



# HOME FROM HOME

ADDRESSING THE ISSUES OF MIGRANT WORKERS' HOUSING

CONSULTATION AT ST GEORGE'S HOUSE, WINDSOR CASTLE  
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# Introduction

Migrant workers come to the UK to seek employment but all too often find themselves living in expensive, overcrowded and poor-quality accommodation. Migration is an emotive issue where politicians, media and campaigners have taken strong positions supporting their solutions to a variety of perceived problems. The accommodation of migrant workers is one of the issues at the heart of this debate. This report seeks to make a fresh assessment of this important issue.

The movement of people for economic and social reasons is as old as human society. Most migration is relatively successful. At its best it is a win, win, win situation, benefiting the host country, the individual migrant worker and their country of origin. Successful migration is uncontroversial and as a result becomes almost invisible. Popular and political debate rarely acknowledges the scale and diversity of migration. It is a process that encompasses Premiership footballers and Chinese cockle pickers.

This diversity means that there is no simple, one-size-fits-all solution to the accommodation of migrant workers. Migration varies significantly between different locations of the UK and different types of migrant workers. Arguments about the economic benefits of migration often underestimate the importance of this variation. Migration is a dynamic and unpredictable process.

The key response is to ensure that there are mechanisms that identify and address the 'rubbing points' where difficulties occur for migrant workers and settled communities.

A Consultation was organised by the Building and Social Housing Foundation (BSHF) at St George's House, Windsor Castle, where persons of experience and expertise were brought together for three days to discuss the accommodation of migrant workers. A wide variety of experiences and interests were represented in the discussions that took place. The discussions led to a series of recommended actions to address current accommodation issues and create systems that will respond to future migration. These recommendations are wide-ranging and varied to reflect the different impacts that migration has in different locations and different communities. The settled community will benefit as much as migrant workers from these recommendations.

This is the final Consultation in a series of three annual events that have been organised by BSHF. The series has set out to identify means to improve accommodation for marginalised people within our society. The Consultation in 2006 was concerned with issues relating to provision of housing for refugees and in 2007 the Consultation addressed the issue of accommodation provision for Gypsies and Travellers.

## Structure of the report and terminology

A number of recommendations are made in the report. Recommendations are listed within the main body of the report, where they are supported by background information and context. For ease of reference they are also gathered together in a section towards the end of the report, where they are grouped by relevant organisations.

In this report the term 'housing association' has been used to refer to the bodies currently known as registered social landlords. At the time of writing, the Housing and Regeneration Act 2008 has recently been passed, introducing a new term: 'registered providers of social housing'. More general references to providers of social housing should be read to include housing associations, as well as local authorities' housing departments and Arm's-Length Management Organisations (ALMOs).

The Housing and Regeneration Act 2008 also legislates to replace the Housing Corporation, English Partnerships and some other government functions with the Homes and Communities Agency (HCA) and the Offices for Tenants and Social Landlords (to be known as the Tenant Services Authority (TSA)). Broadly speaking, the HCA will be responsible for housing supply functions while the TSA will be a regulator. Where

existing bodies are referred to in the report, it should be read to include the relevant successor body.

The recommendations do not refer specifically to the devolved administrations in the UK, and for brevity in most cases the relevant government department for England is used as shorthand to include the bodies with equivalent powers in the other parts of the country. Whilst variation in the legal systems and government function and policies of the devolved areas means that not all of the specifics of the recommendations will apply in each of the different areas the general aims of the recommendations will still be relevant in almost every case.

The term 'gangmaster' is defined in the Gangmasters (Licensing) Act 2004. It refers to those persons and businesses who supply workers to labour users to do work in certain sectors; those sectors are agriculture, forestry, horticulture, shellfish gathering and food and drink processing and packaging. The trade association for those who provide labour in these regulated sectors is called the Association of Labour Providers, reflecting the fact that many in the industry prefer the term 'labour provider' to 'gangmaster'.

The term 'settled communities' is used in this report to describe the local communities where migrant workers are living<sup>1</sup>.

<sup>1</sup> The meaning of the term 'migrant worker' and the relationship to the communities where they live are not always clear. For example, when does a migrant worker stop being a migrant worker? Are the people who moved to the UK from Poland at the end of the Second World War still migrant workers? Since the issues surrounding migrant workers relate to the movement of people, the term 'settled communities' is used here to create the distinction.

# Who are migrant workers?

## Defining migrant workers

A migrant worker is a foreign national who leaves his or her country of origin in order to work, or to seek work, in another country<sup>2</sup>. Whilst this broad definition includes many well-paid individuals, such as doctors and other professionals, and even Premiership footballers, the focus of this report is low-paid migrant workers.

In many areas of the UK recent local issues relating to migration are associated with workers from European Union (EU) states taking up low-paid work. Many of these are citizens of the A8 and A2 states<sup>3</sup>, but there are significant groups of other EU nationals, such as Portuguese, as well as many other migrant workers from further afield.

The focus of this report is migrant workers from the EU. However, most of the recommendations will be equally valid for other groups of low-paid migrant workers. Although the nations involved change over time, many of the situations addressed in this report can be expected to be similar whatever the nationality of the low-paid workers involved. The focus reflects the fact that migration from the EU – and particularly A8 and

A2 states – experienced in the last few years in the UK has been both rapid and on a large scale.

The report does not address the specific issues faced by those who come to study (who may work incidentally to their studies) or those seeking asylum; however, some of the challenges faced may be similar.

## Migrant workers from the EU

Unlike some other foreign nationals, EU nationals (with the current exception of Bulgarians and Romanians) are legally entitled to live and work in the UK without a visa or permit. These migration flows are difficult for the government to manage through its immigration control system<sup>4</sup>. The European Union was expanded in May 2004 to include eight East European states (known as the Accession 8 (A8) states)<sup>5</sup>. A further expansion saw the inclusion of Bulgaria and Romania (the A2 states) in January 2007. Unlike most of the other existing EU member states, the UK offered immediate and unrestricted access to the A8 nationals<sup>6</sup>, although it has chosen to restrict access rights for A2 nationals. The transitional access restrictions placed on A8 nationals must be

2 A number of different definitions may be applied to decide whether a person is 'foreign', including nationality, country of birth and length of time in the UK. As different statistics use different definitions there can be issues for comparability. Clancy (2008) includes an overview of some of the uses of different measures and the problems related to each.

3 The A8 states are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. The A2 states are Bulgaria and Romania.

4 Some other migration flows, like family reunion and asylum, pose similar difficulties for those who might seek to manage them.

5 The Mediterranean countries of Malta and Cyprus acceded at the same time, but are not counted as part of the A8 group as the same restrictions do not apply.

6 The Republic of Ireland, Sweden and the UK were the only pre-enlargement states to allow free access to A8 nationals in May 2004. Only four of the 15 pre-enlargement states have retained the restrictions on A8 nationals (Austria, Belgium, Denmark and Germany). Only Austria and Germany are expected to extend their restrictions beyond 2009 (<http://www.migrantinfosource.org.uk>, accessed July 2008).



phased out by April 2011, with the majority of countries expected to remove them by April 2009<sup>7</sup>; similarly, the restrictions on A2 nationals will be removed by 2013.

