be better understood through a full economic analysis which considers the cost-benefit of ATD in comparison with detention.*

6.2 **Accepted**; in principle and in relation to any future ATD programmes.

## **Recommendation 7**

*7.1 Ensure that the roles being carried out by the Home Office and civil society, and the shared aims, are explicit and understood.*

*a. Shared aims between the Home Office and civil society actors could be developed and articulated, which could then be revisited throughout the ATD programme.*

*b. Clear communication pathways between the different actors to be established from the outset with defined roles and responsibilities of each party. This may help with the conflict of managing differing (and sometimes conflicting) mandates of different organisations involved.*

### **7.2 Accepted.**

7.3 We are grateful that the report recognises and highlights the collaboration between the Home Office and Action Foundation throughout the design and delivery of the pilot. We believe that this collaboration was key to the successful delivery of the pilot. Weekly meetings throughout the duration of the pilot served as a regular forum for the Home Office and Action Foundation to resolve potential issues, to seek clarification on operational processes and to continuously improve the pilot model.

## Management response from Action Foundation

### Introduction

Upon being awarded the contract to deliver the ATD pilot, with the support of UNHCR Action Foundation worked closely with the Home Office to develop a delivery model for the pilot which was implemented over two years. Through weekly meetings, both Action Foundation and the Home Office were continually involved in a review and improvement process, allowing the pilot to develop and change in a responsive manner, both prior to and throughout delivery.

From March 2020 Action Foundation were involved in the evaluation process, attending a joint session to develop a Logic Model and subsequently facilitating the engagement of both participants and staff.

### Overall comment on the evaluation process and report

While the evaluation was planned in good time, the undertaking was limited by the Covid-19 pandemic, as was the delivery of the pilot. A more comprehensive and robust evaluation would likely have been possible if participant numbers had been as originally anticipated and restrictions had not been in place throughout.

The report is undoubtedly helpful and we are supportive of the findings, however on occasion additional context could have further supported or clarified the existing content. Particularly though not exclusively in relation to direct quotes from participants, where without understanding at what point they were interviewed or the outcome of their legal review, singular statements are hard for the reader to contextualise.

### Recommendation 1 – Fully Accept

Comments-

Both aspects of this recommendation accurately reflect the learning, development and delivery of the pilot.

### Recommendation 2 – Fully Accept

Comments-

The impact of the Covid-19 pandemic has served to emphasise the importance of contingency planning.

### Recommendation 3 – Fully Accept

Comments-

Due to the nature of the client group and the added complexity of language barriers managing expectations and relationships with professionals is both extremely important and extraordinarily complex. One of the key strengths of the pilot was the trust and understanding built through a casework approach which allowed participants to negotiate these complex areas with their support worker in a much less problematic way than would otherwise have been the case.

We would emphasise that due to the importance of the legal counselling element, a collaborative relationship between support workers and legal professionals is especially important. Throughout the pilot the legal support was discussed and

prioritised by support workers aiding positive engagement with the process despite the delays and complications in this element of delivery.

#### **Recommendations 4-7**

Comments-

While not being directed at Action Foundation we support the remaining recommendations and would add the below comments.

The partnership with the Home Office in the development and delivery of the pilot was in our view a success, with understanding and flexibility consistently demonstrated for the benefit of pilot participants and the success of the pilot itself. We would encourage such partnerships as effective implementation vehicles for future ATD activity.

It would undoubtedly be helpful to have more robust and comparative data on the cost of detention, though we recognise the complexities of any comparative exercise. Our understanding is that the pilot offered a more humane and effective alternative at an equal or lower cost, which could be further reduced if rolled out more widely.



## 10.2 Terms of Reference

### TERMS OF REFERENCE

#### Evaluation of UK Home Office Alternatives to Detention Community Engagement Pilot Series

Key Information at a glance about the evaluation	
Title of the evaluation:	Evaluation of UK Home Office Alternatives to Detention Community Engagement Pilot Series
Timeframe of evaluation:	March 2019 – December 2020
Type of exercise:	Decentralised Longitudinal Evaluation
Evaluation commissioned by:	UNHCR, United Kingdom
Evaluation manager's contact:	<a href="mailto:GBRLO@UNHCR.ORG">GBRLO@UNHCR.ORG</a>
Date	16 September 2019

### 1. Introduction

This Longitudinal Evaluation is being commissioned by the UNHCR United Kingdom country office with the support of the UNHCR Evaluation Service. The evaluation is intended to evaluate the effectiveness of the models piloted against stated objectives and to generate evidence that helps to guide and enhance opportunities for the use of Alternatives to Detention (ATD) in the UK, linked to the Home Office ATD Community Engagement Pilot Series. The Terms of Reference (ToR) summarises the envisaged approach, scope and Key Evaluation Questions.