The political and popular debate around immigration is polarised, emotive and frequently confused. The media and public typically use the terms 'immigrants', 'migrants' and 'asylum seekers' interchangeably leading to widespread misunderstanding (UNHCR, 2004). As citizens of Europe, all A8 nationals are legally entitled to live and work in the UK without any visa or permit; they are not seeking asylum or refuge as a result of persecution in their own countries. These same rights allow British nationals to live and work in other European countries. The number of non-UK born workers in the period January to March 2008 was 3.7 million, 12.5 per cent of total UK employment. Of these, people born in Europe made up the largest number. This group comprises people born in the 14 pre-enlargement EU countries (0.7 million), the eight countries that joined the EU in 2004 (0.5 million) and all other European countries (0.2 million)<sup>8</sup>.

The largest numbers of migrant workers from the A8 countries come from Poland (67 per cent), Slovakia (10 per cent) and Lithuania (9 per cent) (UK Border Agency et al, 2008). The majority of these migrants registered are young, with 82 per cent of all A8 nationals registered on the Worker Registration Scheme being aged 18 to 34. Eight per cent have their dependants with them. There are slightly more men (57 per cent) than women (43 per cent) (UK Border Agency et al, 2008).

## Migration patterns

Migration is not a new phenomenon and the UK has experienced different waves of migration over many centuries, including the Huguenots in the sixteenth century, the large number of people coming from Ireland in the nineteenth century, the post-war Caribbean migration and the Ugandan Asians in 1972. Current EU migration patterns differ significantly from previous experience. Earlier migrants often had a connection with the UK or the Commonwealth, had travelled long distances to the UK, were likely to settle and work in urban areas and were more likely to want to stay in the UK for longer, often eventually becoming citizens. Today, cheap travel is easily available within Europe. The majority of accession country migrants appear to stay for a limited time and work throughout the country in both urban and rural areas (Pollard, Latorre and Srisandarajah, 2008). Today's migratory flows are both larger and more complex than before and need to be recognised as a permanent part of a rapidly growing worldwide phenomenon.

Both national and local agencies were unprepared for the large numbers of A8 nationals who arrived after May 2004 (Audit Commission, 2007).

Official estimates for migration provide a reasonable assessment of the long-term national picture. However there are gaps in the information. Short-term movement (under a year's stay) has been a significant factor in recent A8 movement and is not adequately recorded in current data. Another notable gap in knowledge relates to local patterns, where local population

7 Under the accession treaty, signed in Athens on 16 April 2003, (and its associated 'Acts concerning the conditions of accession', Protocols and Annexes) initial arrangements were allowed for two years, with an option to extend them for a further three years. A final extension for another two years would only be allowed if there is serious proof that labour from new member states would be disruptive to the market in the old member states.

8 These figures are derived from the Labour Force Survey (LFS) by the Office of National Statistics (ONS). The article notes that the ONS recognises the limitations of using the LFS to calculate the numbers of migrant workers in the UK.

estimates are no longer adequate for measuring migration. The data sources that are relied on to provide some indication of total numbers include Department of Work and Pensions records of National Insurance Number (NINo) registrations for all foreign nationals working in the UK, the quarterly Labour Force Survey data and the number of registrations on the Home Office's Worker Registration Scheme (WRS). It is also widely recognised, however, that these data sources may under-report the number of arriving migrant workers (House of Lords Select Committee on Economic Affairs, 2008), as some workers do not apply for a NINo or register on WRS, in some cases choosing instead to work in the informal economy or become self-employed. More importantly, though, these sources only report on those arriving; they do not record those leaving, so they cannot be directly used to estimate the number in the country at any one time.

A recent study (Pollard, Latorre and Sriskandarajah, 2008) has estimated that there are currently 665,000 A8 and A2 nationals in the UK and of the one million who have arrived since 2004, half have gone home. In a survey of 500 Polish migrants for the report, the major reasons given for returning to their country of origin were related to their personal or family circumstances (65 per cent) and 64 per cent had pre-planned their return.

Although having a national picture of the number and location of migrant workers is important, it is crucial to have accurate information on the numbers, location and turnaround of migrant workers at the local level. Rapid change can be as difficult to manage as large numbers, especially in those areas unused to such patterns. Not only

would accurate information help local authorities to plan and manage service provision in their areas, it would also enable inaccurate rumours and misinformation in the local media to be refuted, as well as substantiating a claim for additional resources to address the issues.

According to HM Treasury (2006) high levels of migration are set to continue into the future, although the rate of arrival is beginning to slow down (UK Border Agency, 2008a). Improving living conditions and better employment prospects in the A8 countries, together with increased access to and a stronger currency in other EU member countries, are factors affecting the current flow of migrants to the UK. The value of the Polish zloty, for example, strengthened against sterling by 75 per cent between May 2004 and July 2008, compared to 50 per cent against the Euro over the same time period<sup>9</sup>. This has therefore significantly reduced the value of money sent or taken back to Poland from the UK and increased the financial attractiveness of working in other member states. Once full access is provided by all European member states in 2011 and 2013, the numbers of A8 and A2 migrants coming to the UK might be expected to fall further. Although the rate of migration is slowing, overall it is clear that migration is set to continue for the foreseeable future, driven by demography, economics and an increasingly mobile pan-EU workforce.

It is not only the scale, but also the geographical spread of migration since 2004, that has exceeded expectations. Although the majority of A8 migrant workers are to be found in urban areas, a significant proportion of migrants have taken employment in rural areas, providing a ready and

<sup>9</sup> Historic currency exchange rates from <http://www.oanda.com/convert/fxhistory>. The zloty rose from £0.1404 on 1 May 2004 to £0.2455 on 31 July 2008, and from €0.2083 to €0.3119 over the same period.

reliable source of labour in areas where recruitment has often been difficult. According to the Commission for Rural Communities (2007), 120,000 migrants registered in rural areas between May 2004 and September 2006, accounting for 23 per cent of WRS registrations in that period. Although migrant workers can now be found working in all rural areas, there are certain areas of concentration including Herefordshire, Lincolnshire and the Wash, Cambridgeshire, Somerset and Devon and to a lesser extent, Yorkshire (Commission for Rural Communities, 2007).

### Working in the UK

The reasons for migrating between countries inevitably include both push and pull factors. The main reason for migrant workers coming to the UK is to earn money, although it is recognised that it is not a purely economic phenomenon, with many coming to learn English, start a business, live in a more socially liberal society or simply broaden their horizons (Pollard, Latorre and Sriskandarajah, 2008). Figures for A8 migrants registered on the WRS show a picture of low-skill and largely low-paid employment (Coats, 2008)<sup>10</sup>; the work carried out by migrant workers often does not reflect their skills (Martinez Lucio et al, 2007). In 2007, 89 per cent of A8 and A2 migrants earned less than £400 per week before tax, compared to 57 per cent of the total UK workforce (Pollard, Latorre and Sriskandarajah, 2008). Nevertheless, jobs in the UK are relatively well paid compared to those that could be obtained in these migrants' home countries, where there are significantly lower standards of living. Working in the UK for a few months can

allow them to return home with substantial savings to invest in their future.

The top five sectors in which workers registered to work with the WRS between May 2004 and June 2008 are administration, business and management (39 per cent); hospitality and catering (19 per cent); agriculture (10 per cent); manufacturing (7 per cent); and food, fish and meat processing (5 per cent) (UK Border Agency et al, 2008). The majority of workers in the administration, business and management sector work for recruitment agencies, so are actually employed in a variety of sectors. There is variation between urban and rural areas in the type of employment available, which can also be temporary or permanent dependent on sector. According to research by ippr, foreign nationals work longer hours on average than UK nationals, i.e. 46 hours compared to 42 (Pollard, Latorre and Sriskandarajah, 2008).