### 2. Subject of the evaluation and its context

#### UNHCR's work on ATD

1. In UNHCR's Global Strategy - Beyond Detention 2014-2019 ('Global Strategy') one of the key objectives is the promotion of ATD to ensure that they are available in law and implemented in practice.<sup>70</sup> Given the rate of detention and limited availability of community engagement focused ATD, promoting the latter has been a priority objective for UNHCR's work in the UK.

#### ATD advocacy and position in the UK

2. ATD are a safeguard against arbitrary detention. While there is no internationally agreed definition of the term ATD and it is not a legal term in itself, UNHCR defines "*alternatives to detention as any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement. As some alternatives to detention also involve various restrictions on movement or liberty (and some can be classified as forms of detention), they are also subject to human rights standards.*"<sup>71</sup>

<sup>70</sup> There are three specific goals which include the ending of children's detention, the introduction and implementation of alternatives to detention and, when detention is inevitable, the establishment of detention conditions that meet international criteria. See: UNHCR, *Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019*, 2014, available at: <https://www.refworld.org/docid/536b564d4.html>

<sup>71</sup> UNHCR, *The 10 Point Plan in Action*, available at: <http://www.refworld.org/10pointplaninaction2016update.html>

3. Problems that arise as a result of immigration detention are well known: it is expensive,<sup>72</sup> often ineffective and harmful to health.<sup>73</sup>
4. Detention itself can also result in significant interference with an individual's ability to navigate immigration and asylum processes.<sup>74</sup> ATD can be considered a strategy for reducing reliance on immigration detention and delivering compliance and more effective case resolution for people at reduced cost to the public purse.

### **The UK's reliance on immigration detention and recent statistics**

5. Despite a reduction in recent years, the UK Home Office continues to rely on immigration detention as a means of migration control and the UK is the only EU country that does not have an immigration detention time limit. The sole operational government ATD in the UK at present is "bail" (which does not specifically include case management) as per Schedule 10 of the Immigration Act 2016, which has been in force since 15 January 2018.
6. In the year ending June 2019 there were 41,535 applications (including dependents) which is up 17% from the previous year.<sup>75</sup> During the same period 24,052 individuals entered the detention estate.<sup>76</sup> Of the 24,467 people leaving detention, 41% (9,945) were returned from the UK to another country and 46% (11,355) were granted Bail by the Secretary of State. The remaining 13% were either released following a grant of Bail by an Immigration Judge, released following a grant of leave to remain or released for other reasons;<sup>77</sup> though the release figures are not disaggregated to specify the number of adult asylum detainees released onto bail.
7. At the end of June 2019, there were 1,727 people held in the detention estate (including 294 people detained under Immigration Act powers within the Prison estate). Out of the 1,727 people detained, 1,124 (65%) had also claimed asylum at some point during their time in the UK.<sup>78</sup>

### **UNHCR Global Strategy**

8. In recent years UNHCR's ongoing work to promote ATD has been carried out under its Global Strategy.
9. Under the Global Strategy, UNHCR is working with governments, international and national non-governmental organizations and other relevant stakeholders to address some of the main challenges and concerns around governmental detention policies and practices. A

<sup>72</sup> See Liberty's 2019 report "Economic impacts of immigration detention reform" available at: <https://www.libertyhumanrights.org.uk/our-campaigns/end-indefinite-detention/economic-impacts-immigration-detention-reform>, in which Liberty confirm that the government's detention expenditure in 2017/18 was £108m.

<sup>73</sup> In their 2018 systemic study, "*The impact of immigration detention on mental health*", the Royal College of Psychiatry state that "*The practice of detaining asylum seekers, a group with a pre-existing vulnerability to mental health problems due to higher exposure to trauma pre- and peri-migration, risks further exacerbating their mental health difficulties. The experience of detention may act as a new stressor, which adds to the cumulative effect of exposure to trauma, leading to an increased likelihood of developing mental health difficulties such as PTSD as a result of the 'building block effect'*". The study is available at: <https://bmcpsychiatry.biomedcentral.com/articles/10.1186/s12888-018-1945-y>

<sup>74</sup> Note that in *R (on the application of Detention Action) v Secretary of State for the Home Department* [2014] EWCA Civ 1634 (available at: [https://www.refworld.org/cases/GBR\\_CA\\_CIV\\_54a1218a4.html](https://www.refworld.org/cases/GBR_CA_CIV_54a1218a4.html)) the Court of Appeal of England and Wales found that the practice of detaining asylum seekers pending appeal was purely based on the criteria of speed and convenience without considering whether they were at risk of absconding if released. This was determined to be unlawful. For an overview of asylum decision making in detention, please note the previous UNHCR audits of the Detained Fast Track process in 2008 and 2010: Quality Initiative Project, Fifth Report to the Minister, March 2008, available at <http://www.unhcr.org/uk/576013837>; and Quality Integration Project, First Report to the Minister, August 2010, available at: <http://www.unhcr.org/uk/576010337>.