Migrant workers may be employed directly by employers or indirectly through a labour provider or gangmaster<sup>11</sup>. Labour providers are commonly used in a wide variety of industries and may have increased in some sectors in response to growing demand for flexible labour. Using labour providers enables employers to outsource labour provision to a specialist contractor while they continue to focus on their business. They can also provide a flexible supply of labour; for example, a farmer may need a hundred workers for just one day to harvest a particular crop and a labour provider can meet this need. In the agriculture sector the changing demands of supermarkets may have increased the need for flexible labour (House of Commons Agricultural Select Committee, 2003).

<sup>10</sup> Migrant workers are also employed in better paid professions, but they are not the focus of this report.

<sup>11</sup> 'Gangmaster' is defined within the Gangmasters (Licensing) Act 2004 as labour providers supplying workers in the sectors regulated by the Gangmasters Licensing Authority.

From 2006, organisations or individuals who supply or sub-contract labour to the agriculture, forestry, horticulture, shellfish gathering and food and drink processing and packaging sectors have been required to be licensed by the Gangmaster Licensing Authority (GLA) and in these sectors it is an offence to use an unlicensed labour provider. For all other sectors of employment (approx. 88 per cent of registrations) there is no such requirement on labour providers. The GLA licensing standards cover ten areas, including workers' accommodation, hours worked, health and safety, and recruitment and contractual arrangements.

Contrary to popular perception, only a small proportion of A8 nationals claim benefits and migrant workers pay National Insurance and taxes in the same way that all working residents in the UK do. They have the same in-work rights as any British citizen to minimum pay, holidays and sick pay etc. as well as full rights to access schooling for their children and health services without charge. A8 nationals are, however, disproportionately represented among agency workers, who have significantly weaker working rights than those who are directly employed (TUC, 2008)<sup>12</sup>.

During the initial 12-month period of registered employment, an A8 worker is entitled to claim in-work benefits such as child benefit and child tax credits. Between May 2004 and June 2008, 111,798 applications from A8 nationals for child benefit were approved (UK Border Agency et al, 2008). If the workers have a low income, they may also be entitled to housing benefit and council tax benefit. They are not entitled, however, to claim out-of-work benefits or income

support such as Jobseeker's Allowance until they have worked continuously for 12 months while registered under the WRS<sup>13</sup>. Once this has been completed they will additionally be entitled to income benefits if they lose their job.

### Problems faced by migrant workers and settled communities

Vulnerable workers, whoever they are, are liable to be exploited. Vulnerability arises for a range of reasons, including legal status, lack of education and skills and unfamiliarity with the customs and language of the destination country. Although evidence of exploitation of migrant workers has been identified (Anderson and Rogaly, 2005; Low Pay Commission, 2006), there is no clear picture of how commonplace it is.

For **migrant workers**, housing figures prominently on the list of issues they face, alongside other factors relating to employment, benefits/taxes, immigration status (for some) and community cohesion (Citizens Advice Bureau, 2005). Reported problems include agencies charging for finding accommodation, despite this being illegal<sup>14</sup>, employment agencies charging workers illegally for jobs<sup>15</sup> (McKay and Winkelmann-Gleed, 2005), overcharging for transport both to the UK and to and from work, illegally high rents<sup>16</sup>, overcrowded and substandard accommodation, failure to provide contracts or payslips and paying below the National Minimum Wage (Audit Commission, 2007). The workers themselves are often ignorant of their rights and rarely complain, through fear of losing their job and accommodation.

12 Under a recent agreement between the TUC, CBI and the Government, agency workers' rights are to be extended, but there will still be some disparity, for example in sick pay and pension payments. See <http://news.bbc.co.uk/1/hi/business/7410127.stm>.

13 A8 nationals are permitted to be out of work for a maximum of 30 days without jeopardising the 12-month rule.

14 The Accommodation Agencies Act 1953 makes it unlawful for any accommodation agency to demand or accept payment for registering an applicant for accommodation or for supplying the address of accommodation to let.

15 The charging of fees by employment agencies is unlawful by virtue of the Employment Agencies Act 1973.

16 Under the 'accommodation offset' provisions of the national minimum wage, rents can be illegally high when accommodation is provided an employer.

Many migrant workers speak little or no English and local provision of language teaching (known as ESOL, which stands for 'English for speakers of other languages') is rarely able to meet the demand. Although migrant workers may be keen to learn English, shift patterns, distances travelled and the fees charged are deterrents to taking lessons. Where migrant workers both live and work virtually exclusively with other non-English speakers, there can be little opportunity for their language skills to improve.

Overcrowded and physically insecure rented accommodation, where individuals and families are sharing with others they may not know, makes theft easier and increases tensions between individuals, which in turn can lead to violence. Poor English language skills can make some migrant workers particularly vulnerable. Some other difficulties that arise can be explained by understanding cultural differences in the countries of origin. Some migrant workers treat British police with suspicion, for example because of distrust of the police in their home countries. Differing assumptions can include expecting the police to require bribes. Such expectations hinder crime reporting and intelligence gathering, making prevention and cohesion activities harder (Audit Commission, 2007). There is evidence of racism and hostility towards migrant workers but also that some migrant workers hold racist views (Spencer et al, 2007). Migrant workers who live in urban and suburban areas (often to be bussed into rural areas to work daily) frequently live in areas that are already deprived and which may be home to existing immigrant communities. In these situations, any racist views they might hold could lead to additional tensions. Although the

police report isolated examples of hate crimes, there are no regular or widespread patterns of disorder.

For some **communities**, particularly those in areas without any previous experience of migration or where large numbers of migrant workers arrived within a short time, the local authorities and settled communities have had to deal with unexpected and rapid change. The arrival of large numbers of migrant workers can add significantly to the demand for housing in an area, and in some places the existing housing stock may already be under pressure. In terms of the number of migrant workers in relation to the settled population, those authorities that have the highest number of A8 workers per 1,000 residents are Boston (90), Westminster (55), Northampton (47), South Holland (42) and Peterborough (41)<sup>17</sup> (Pollard, Latorre and Sriskandarajah, 2008).

The Audit Commission, however, has found that there is little evidence that the increased numbers of migrant workers have caused significant or systematic problems in respect of community safety or cohesion. Despite this, community perceptions about migrant workers can be inappropriately negative and the tone of some national and local papers can encourage hostility (Audit Commission, 2007).

Tensions can emerge in settled communities, particularly where there has been a large and sudden increase in the numbers of migrant workers, since this will often place additional pressure on the availability of local housing and services.

<sup>17</sup> The City of London has been excluded from this list. The number of A8 workers per 1000 population in the City of London is 306, but as the area has a resident population of only 7,800 it is not really comparable to the other local authorities.

Settled communities have a range of concerns with respect to migrant workers, some based on inaccurate, media-fuelled prejudices, others the result of real issues. Factors that can contribute to tensions include an area having no experience of rapid change and the presence of existing problems (such as an underlying shortage of housing).

Those tensions that result from real issues may derive from relatively minor misunderstandings and can be eased or prevented with relatively simple actions. Such tensions include noise levels when returning/going to work at unsocial hours, not understanding rules about recycling/refuse collection, using parking spaces in local streets and monopolising internet points in local libraries.

Providing information and advice in a clearly understood and accessible format can help to address many of these issues, although contacting and communicating with migrant workers is not always easy due to long hours worked and the poor language skills of some. Difficulties are particularly acute in areas where there is rapid turnover of workers, and little chance to build understanding. Other real issues may be relate to poorly-managed private rented sector accommodation, where interaction with the landlord can be as important as the tenants in solving the problem.