<sup>75</sup> Home Office transparency data, August 2019, available at: <https://www.gov.uk/government/publications/immigration-statistics-year-ending-june-2019/how-many-people-are-detained-or-returned>.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

main goal of the Global Strategy is to ensure that ATD are available in law and implemented in practice.<sup>79</sup>

10. There were initially 12 focus countries involved in the Global Strategy. They are Canada, Hungary, Indonesia, Israel, Lithuania, Malaysia, Malta, Mexico, Thailand, the United Kingdom, the United States and Zambia. In December 2016, they were joined by a further eight countries, bringing the total number of participants to 20. Those further eight countries are Belgium, Botswana, Bulgaria, the Czech Republic, the Republic of Northern Macedonia, Japan, South Africa and Zimbabwe.
11. Given the rate of immigration detention in the UK and the limited availability of ATD, (and in particular, community-based alternatives), UNHCR has prioritized advocacy with and support to the Government on ATD under the Global Strategy. At the same time UNHCR has worked with partners to address issues relating to conditions of detention and, in particular, the introduction of a time limit on immigration detention.

#### **Development of the ATD Pilot**

12. UNHCR's work on ATD has sought to both support the Government in its efforts to explore the potential expansion of the use of ATD and to complement advocacy efforts being undertaken by civil society in the UK. There are a range of actors involved in promoting ATDs in the UK, and the "detention landscape" has benefited from a number of small-scale ATD pilots, including Detention Action's Community Support Project.
13. 2017 and 2018 saw significant progress in UNHCR's work on the use of ATD in the UK. A wide range of interventions with the Government were undertaken, including high level discussions on the use of detention/expansion of ATD involving UNHCR's High Commissioner and the Assistant High Commissioner for Protection. This resulted in the establishment of a UNHCR/Home Office working group on ATD, which first met on 20 October 2017.
14. A senior level ATD meeting between the Home Office, UNHCR and government representatives from Canada and Sweden took place in November 2017. At that meeting the UK committed to working with the support of UNHCR to introduce a pilot ATD.
15. In July 2018, the Shaw Progress Report was published. Stephen Shaw had been commissioned to report on progress following publication of a review in 2016, which had, among other findings, revealed the impact of detention on mental health and called on the government to strengthen legal safeguards against lengthy detention periods. The progress report provided other important recommendations including, *inter alia*, the reaffirmed position that ATD needed to be fully explored by the Home Office. In his Ministerial statement in response to the Shaw Progress Report, the Home Secretary announced that the first ATD pilot, focusing on vulnerable women detained in Yarl's Wood Immigration Removal Centre, would be introduced with UNHCR's support.
16. Since the Home Secretary's announcement UNHCR has worked with the Home Office, Action Foundation and a number of detention-based specialist NGOs to support the development of the first ATD pilot known as *Action Access*.
17. As at August 2019, 11 women have entered the pilot since commencement. It is envisaged that up to 50 women will benefit from Action Access over the two year period of the pilot.

#### **Action Access and the Community Engagement Pilot series**

18. The aim of the Action Access pilot is to test whether support in the community leads to better outcomes for migrants and asylum-seekers when compared with detention. By better outcomes, we mean more efficient case resolution, whether this is integration in the UK or

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<sup>79</sup> The two other main goals of the Global Strategy are: ending the detention of children; and ensuring that conditions of detention, where detention is necessary and unavoidable, meet international standards by, *inter alia*, securing access to places of immigration detention for UNHCR and/or its partners and carrying out regular monitoring. See: UNHCR, *Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019*, 2014, available at: <https://www.refworld.org/docid/536b564d4.html>

return (preferably voluntary) to the country of origin or habitual residence. It seeks to provide participants who volunteer for the pilot with support in the community whilst resolving their immigration cases, and thereby delivering humane and cost-effective immigration case management. All Action Access participants are asked to give their informed consent to participate in user research and the independent evaluation – if they refuse to give consent, this decision has no negative consequence.

19. Action Access is currently available to single women over the age of 18 years without dependents in the UK, who have no offending history, no imminent removal directions and who have at some point in their immigration history claimed asylum in the UK.
20. Action Access, through Action Foundation, is employing the principles of community-based ATD by: placing individuals in locally managed accommodation; assisting them to maintain contact with the Home Office (Immigration Enforcement); providing access to legal, health and other core services; and ensuring that sufficient trust is built to generate outcomes which satisfy all the stakeholders.
21. Action Access is the first of four planned ATD pilots being designed and managed by the Home Office, with the support of UNHCR and in partnership with civil society organisations in the UK, under the Community Engagement Pilot (CEP) series. The overall principle of the CEP series is to test approaches to supporting people to resolve their immigration case in the community.
22. The pilot series has been framed around five pillars of support:
  - i. Personal Stability: achieving a fundamental position of stability from which to make difficult, life-changing decisions (relevant to housing, subsistence, safety, and healthcare);
  - ii. Reliable information: providing and ensuring access to accurate, comprehensive, personally relevant information on UK immigration and asylum law;
  - iii. Community Support: providing and ensuring access to consistent pastoral support, and community support;
  - iv. Active Engagement: giving people an opportunity to engage with immigration services and ensuring that people feel able to connect and engage at the right level; and
  - v. Prepared Futures: being able to plan for the future, finding positive ways forward for individuals – such as skills development in line with their original immigration objective.
23. The objectives of the pilots under the CEP series include: increasing compliance and engagement with the Home Office; reducing the use of detention; and demonstrating qualitative improvements to individual's experiences in the immigration system.
24. The plan for the other pilots are as follows:
  - Pilot 2 is for people where personal stability already exists and will focus on providing other support, similar to that in Pilot 1, especially reliable information, community support, engagement with the Home Office and preparing for next steps. The ambition will be to support 50 people at any one time over a two year period. The Home Office have recently commenced the commercial process for this pilot.
  - Pilot 3 will be aimed at people with no or few ties to the UK who may be here working illegally or seeking life experience through informal channels.
  - Pilot 4 is aimed at focussing on individuals with strong ties to the UK who believe they are British or see the UK as home and exploring routes to their case resolution and potentially regularisation.
25. UNHCR's interest and involvement in the further CEP pilots remains to be confirmed. It is possible, however, that UNHCR may be requested to undertake evaluations of the additional pilots. Where this is considered by UNHCR to be feasible and consistent with its mandate, UNHCR will consider expanding the scope of the current TOR to include an evaluation of the further pilot(s). This will, however, only take place with the agreement of the contracted consultant(s).

## **Current Monitoring and Data collection**

26. The Home Office and Action Foundation are collecting data for their own purposes. Where it is considered necessary to capture further data, any such data must be gathered in light of what is already available and the ethical position of using any available Home Office or Action Foundation data. It will be important to ensure the participants in the pilot do not experience research fatigue, while maintaining the integrity and independence of the evaluation.
27. The Home Office “user researchers” are using a number of methods to collect data on the experience of pilot participants, including individual interviews and diary entries. The purpose of this work is to support service design rather than evaluation. The methodology for the user research is evolving and will continue to be developed over the duration of the pilot. There is no specific requirement that participants engage and there are no negative consequences for participants where they refuse to engage with the user researchers.
28. Action Foundation utilises the “in form” database for case management data keeping. Specifically, “in form” records: information about the participant (relevant to their background – e.g. age, ethnic origin and ability to speak English); any goals (related, for example, to their integration into the community); risk assessments; needs assessments; and alerts (records relating to safeguarding issues).

## **3. Purpose and objectives**

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29. The evaluation is being undertaken for learning and accountability purposes. Community-based, engagement-focused ATD have not been extensively used in the UK and there is an interest in expanding their application. In this context, it is important that evidence is gathered and analysed with respect to the effectiveness of the piloted ATD as immigration management tools. The results of the evaluation are expected to help inform the further development and expansion of ATD in the UK. At the same time, the evaluation is intended to build evidence that contributes to work being undertaken globally on the use of ATD and supports the growing community of practice in this area.
30. The aim of the evaluation is to provide the UK Home Office with an evidence based assessment of the effectiveness and relevance of the approaches being used within the Action Access pilot. The evaluation will provide a descriptive analysis and mapping of the type of support being offered, efforts and approaches being used by both Action Foundation and the Home Office in delivering the pilot. It is likely that the design of the pilot will change as response to the iterative process of the service design research. Evaluation consultants will need to be able to respond to this effectively. The evaluation will then assess the extent to which the ATD pilot is contributing to its intended outcomes, the extent to which it is delivering basic needs, case management and legal support, whether or not it represents value for money, and identify lessons learned and examples of good practice that could be applied across the asylum and immigration system (for more on the approach see below).
31. The evaluation is expected to inform future UK Home Office decision-making around the use of ATD in the UK, including if and how they can be operationalized best.
32. The primary audience for this evaluation is thus UNHCR UK, the Home Office, Action Foundation with anticipated secondary users being the civil society in the UK and UNHCR as a whole. The evaluation will also be of interest to Governments working on ATD and the global ATD community of practice.