# Accommodating migrant workers

For some migrant workers coming to the UK, finding somewhere to live is a major concern. One recent (relatively small-scale) study found that most respondents had pre-planned where to stay when they first arrived (Robinson, Reeve and Casey, 2007). Accommodation is often in the private rented sector and conditions can be poor.

Accommodation problems that migrant workers face can include poor conditions in private rented sector housing, high prices and issues related to tied accommodation, where their employer is also their landlord.

## Where and how do migrant workers live?

As with many other migrant groups, A8 nationals tend to find low-cost accommodation in the private rented sector (PRS) (Robinson, Reeve and Casey, 2007) or stay with friends or other contacts (Pemberton and Stevens, 2007). Conditions in PRS accommodation can be poor (Flint et al, 2006), overcrowding is common (Hact, 2007) and migrant workers are sometimes charged inflated rents, as well as illegal payments such as finders' fees (Citizens Advice Bureau, 2005).

In some cases, migrant workers' accommodation is provided by their employer and is thus 'tied' to their employment. While this can and does work well in some instances, there are concerns about

overcrowding, high rents and poor conditions. Tied housing arrangements can make individuals vulnerable as complaints can lead to loss of a job and a home (Audit Commission, 2007). Such arrangements are most commonly found in the hospitality and agricultural sectors, where accommodation can be provided in a staff annex in hotels or in caravans on the farm for agricultural work. If accommodation is not provided close to the place of work, it is normally to be found in a nearby town and transport is arranged on a daily basis. According to the Labour Force Survey<sup>18</sup>, in autumn 2005, 24,000 agricultural workers (15 per cent) were living in tied accommodation<sup>19</sup>. Employers are currently allowed to include a charge (or offset) for accommodation of £31.22<sup>20</sup> per week if the employee is on the minimum wage, although this does not reflect the market cost of provision and there is considerable confusion as to its application and implementation (Low Pay Commission, 2006).

Some labour providers also provide accommodation for workers to rent, typically purchasing larger houses for use as houses in multiple occupation (HMOs), which are properties where three or more unrelated tenants share amenities. According to the GLA licensing standards guidance (GLA, 2006), any accommodation provided, or effectively provided, by a gangmaster should conform to current

18 The Labour Force Survey is a quarterly sample survey of households living at private addresses in Great Britain, conducted by the Office of National Statistics.

19 Note, however, that this figure will exclude many short-term harvester-type agricultural jobs so should be taken as indicative at best.

20 The level of the accommodation offset is generally altered every October at the same time as the NMW.

legislation. There should be no evidence of poor or overcrowded conditions or failure to conform to local housing regulations on HMOs. Any charges for accommodation must be compliant with the national and agricultural minimum wage regulations. A significant number of labour providers are being refused licenses because of the poor quality of the housing they offer, with 30 out of 87 licence refusal or revocation cases by the GLA involving the provision of substandard accommodation (Pati, 2008).

Migrant workers' access to social housing may be limited, and confusion about eligibility is rife<sup>21</sup>. However, contrary to popular media statements, migrant workers certainly do not have priority over local people. Whilst some migrant workers are eligible to apply for social housing, since the majority of them are young single people it is unlikely that many will meet local authorities' and housing associations' housing need criteria. In 2006/07, less than one per cent of all housing association lettings were to A8 nationals (CORE, 2007).

The housing problems faced by migrant workers vary across the country, depending on the supply, cost, type and quality of housing available in the local area. A range of housing issues have been highlighted in recent reports (Citizens Advice Bureau, 2005; Low Pay Commission, 2006) and these include:

- Seasonal work and lack of continuous employment can lead to rent arrears, debt and the threat of eviction.
- Accommodation can be poor quality, sub-standard and overcrowded.

- Tied housing means that loss of a job can result in loss of somewhere to live.
- Tenancy agreements are not provided by the landlord or understood by the tenant.
- The rent charged is often high and is frequently deducted from wages.
- It is difficult to access private lets through estate agents on first arrival because of the need for deposits and references.

As many migrant workers are young and few bring dependants, they frequently live in HMOs (Audit Commission, 2007). These typically include houses containing bed-sits, shared houses and shared flats.

Many migrant workers do not wish to spend more money than they need on accommodation and some may be willing to put up with overcrowded conditions, in order to keep their housing costs down, including by sub-letting their accommodation. At the extreme of overcrowded conditions are hot-bedding arrangements, where shift workers take turns to sleep in the same bed. In a study of the experience of Central and East European migrants in the UK, it was found that more than 44 per cent of migrant workers were sharing a room with at least one person other than their partner (Spencer et al, 2007).

There is little information about the amount of rent that migrant workers pay for their accommodation although there is evidence that some migrant workers are charged high rents

21 Detailed information on the housing rights of those newly arrived in the UK can be accessed online from the hact/CIH Housing Rights Information website at <http://www.housing-rights.info>.



(Audit Commission, 2007). A recent study found that high costs were cited as the biggest difficulty that migrant workers had with their accommodation (Wiles et al, 2008). This may indicate particularly high rents are being charged or could reflect that accommodation costs are an important issue for migrant workers; another factor may be the general high cost of private rented housing in most of the UK for those on low pay.

The vast majority of migrant workers live in the private rented sector. Many private landlords are responsible and seek to provide decent accommodation at a reasonable rent. They do, however, face problems in some instances in letting properties to migrant workers and these include:

- The language barrier makes it difficult to explain all the various legal aspects of the tenancy, as well as more informal guidance relating to the neighbourhood.
- Tenants may illegally sub-let the accommodation, either by moving elsewhere and renting the accommodation to others, or by allowing additional migrant workers to share the accommodation and charging rent.
- Vigilant checking to prevent sub-letting can be construed as harassment.
- The only remedy available to the landlord to address these problems is eviction.

### Addressing homelessness and destitution

Migrant workers experience the same problems in life as the settled population. However, they may not have access to the housing safety net that society provides for other people who experience similar difficulties. Migrant workers can have real problems with retaining their accommodation when they experience ill health which inhibits their ability to work or through relationship breakdown. Whilst this is not the experience of most migrant workers it deserves attention alongside other issues relating to poor accommodation conditions and options. Examples of this are highlighted in a study by the Citizens Advice Bureau (2004).

Limited language skills, lack of knowledge about local culture and distance from the support networks of family and friends are all factors that can leave migrant workers particularly vulnerable. Migrant workers who do not find jobs, or lose their jobs unexpectedly, can quickly become destitute and homeless. They are often most vulnerable during their first few months in the UK while they build up the skills and support networks that can help them in times of difficulty. Perversely, this is often the time when they have limited access to support services that are provided to other UK residents.

There is limited evidence of the scale of homelessness amongst migrant workers in the UK<sup>22</sup>. Communities and Local Government (CLG) addressed this issue in 'Managing the Impacts of Migration: A cross-government approach' (2008a). The report acknowledges that up to 20 per cent of rough sleepers in London are A8 or A2 nationals

22 Many rough sleepers are not in work, which can be the cause of their homelessness. They may still fall within the broad definition of 'migrant worker' where their reason for migrating was to seek work.

and announced funding that will address this issue. However, the report does not provide evidence to support its assertion that this type of homelessness is mainly an issue in London. In fact, there is evidence from a number of sources that homelessness among migrant workers is also a problem in other areas of the country. A national survey by Homeless Link (2008) found that 70 per cent of day centres for homeless people had encountered service users from Eastern European countries. Surveys carried out by frontline homeless agencies provide local evidence that supports this national picture (St Martins Housing Trust, 2006; Welsh Local Government Association, 2008). A survey of migrant workers and housing in the East of England region noted that impromptu tented encampments have occurred in Peterborough and other parts of the region, for those who have no option but to sleep rough (Wiles et al, 2008).