## **4. Evaluation Approach**

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### **4.1 Scope**

33. The evaluation scope – relating to population, timeframe and locations for participants in the pilot – is as follows:
  - Timeframe to be covered in the evaluation: March 2019 – December 2020

- Population location and details: (1) Newcastle (North East of England) and surrounding area; and (2) Female asylum claimants living in managed accommodation.
- Data is defined for the scope of this evaluation to include all operational data, including data from population management activities, needs assessments, vulnerability and protection risk assessments, programme implementation, case management, monitoring and evaluation, collected and/or collated by UNHCR and the implementing partners (as referenced concern exists in relation to a conscious approach to collecting data and avoiding participant research fatigue).
- This evaluation examines the UK Home Office approach to ATD. This is specifically in relation to the first pilot programme Action Access being managed in partnership with Action Foundation.
- To be confirmed: A comparator group.

## 4.2 Key Evaluation Questions (KEQs)

34. The evaluation will address the key evaluation questions (KEQ) and sub-questions listed below. The analysis needed to answer them is likely to touch on other possible sub-questions and may be further refined during the evaluation inception phase.

**KEQ 1:** To what extent does the ATD pilot contribute to the outcomes of the Community Engagement Pilot across each pillar (as outlined in paragraph 21 above)?

**This KEQ will also seek to answer the following sub-questions:**

- To what extent does the ATD pilot deliver better outcomes, in terms of personal stability, reliable information, community support, active engagement and prepared futures, for the pilot participants than individuals held in detention?
- Has the pilot contributed to the integrity of the asylum system by supporting compliance and engagement with Home Office immigration and asylum procedures?
- To what extent does the ATD pilot contribute toward the application of a fair and humane asylum system in line with international standards?

**KEQ 2:** How effectively does the ATD pilot deliver basic needs, case management and legal support?

**This KEQ will also seek to answer the following sub-questions:**

- How client-focused is the delivery of basic needs, case management and legal support?
- How responsive is the Action Access pilot programme to the specific needs of the participants?
- What factors contribute and constrain the effective delivery of basic needs, case management and legal support?

**KEQ 3:** Considering the long-term aims of the pilot programme, to what extent does the ATD pilot represent value for money?

**This KEQ will also seek to answer the following sub-questions:**

- How are the costs of the delivering the pilot shared between the different actors contributing to the pilot?
- How do the costs of delivering ATD compare to the costs of detention?
- How do the costs of delivering ATD change over time and what factors contribute or constrain the efficient delivery of quality, client-focused ATD approaches?
- What is the added value of the ATD models?

**KEQ 4:** What lessons learnt and examples of promising practice are emerging from the ATD pilot that could be applied across the UK government's approach to asylum and migration management?

**This KEQ will also seek to answer the following sub-questions:**

- What examples of innovative and promising ATD practice are emerging?
- To what extent is the ATD pilot, or elements of the ATD pilot, scalable?
- How sustainable is the ATD approach?
- What elements from the pilots can be mainstreamed into future programme designs?



- To what extent does the organisation running the pilot programme feel supported and equipped to deliver ATD pilot programmes?

### 4.3 Approach and Evaluation Methodology

35. This is an evidence-based, longitudinal evaluation to understand the extent to which the ATD pilot is contributing to its intended outcomes and delivering basic needs, case management and legal support. It will also consider whether or not it represents value for money and identify lessons learned and examples of good practice that could be applied across the UK's asylum and immigration system.
36. The methodology should be two-pronged: 1) utilise a case-based evaluation approach to yield rich detail from the individual cases admitted to the Action Access pilot; and 2) situational analysis of the various factors in the UK impacting on the ATD pilot's delivery of its stated objectives.
37. The evaluation methodology should use both qualitative and quantitative methods to answer the five Key Evaluation Questions and Sub-questions. Methods appropriate for this evaluation include (but are not limited to) the following: 1) document review and content analysis; 2) in-depth interviews with ATD pilot participants, UNHCR staff, Home Office staff, Action Foundation staff, service provider staff engaged with the ATD; 3) key informant interviews with civil society and other actors working on issues relating to asylum and immigration management; 4) field data collection and 5) systematic review of the Action Access pilot, including analysis of existing data, to understand its operation, how it may have evolved since inception and inform scalability.
38. In addition, the evaluation should undertake a desk-based review to consider ATD practice in other, comparable jurisdictions, to put the Action Access pilot in context and to help support the identification and assessment of lessons learned and examples of promising emerging practice.
39. UNHCR welcomes the use of diverse, participatory, and innovative evaluation methods. The methodology – including details on the data collection and analytical approach(es) used to answer the evaluation questions – will be designed by the evaluation team during the inception phase, and presented in an evaluation matrix.
40. The evaluation methodology is expected to:
  - i. Reflect an Age, Gender and Diversity (AGD) perspective in all primary data collection activities carried out as part of the evaluation – particularly with refugees.
  - ii. Employ a mixed-method approach incorporating qualitative and quantitative data collection and analysis tools including the analysis of monitoring data – as available.
  - iii. Refer to and make use of relevant internationally agreed evaluation criteria such as those proposed by OECD-DAC and adapted by ALNAP for use in humanitarian evaluations.<sup>80</sup>
  - iv. Refer to and make use of relevant standards analytical frameworks.
  - v. Gather and make use of a wide range of data sources (e.g. key informant interviews, direct observations, organisational documents, monitoring data, mission reports, coordination groups meetings, strategy narratives, and indicator reports) in order to demonstrate impartiality of the analysis, minimise bias, and ensure the credibility of evaluation findings and conclusions.
  - vi. Be explicitly designed to address the key evaluation questions – taking into account evaluability, budget and timing constraints.
41. The evaluation team is responsible for gathering, analysing and triangulating data (e.g. across types, sources and analysis modality) to demonstrate impartiality of the analysis, minimise bias, and ensure the credibility of evaluation findings and conclusions.

### 4.4 Evaluation Quality Assurance

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<sup>80</sup> See for example: Cosgrave and Buchanan-Smith (2017) [Guide de l'Evaluation de l'Action Humanitaire](#) (London: ALNAP) and Beck, T. (2006) [Evaluating Humanitarian Action using the OECD-DAC Criteria](#) (London: ALNAP)



42. The evaluation consultants are required to sign the UNHCR Code of Conduct, complete UNHCR's introductory protection training module, and respect UNHCR's confidentiality requirements. UNHCR operates a zero tolerance policy towards sexual exploitation and abuse.
43. In line with established standards for evaluation in the UN system, and the UN Ethical Guidelines for evaluations, evaluation in UNHCR is founded on the inter-connected principles of independence, impartiality, credibility and utility, which in practice, call for: protecting sources and data; systematically seeking informed consent; respecting dignity and diversity; minimising risk, harm and burden upon those who are the subject of, or participating in the evaluation, while at the same time not compromising the integrity of the exercise.
44. The evaluation is also expected to adhere with the UNHCR 'Evaluation Quality Assurance' (EQA) guidance, which clarifies the quality requirements expected for UNHCR evaluation processes and products.
45. The Evaluation Manager will share and provide an orientation to the EQA at the start of the evaluation. Adherence to the EQA will be overseen by the Evaluation Manager with support from the UNHCR Evaluation Service as needed.

#### 4.5 Data and information sources

46. The following data and information sources will be of relevance to the evaluation and should be considered:
  - Home Office individual case files of participants taking part in the pilot.
  - Action Access data sources (subject to data protection/confidentiality/security clearance).
  - Data gathered through the Home Office user research methodologies (including questionnaires, transcripts of interviews and participant diaries) completed by pilot participants.
  - Data on pilot participants gathered by Action Foundation through the "in form" database
  - Tools and resources as described below.
  - Existing Home Office data sources to allow comparisons.

#### Tools

- UNHCR 'Beyond Detention: Guiding Questions for the assessment of Alternatives to Detention', May 2018, available at: <http://www.refworld.org/docid/5b1e662d4.html>.
- EPIM 'ATD network client summary sheet' (See pages 34-37), July 2018, available at: [https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report\\_FINAL.pdf](https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report_FINAL.pdf).