Between May 2004 and March 2008, 1,240 A8 applicants were accepted as being owed a main homelessness duty by local authorities, accounting for only 0.4 per cent of total acceptances in that period (UK Border Agency et al, 2008). Rough sleeper counts undertaken by local authorities now include questions about nationality and might provide national evidence; unfortunately the robustness and usefulness of the counts is contested. The counts have been repeatedly challenged by both homelessness groups and opposition politicians for underestimating the scale of homelessness (Branigan, 2007). There is evidence that other groups with no recourse to public funds, such as refused asylum seekers, have become 'hidden homeless' (Phillips, 2006), squatting or 'sofa surfing' between different

friends and family (Robinson, 2003) and it is likely that a similar pattern is followed by migrant workers who find themselves homeless.

There is a clear need for further investigation of the scale and causes of homelessness amongst migrant workers. In London, Homeless Link has been given funding to assess the scale of the problem and to begin responding to it.

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**1** CLG should undertake a robust investigation into the scale of homelessness amongst those with no recourse to public funds across the country and take appropriate action to address the issues identified.

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Statutory support available to migrant workers varies significantly depending on immigration status. Some migrant workers have full access to housing assistance. This is the case for A8 nationals who can demonstrate that they have been working continuously in the UK for over one year. Other migrant workers have almost no access to support or assistance with accommodation: those from A8 countries that have not been in continuous employment for more than a year and registered with the WRS and those from A2 countries can find themselves in this situation as they lose their rights to benefits and housing if they stop working. They can be described as having '**no recourse to public funds**' (Home Office, 2008) and are unable to access social housing or the housing assistance that is provided under homelessness legislation. Mainstream hostels and other forms of accommodation for homeless people are usually funded through housing benefit, which is not accessible to this

group, who instead rely on third sector and faith-based provision of homelessness services.

The principle of 'no recourse to public funds' can exacerbate and entrench the difficulties facing the most vulnerable migrant workers who become destitute. The term 'no recourse to public funds' is used to cover different issues relating to the rights that foreign nationals have to access the welfare system. Most discussion of this issue focuses on groups other than migrant workers who are in this legal position. A recent report commissioned by the Joseph Rowntree Charitable Trust (Brown, 2008) highlights the difficulties faced by asylum seekers in Leeds and Amnesty International (2008) has highlighted the difficulties faced by some women who experience domestic violence. People who came to the UK as migrant workers can also find themselves in this legal situation.

The legislation surrounding 'no recourse to public funds' is complex, contentious, difficult to implement and, in some cases, contradictory<sup>23</sup>. There is also evidence of confusion between government agencies that can be compounded by administrative error (Brown, 2008). This makes it difficult for local authorities and other agencies to provide homelessness prevention services and support as a basic safety net for foreign nationals, even though there is good evidence to suggest that provision of these services would save money. A report by the National Institute for Clinical Excellence (NICE) stated that "the health impacts of homelessness are particularly stark, with very high mortality rates, particularly for rough sleepers and hostel users, and high levels of health need" (NICE, 2005 p11); these impacts are naturally costly to deal with. The Government's own

evaluations of the Supporting People programme have found that an investment of £329m in homelessness services created a net saving of £138m through reductions in associated costs such as healthcare (Ashton and Turl, 2008). Local authorities are left to deal with the consequences of legislative confusion and the failings of central government to provide clarity on this issue (Fellas, Smith and Smith, 2006).

The ethical questions surrounding 'no recourse to public funds' have received very little public discussion. Migrant workers can join other vulnerable groups (including some UK nationals) as being legally destitute. This leaves the UK in danger of returning to a situation where the most marginalised people in society are totally reliant on philanthropic support and charitable donations. 'No recourse to public funds' also opens the way for the legal destitution of other vulnerable groups.

There is an urgent need for more attention to the issues created by 'no recourse to public funds' for various different groups including migrant workers. The reinstatement of a basic safety net for all marginalised groups in the UK should be seriously considered as a practical, ethical and financial response to this issue.

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## 2

Government should amend legislation to remove the possibility of people becoming destitute because they have no recourse to public funds.

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23 For example, Amnesty International and Southall Black Sisters (2008) argue that legislation surrounding 'no recourse to public funds' contradicts the UN Convention on the Rights of the Child, the Children's Act 1989 and the Government's 'Every Child Matters' policy framework.

Migrant workers become homeless for similar reasons to members of the settled population and should not be viewed as a completely distinct group (McNaughton, 2008). However, they can also find themselves homeless in specific circumstances that are less common for other homeless groups. For example, there can be a particular issue for those who have lost both employment and tied accommodation at the same time.

The key intervention that prevents migrant workers becoming homeless or allows them to access housing quickly is supporting them in finding employment. For example, when Torbay District Council became aware of migrant workers from A8 countries at risk of homelessness, they assisted them to find employment with tied accommodation. Assistance included help with CVs, job interviews and the provision of benefits information (Phillimore, Goodson, and Thornhill, 2008).

The adoption of SMS text messaging as a method for communicating job vacancies could be particularly beneficial to migrant workers. It is an idea that is gaining support with both private employment agencies and public sector organisations. Anecdotal evidence suggests that mobile phones are often the primary (or only) method of communication for migrant workers. Therefore, this idea could provide a very cheap method of increasing the choice that workers have in their place of employment. This might be particularly relevant for migrant workers in rural areas who may lack access to other sources of information about employment options.

Through the use of tenancy support mechanisms, local authorities assist vulnerable people at risk of losing their tenancy, by providing short-term, practical interventions such as advice on budgeting, access to employment or assistance with other day-to-day skills. This type of short-term intervention could be adapted to fit the needs of newly arrived migrant workers and could include providing access to information, explaining local culture and signposting to other services like English lessons, all of which could help prevent difficulties occurring later.

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**3** Local authorities should address the needs of migrant workers in their homelessness prevention strategies where it is a local issue.

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Another circumstance faced by migrant workers in particular, is that some of the factors leading to homelessness can involve many migrant workers at the same time; for example, the closure of a factory in Hyndburn, East Lancashire in 2006, left 200 Polish workers unemployed and at risk of homelessness. A combined response from the local authority, Job Centre Plus, a housing association and the voluntary sector successfully addressed this situation and enabled the workers to find new employment. Other types of advice and support were also provided, including identification of private rental accommodation by the housing association. The Audit Commission highlighted this response as an example of good practice (Audit Commission, 2007).

Homelessness on this scale can have a significant impact on a local area. Local emergency planning is the responsibility of Local Resilience Forums, part of the national 'emergency preparedness' framework. It is good practice<sup>24</sup> for Local Resilience Forums to be regularly running simulations of emergency scenarios to check that their plans are sufficiently robust to cover different types of situation<sup>25</sup>.

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#### 4

Local Resilience Forums should run exercises featuring the sudden homelessness of significant numbers of migrant workers due to closure of housing or employment, to validate and test their plans.

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In cases where a small number of people are at risk of losing their accommodation it would not be appropriate to utilise the emergency planning procedures of the Local Resilience Forum, due to the scale and nature of this issue. However, environmental health officers and other enforcement officials should be aware of the impact that enforcement actions might have and should ensure that appropriate plans are in place to deal with any people that are displaced through enforcement action that results in closure of their accommodation (e.g. condemning a property as unfit for habitation).

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#### 5

Environmental health officers should ensure that (where they are planning to undertake enforcement action that might result in accommodation being closed down) they have robust plans to deal with the impact on residents, including addressing their immediate housing needs.

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### Improving accommodation options and extending choice

Migrant workers are part of a wider group of people in the UK who are seeking cheap, short-term accommodation, including students as well as other workers who need to move around the country. The need for this type of accommodation is particularly acute in economic growth points (Wiles et al, 2008) and rural areas where there are limited alternatives. This is part of a broader picture of under-supply of housing<sup>26</sup>. Lack of choice can be a significant factor that contributes to migrant workers living in overcrowded houses in multiple occupation (HMOs) and poor quality caravans in farmers' fields.

The lack of choice is particularly acute for migrant workers who are newly arrived in the country. Without language skills, tenancy references and an employment history they can have real difficulties finding good quality accommodation during their first few months in the UK (Robinson, Reeve and Casey, 2007) and they are consequently vulnerable to unscrupulous accommodation providers. Creating more choice in the short-term, budget accommodation market is likely to drive up standards and reduce the number of people who are willing to accept some of the poor conditions currently offered by accommodation providers.

Innovation, creativity and the extension of good practice could significantly improve the short-term budget accommodation market. Possible ways of doing so include the more imaginative use of existing accommodation, the development of new forms of mobile accommodation units and other forms of

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24 Testing plans by running an exercise simulating the steps that would be taken under the plan in response to a hypothetical incident helps to validate the plan, develop staff competencies and test procedures (UK Resilience, 2008).

25 An organisation will typically have a generic plan that is adaptable to individual situations. Where necessary and desirable, a generic plan may be supported by one or more specific plans relating to particular kinds of emergency, but organisations should generally not try to adopt specific plans for every conceivable situation.

26 Many contributory factors have been suggested for under-supply of housing, including planning restrictions, limited availability of credit, and an inability of the construction industry to deliver. Any slow-down in building due to economic conditions is likely to result in supply falling even further behind pent-up demand in the longer term.

permanent accommodation, as well as extending links with existing accommodation providers.

The use of spare rooms for a lodger or short-term visitor provides a possible source of accommodation for some migrant workers, as well as a source of income for the property owner. Examples of similar schemes exist; for example, the Homestay scheme that matches tourists and language students with host families who have a spare room<sup>27</sup>. These schemes provide a safe and cheap way to visit a new country, learn the language and experience a different culture and would be particularly relevant to migrant workers who are new to the UK. Living in this kind of environment should help them improve their English and allow them to learn about the culture of the UK, as well as possibly providing them with a tenancy referee and helping them access other types of accommodation. Such an approach would also have the advantage of bringing together members of the settled and migrant communities.

No legislation is required to implement this idea and there are already tax allowances available for people who wish to take in a lodger<sup>28</sup>. It may be possible in some areas to draw on the experience of organisations that are already running lodger schemes (e.g. universities and colleges). Alternatively, housing associations or progressive employers may be suitable vehicles to promote and run schemes of this nature. Migrant associations or Migrant Worker Action Groups could take responsibility for administering this type of scheme and charging a small administration fee could make this self-financing. Partnerships between migrant-led and other civil society organisations could be particularly beneficial for this activity, to help to gain buy-in from both the potential hosts and the

migrant workers. As with other recommendations, this scheme could be made available to all workers arriving in an area, irrespective of whether they are UK nationals or arriving from overseas.

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## 6

CLG should provide funding to civil society organisations to run pilot schemes to support members of the settled community to accommodate those arriving in an area as lodgers.

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### Developing innovative housing solutions

Many of the housing challenges related to mobile populations, including migrant workers, would benefit from housing solutions that are different from the standard styles of accommodation designed for settled communities. For example, construction workers at growth points will require accommodation for a relatively short period of time during the building process, and building a set of standard dwellings to house them would be something of a 'chicken and egg' situation<sup>29</sup>.

Different solutions would be appropriate in different situations. Some of the innovative construction techniques and accommodation designs that might be useful include temporary moveable structures, hostel-style accommodation, and/or off-site construction<sup>30</sup>.

**Temporary structures** might be useful in situations where rapid population change is experienced and accommodation is needed quickly. They could also find use around construction sites, where it is known that the

27 For examples see: <http://www.homestaybooking.com> or <http://www.embassyces.com/>.

28 This is known as the Rent a Room scheme (<http://www.hmrc.gov.uk/individuals/tmarent-a-room-scheme.shtml>).

29 Migrant workers in the construction industry are a particularly interesting issue. While they create housing demand in the short term during construction on a new development, in the longer run they contribute to the housing supply.

30 A range of techniques relying on some degree of prefabrication are known by titles such as modular construction, innovative methods of construction (IMC) and modern methods of construction (MMC).

need is only temporary for the duration of the construction process. Temporary structures could include good-quality caravans and mobile homes; the designs adopted could be amended to better suit the needs of migrant workers.

**Hostel-style accommodation** used to be a popular solution for young people arriving in a new area for work. In recent years its popularity has waned, but the accommodation difficulties faced by migrant workers may highlight a need for a modern version of the workers' hostel.

**Off-site construction** techniques are another area that could be useful in relation to construction work. Some budget hotels are constructed using these techniques and in some situations it may be possible to build workers' accommodation that could be refitted to serve as a hotel once construction on the site is concluded.

Beyond the specific construction techniques and accommodation solutions that are adopted, there is also potential for the planning system to help address some of these situations. At a strategic level, areas should have plans in place to consider how they would handle a rapid change in the population of their area. Since one potential response to this would be temporary structures, it might be useful to include in plans at, say, a regional level, details of where these might be sited. Other planning steps might include a requirement on major construction sites that the builders consider what portion of the workforce they expect to be drawn from outside of the area and how they will be housed. Regional plans could be designed to appreciate these considerations, with an assumption that temporary structures to service construction work would be granted planning permission.

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## 7

The Royal Institute of British Architects (RIBA) should establish a design competition for flexible accommodation that is appropriate for migrant workers and can be quickly assembled and moved from place to place to meet local needs.

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## 8

The Construction Industry Council should bring together government departments and other bodies, to review existing information and coordinate a feasibility study to identify and assess different options for the provision of low-cost, modular-type accommodation, leading to the development of blueprints.

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## 9

Government should introduce a requirement for planning permission for major developments that the application must address the housing needs of the construction workforce.

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## 10

Regional Planning Bodies<sup>31</sup> should build into Regional Spatial Strategies an assumption that temporary planning permissions will be granted at growth sites to serve the housing needs of the construction workforce.

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## 11

Regional Planning Bodies should ensure that forethought is given to how the area would respond to the accommodation needs that would result from rapid population changes, for example by addressing where temporary accommodation might be sited in the Regional Spatial Strategy.

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31 The Regional Assemblies are currently the Regional Planning Bodies for England. From 2010, when the Regional Assemblies are due to be abolished, this function will be taken over by the Regional Development Agencies.