#### Evaluations

- EPIM, 'Alternatives to detention from theory to practice Evaluation of three engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland', July 2018, available at: [https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report\\_FINAL.pdf](https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report_FINAL.pdf).
- Immigration and Refugee Board of Canada, 'Report of the 2017/2018 External Audit (Detention Review)', available at: <https://irb-cisr.gc.ca/en/transparency/reviews-audit-evaluations/Pages/ID-external-audit-1718.aspx>.
- Detention Action 'Alternatives to Detention Community Support Project, April 2014 – June 2017' (covering first year of the project from June 2014 – May 2015), 2015, available at: <https://www.iars.org.uk/sites/default/files/uploads/FINAL%20IARS%20DA%20evaluation%20report%20July%202015.pdf>.
- Migrationsverket and European Migration Network, 'The use of detention and alternatives to detention in the context of immigration policies in Sweden', 2014, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/27a-sweden\\_detention\\_study\\_august2014\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/27a-sweden_detention_study_august2014_en.pdf).
- UNHCR, 'Legal and Protection Policy Research Series', 'Building Empirical Research into Alternatives to Detention: Perceptions of Asylum-Seekers and Refugees in Toronto and

- Geneva', Costello and Kaytaz, June 2013, available at: <https://www.unhcr.org/uk/protection/globalconsult/51c1c5cf9/31-building-empirical-research-alternatives-detention-perceptions-asylum.html>.
- Equal Rights Trust, 'Measures of First Resort: Alternatives to Immigration Detention in Comparative Perspective', 2011, available at: [http://www.equalrightstrust.org/ertdocumentbank/ERR7\\_alice.pdf](http://www.equalrightstrust.org/ertdocumentbank/ERR7_alice.pdf)
  - Brown, C, 'Toronto Bail Program' 2011, available at: [http://biblioteca.cejamericas.org/bitstream/handle/2015/5458/Toronto\\_BailProgram.pdf?sequence=1&isAllowed=y](http://biblioteca.cejamericas.org/bitstream/handle/2015/5458/Toronto_BailProgram.pdf?sequence=1&isAllowed=y).
  - Children's Society and BID, 'An evaluative report on the Millbank Alternative to Detention Pilot', May 2009, available at: [https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2\\_assets/files/175/An\\_evaluative\\_report\\_on\\_the\\_Millbank\\_Alternative\\_to\\_Detention\\_Pilot.pdf](https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2_assets/files/175/An_evaluative_report_on_the_Millbank_Alternative_to_Detention_Pilot.pdf).
  - Tribal, 'Review of the Alternative to Detention (A2D) Project', (Millbank), May 2009, available at: <https://webarchive.nationalarchives.gov.uk/20090804165245/http://ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/alternative-to-detention/alternative-to-detention.pdf?view=Binary>.

## Commentary

- Council of Europe, 'Analysis of the legal and practical aspects of effective alternatives to detention in the context of migration', January 2018, available at: <https://rm.coe.int/steering-committee-for-human-rights-cddh-analysis-of-the-legal-and-pra/1680780997>.
- Odysseus Network 'Alternatives to Immigration and Asylum Detention in the EU', 2015, available at: <https://odysseus-network.eu/wp-content/uploads/2015/02/FINAL-REPORT-Alternatives-to-detention-in-the-EU.pdf>.
- EU Commission 'The use of detention and alternatives to detention in the context of immigration policies', 2014, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_study\\_detention\\_alternatives\\_to\\_detention\\_synthesis\\_report\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_detention_alternatives_to_detention_synthesis_report_en.pdf).

## 5. Organisation, management and conduct of the evaluation

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47. UNHCR UK will serve as the **Evaluation Manager**. They will be responsible for: **(i)** managing the day to day aspects of the evaluation process; **(ii)** acting as the main interlocutor with the evaluation team; **(iii)** providing the evaluators with required data and facilitating communication with relevant stakeholders; and **(iv)** reviewing the interim deliverables and final reports to ensure quality – with the support of UNHCR Evaluation Service at HQ and a Reference Group comprising (TBD).
48. The **Evaluation Team** will comprise a senior team leader and team member. The team is expected to produce written products of high standards, informed by evidence and triangulated data and analysis, copy-edited, and free from errors.
49. The language of work of this evaluation and its deliverables is English.

### 5.1 Expected deliverables and evaluation timeline

50. The evaluation should be conducted from October 2019 to December 2020 and will be managed according to the timeline detailed below.
51. The key evaluation deliverables are:
  - Inception report;
  - Data collection toolkit (including questionnaires, interview guides, focus group discussion guides) and details on the analytical framework developed for / used in the evaluation;
  - Progress report, for the first year of the pilot, including an Executive Summary; and
  - Final evaluation report including recommendations and an Executive Summary.