Civil society partnership with the private rented sector

Many housing associations and local authorities have innovative practices such as deposit guarantee and rent deposit schemes<sup>32</sup> that could help migrant workers overcome the problems they face when first arriving in the UK, such as finding a deposit or providing references. The details of these schemes vary, but the general intention is that the local authority or housing association acts as a guarantor to the landlord for a private rented sector tenancy in the event that the tenant defaults. The authority may, as part of a scheme, inspect properties to ensure that they meet minimum standards. Such schemes are frequently used to help various groups access better quality private rented accommodation and could be extended to improve migrant workers' access to good quality accommodation in the private rented sector, without reducing local authorities' and housing associations' abilities to provide services to the settled community. The schemes would require relatively small sums of money to start up or extend to migrant workers; this initial money could then be recycled for future tenancies. A number of options for start-up funding could include CLG, Housing Corporation Innovation and Good Practice grants or even a forward-thinking major employer.

Migrant workers are at risk of financial exclusion that leaves them unable to access mainstream financial services such as banking and insurance (Mitton, 2008). Some initial trials have been undertaken by credit unions to provide support for migrant workers who face difficulty with obtaining funds to pay for a deposit or bond guarantee on

their rent. An affordable loan is offered, and while the worker repays the loan they are also encouraged to save. This then gives them the ability to use their savings or apply for further loans should they lose accommodation or employment.

Housing associations also provide a managing agent service for private landlords to deliver accommodation for homeless families<sup>33</sup>. This provides a secure income stream for the landlords and the expertise to manage the tenancy. The scheme could be extended to include migrant workers<sup>34</sup>. There are some migrant workers, particularly those who are newly arrived, who might benefit from this type of support.

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## 12

Housing associations should include migrant workers as clients in the innovative private sector rental schemes, including operating as managing agents for private rented sector landlords, private sector leasing, rent guarantee schemes and rent deposit schemes.

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### Accommodation supplied by labour providers

Another possible source of accommodation supply for migrant workers is that provided by labour providers, although this is a contentious issue. Some campaigners would like significant tightening of the regulations surrounding this type of accommodation provision (de Verny, 2007). Other groups, such as the Association for Labour Providers, would like to see the removal of all restrictions on housing provision by labour providers (Department of Trade and Industry,

32 For example: <http://www.walthamforest.gov.uk/index/housing/housing-advice-and-info/housing-advice-unit/rent-deposit-scheme.htm>.

33 For example: <http://www.kingshs.org.uk/management.html>.

34 Some housing associations may find it easier to extend these schemes than others. One potential barrier is being unable to secure accommodation at a price that generates a profit for the landlord, covers the expenses of the housing association and is still affordable to the tenants. Another is difficulties in locating sufficient private rented sector accommodation of suitable quality. Solutions to these problems, where they arise, might include an element of subsidy from a good employer or a lighter touch regime being adopted by the housing association.



2006). There is, however, general agreement that the current regulations are not 'fit for purpose'. They are overly complex and do not achieve their desired policy objectives.

An example of this is the accommodation offset rule. The regulations surrounding the National Minimum Wage (NMW) set a limit on the deductions that employers can make for accommodation that they provide for their workers. If a worker is being paid the NMW the employer can only charge a maximum of £31.22 per week for accommodation provided to them<sup>35,36</sup>. In most areas of the country it is very difficult to provide accommodation for this price and consequently the accommodation offset severely limits the ability of employers to provide accommodation to their workers.

There is also evidence that unscrupulous labour providers have found ways to circumvent the legislation. The GLA, which regulates the activities of labour providers in some employment sectors, revoked the license of one labour provider which had deducted accommodation charges directly from its employees' bank accounts to avoid the charge appearing on the wage slip (Gangmasters Licensing Authority, 2008a). Another labour provider threatened to sack workers if they moved out of accommodation provided by the company (Gangmasters Licensing Authority, 2008b). The current regulations are in danger of delivering the worst of both worlds: responsible employers cannot provide accommodation to their workers, whilst unscrupulous employers (particularly those outside the GLA-regulated sectors) flout the law, with little or no chance of detection.

Allowing more employers to provide accommodation would be one way of increasing the choice available to migrant workers. At present, the £31.22 maximum does not reflect the reality of accommodation provision in different parts of the country. This does not mean that it would be desirable to remove the employment offset completely. The Local Reference Rent (LRR)<sup>37</sup> could be used as an alternative. This measure has the advantages of being closer to a market rent without being excessive. It would make it possible for labour providers to participate in the provision of accommodation without being able to profiteer from it.

The Low Pay Commission originally intended the accommodation offset to relate to instances where accommodation is provided as an integral element of the employment package (Low Pay Commission, 2006). Typically this relates to accommodation supplied where there is an element of 'on-call' work. The level of the accommodation offset has also effectively stopped the provision of accommodation by other labour providers because it is not financially viable. A distinction should be introduced to ensure that accommodation for on-call work is still charged below market rates.

Elsewhere in this report is a recommendation that GLA licensing should cover all sectors. Until that occurs an increased accommodation offset should only be available to labour providers who are regulated by the GLA. This may cause minor difficulties where gangmasters provide workers to different sectors as a worker could be employed within a GLA-regulated sector one day and not

35 See <http://www.berr.gov.uk/files/file38769.pdf> for guidance notes on this issue.

36 Accommodation is the only benefit-in-kind that can be counted towards NMW.

37 The LRR is set by the Rent Service and provides a rent level for every locality. More on the process for setting LRRs is available on the Rent Service website at <http://www.therentservice.gov.uk/corporate-publications/local-reference-rents/>.

the next; these should be resolved by the GLA being able to consider all accommodation provided to workers by a gangmaster, whether the specific worker in the accommodation is currently working in a GLA-regulated sector or not; GLA-licensed gangmasters would benefit from the increased accommodation offset for all of their accommodation.

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### 13

The Low Pay Commission and the Department for Business, Enterprise & Regulatory Reform (BERR)<sup>38</sup> should lift the accommodation offset to the relevant Local Reference Rent for labour providers holding GLA licences where there is no element of on-call work; the GLA should be given powers to have consideration of all accommodation that gangmasters provide to their workers, irrespective of the sector the workers are employed in.

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It would be generally desirable to extend the changes to the accommodation offset recommended above to all employers, not just gangmasters, but other employers do not fall under the auspices of a regulator like the GLA. Another method of facilitating employers' provision of accommodation, while ensuring there are robust mechanisms to ensure adequate regulation, would be through housing associations working as managing agents for employers. Housing associations are a trusted and regulated source of accommodation provision. They could work with employers to provide accommodation for their workers, ensuring basic standards at reasonable prices. This could also be a useful means of encouraging partnerships between labour providers and housing associations.

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### 14

The Low Pay Commission and the Department for Business, Enterprise & Regulatory Reform (BERR) should lift the accommodation offset to the relevant Local Reference Rent where the accommodation is managed by a housing association and there is no element of on-call work.

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The GLA can also help to ensure that employers provide accommodation to defined minimum standards. The current GLA standards (Gangmasters Licensing Authority, 2006) cover basic standards of accommodation provision. Failure to adhere to these can be a critical non-compliance that can lead to revocation of the labour provider's licence. Successful licence revocations have proved that the GLA can play an important role in ensuring accommodation standards, and it may in some cases be a quicker procedure than enforcement action taken under environmental health officers' powers. This role needs to be supported so that the GLA can take a more proactive role in improving housing standards, and partnership working with environmental health departments is a key way of achieving that increase.

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### 15

Local authority environmental health departments and the Gangmasters Licensing Authority should increase their partnership working to coordinate the enforcement of accommodation standards.

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The early provision of information in relation to accommodation would help to lessen the chances of migrant workers becoming victims of exploitation when they arrive in the UK. For

38 The National Minimum Wage and accommodation offset are set by government based on recommendations of the independent Low Pay Commission.

example, early and accurate knowledge of what constitutes a reasonable rent level would help to prevent overcharging.