Activity	Deliverables and payment schedule	Indicative timeline	Minimum # of estimated days
Evaluation ToR finalised and call for proposals issued	ToR and call for proposals	September/October 2019	N/A
Contract Awarded	Contract signed	October 2019	N/A
<b>Inception phase</b> including: - Initial desk review and key informant interviews. - Circulation for comments and finalisation - Potential Workshop and ATD results framework/theory of change	Final inception report – including methodology, refined evaluation questions (as needed) and evaluation matrix.	October 2019	10 days
<b>PROGRESS REPORT: Data collection</b> – Document review and in-person/virtual interviews (subject to necessity), including visits to partners	Data collection completed in line with inception report	October – December 2019	10 days
<b>PROGRESS REPORT Data analysis and drafting phase</b> including: Stakeholder feedback and validation of evaluation findings, conclusions and proposed recommendations.	Draft report and recommendations (for circulation and comments) with the potential of a validation workshop	December 2019 – January 2020	15 days
<b>PROGRESS REPORT: Finalisation</b>	-Updated draft in line with stakeholder comments and the EQA - PPT presentation summarising findings and evaluation learnings	January 2020	5 days
<b>Mid Term Data Collection:</b> In person/virtual interviews, focusing on partners delivering ATD pilot and ATD participants (subject to necessity)	Written internal update and analysis presented to UNHCR (maximum 5 pages)	June 2020	10 days
<b>FINAL REPORT:</b> Data collection – Document review and in-person/virtual interviews (subject to necessity), including visits to partners	Presentation of preliminary findings with UNHCR at a stakeholders workshop	November 2020 - January 2021	10 days
<b>FINAL REPORT: Data analysis and drafting including:</b> Stakeholder feedback and validation of evaluation findings, conclusions and proposed recommendations	-Draft report and recommendations (for circulation and comments) with the potential of a validation workshop - PPT presentation summarising findings and evaluation learnings	January 2021	15 days

<b>FINAL REPORT: Finalisation</b>	Updated draft in line with stakeholder comments and the EQA	January 2021	5 days
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## 6. Evaluation team qualifications

Functional requirements for an evaluation firm comprising multiple team members. The firm/group of experts should be able and willing to travel between London and Newcastle and meet the following qualifications and experience expectations:

### Evaluation Team Leader

- A post-graduate degree in Organisational Effectiveness, Business Administration or a related area.
- Minimum of 10 years of evaluation experience in qualitative analysis and synthesis of data in a relevant setting.
- Proven experience in successfully leading an evaluation team and managing data collection in complex environments.
- Technical expertise in evaluating data utilisation, organisational information management involving population level data and program operation data, results frameworks and performance measurement at the organisational level.
- Proven track record of leading (preferable) or participating as senior team member in an evaluation commissioned.
- In depth knowledge of and proven experience with various data collection and analytical methods and techniques used in evaluation and operational research.
- Experience in generating useful and action-oriented recommendations to management and programming staff.
- In-depth experience or knowledge of UK asylum procedures and/or immigration law.

### Evaluation Team Member

- University degree (in the areas of social science) plus a minimum of 5 years of relevant professional experience, or a post-graduate degree with at least 4 years of relevant experience in strategic information, data analysis, collection and/or information management.
- Proven experience (minimum 5 years) in supporting qualitative data collection and analysis for evaluation purposes (preferable) or studies and operational research around data utilisation and information management, advocacy and/or inter-agency coordination.
- In depth knowledge with various data collection and analytical methods and techniques used in evaluation and operational research.
- Proven expertise in facilitating participatory workshops involving different groups and participants.
- Technical expertise in the use of strategic information, data management, data analysis, information management involving population level data and program operation data, results frameworks and performance measurement at the organisational level.
- Knowledge of UK asylum procedures or experience working with asylum seekers and claimants.

## 7. Evaluation team selection criteria and bid requirements

Technical criteria used to evaluate proposals will comprise 70% of the total score while the remaining 30% is based on the financial offer. The technical offer will be evaluated using the following criteria:

- Proposed services: Approach and methodology to the evaluation (max 35 points).
- Team Composition and Strength: Number of people, qualifications and relevant experience (max 15 points).

The bid should include the following components:

- Proposed services: A statement detailing the methodology and tools you propose for this evaluation, important constraints/risks to the evaluation study that should be taken into consideration and mitigation strategies, expected level of effort (# of days and team size) and what quality assurance measures would be taken. (max. 6 pages).
- Team Composition and Strength: Bidders should indicate the composition and qualifications of each proposed team member; their role and past experience working together in carrying out this type of evaluation. Please submit the names and CVs of all proposed members (max 4 pages).