One method of providing this information would be to develop and extend the Migrant Gateway scheme (<http://www.migrantgateway.eu/>). This scheme is a web portal produced in conjunction with employers, local government and civil society, providing a 'one-stop shop' for information relating to migration to the UK. Information on the legal aspects of housing should also be provided, such as that available from hact's Housing Rights Information website (<http://www.housing-rights.info>).

There is also potential for the provision of additional information at borders and on means of transportation to the UK to help it to reach those arriving in the country. To an extent the Home Office and the Department for Business, Enterprise & Regulatory Reform (BERR) already communicate with people entering the country; other government departments should work with these departments to ensure that valuable information related to housing is also communicated.

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## 16

CLG should use a range of methods, including via the internet, on transport to the UK and at borders to provide information to migrant workers at an early opportunity, including information relating to housing and reasonable rent levels.

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## Increasing the flexibility of housing supply

The issue of migrant worker accommodation highlights the lack of flexibility in the current system for planning and delivering housing in the UK, with its inability to respond to rapid population changes. Authorities with responsibility for planning new housing provision must ensure that their strategies are robust enough to cope with different population scenarios, including rapid population change.

The lack of appropriate and affordable accommodation for migrant workers can be particularly problematic in rural areas, where the supply of affordable housing is already a major issue (Taylor, 2008). Rural economies are reliant on significant numbers of low-income workers in the agriculture, tourism, care and food processing sectors but the current rural planning system often completely fails to respond to their accommodation needs. Current planning practices are restrictive, and lead to a low supply of housing (particularly affordable housing) to meet local needs (Taylor, 2008). Whilst there is a need to protect some rural areas against excessive development, this current presumption does not allow sufficient flexibility to provide adequate good-quality, affordable accommodation. The planning process needs to be linked to the changing needs of local economies and be flexible enough to provide a range of accommodation types if villages are to avoid becoming 'gated communities' of the wealthy and retired (Taylor, 2008). Failure to address this issue will result in the continued use of illegal caravan sites and long distance transport of migrant workers from surrounding towns.



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**17**

CLG should update 'Planning Policy Statement 7: Sustainable Rural Communities' to reflect the pressing accommodation needs of low-paid workers (including migrant workers) in rural areas.

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Regional Development Agencies (RDAs) can play an important role in promoting the provision of suitable accommodation for mobile populations. For example, the East of England Development Agency has provided a clear lead on issues relating to migrant workers. This includes commissioning research, providing information to migrant

workers and coordinating activity in the region. RDAs are in a unique position to stimulate new provision of accommodation that will meet the needs of both mobile workers (including migrant workers) and employers.

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**18**

Regional Development Agencies should take a strategic lead in promoting partnership arrangements between public and private sector housing providers to identify innovative solutions to meet the specific accommodation needs of mobile workers.

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# Housing conditions and enforcement of standards

Many of the problems and risks faced by low-paid migrant workers in relation to their accommodation, such as overcrowding, overcharging and poor quality living conditions, are not necessarily a function of their immigration status. Any steps taken to address gaps in legislation or to improve enforcement of existing regulations will equally benefit the settled and migrant worker population.

In its enforcement business plan, the UK Border Agency (UKBA) discusses its desire to work with local authorities “to tackle rogue landlords who offer accommodation to illegal immigrants” (UK Border Agency, 2008c). One possible outcome of this is that local authority officials could be required to report overcrowding incidents to UKBA when they suspect ‘illegal immigrants’ are involved.

Local authority (and other public service) officials working on a protection brief should be unambiguously committed to promoting the welfare of those living in their area and should not be encumbered with a role which involves investigating immigration status. This is important because migrants often live in mixed households, with Poles and Portuguese living with Ukrainians and Brazilians. Many migrant workers will not wish to report incidents of overcrowding or breach of other

housing regulations if they feel it will lead to either them or their housemates being investigated by the immigration authorities. The task of enforcing public health standards in housing should be kept separate from immigration enforcement<sup>39</sup>.

Under the Housing Act 2004, local authorities have a range of powers and duties to act in response to various housing problems, including powers of enforcement to require private landlords to bring their properties up to standard. Beyond these general powers, there are further powers that are available to enforcement agencies for those dwellings classified as houses in multiple occupation (HMOs)<sup>40</sup>, and particularly to licensable HMOs. The regulation of HMOs and caravans are two areas of particular importance in relation to the housing conditions of migrant workers and current issues faced in the regulation of these two areas are set out below.

## Addressing housing standards in HMOs

Three of the major powers provided to local authorities to address standards relating to HMOs are provided by the Housing Act 2004 and came into force in 2006: the Housing Health and Safety Rating System (HHSRS), HMO licensing and HMO management regulations.

39 There is a precedent for this approach: Health and Safety Executive inspectors (unlike GLA or HMRC minimum wage inspectors) are not required to consider any matter concerning the immigration status of workers when enforcing workplace regulations.

40 HMOs are defined in the Housing Act 2004, but in short they are properties where there are three or more unrelated residents.

The **Housing Health and Safety Rating System** (HHSRS) provides a new risk assessment tool to help environmental health officers assess potential risks to the health and safety of occupants in residential properties in England and Wales. The coverage of the HHSRS includes HMOs, but is not limited to them.

**Mandatory licensing for HMOs** covers those HMOs with three or more stories and five or more occupants. Local authorities also have powers to extend the licensing of HMOs in their areas to cover additional classes of HMOs following an extensive period of consultation.

The **HMO management regulations**<sup>41</sup> cover a range of requirements relating to fire safety, bathing, toilet and cooking facilities, day to day management, health and safety and statutory overcrowding. They apply, regardless of whether or not a property let as a HMO is subject to mandatory licensing. They pick up many health, safety and welfare items that cannot be dealt with using the HHSRS (for example, problems that fall short of constituting a significant HHSRS hazard, or where it is not appropriate to take enforcement action under the HHSRS having regard to the relevant enforcement guidance). Failure to address these issues can result in enforcement action by the local authority.

Although these (and other) regulations are in place, minimum standards are not always effectively enforced, as environmental health departments in local authorities do not always have sufficient resources to carry out the necessary checks, particularly in areas with large numbers of and/or recent rapid increases in the number of

HMOs. For example, in its evidence to the House of Lords Select Committee on Economic Affairs, Slough Borough Council reported that it had received 1,050 complaints from neighbours about HMOs and it estimated that it would need £400,000 of new funding to license the properties concerned (House of Lords Select Committee on Economic Affairs, 2008). In many areas of the country, local authority environmental health departments are reported to be under-resourced and experience problems in recruiting and retaining staff<sup>42</sup>. It is essential that environmental health services are properly financed to ensure adequate policing, which should allow both reactive and proactive work to be undertaken. In general, local authorities should be taking a strategic approach to the private rented sector in their areas, including to enforcement issues.

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## 19

Local authorities and other agencies with responsibility for funding enforcement action should increase expenditure on environmental health departments and other enforcement agencies to proactively police housing conditions and carry out effective enforcement action in relation to poor conditions where needed.

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Local authorities currently have powers to issue improvement notices and, if the improvement notice is not complied with, to conduct works on the property to fulfil the requirements of the notice<sup>43</sup>. The power to issue improvement notices, however, is limited to certain hazards identified under the HHSRS. In relation to other offences committed by landlords under the Housing Act 2004 – specifically the failure to comply with the HMO management regulations – the only power

41 HMO management regulations are provided for by section 234 of the Housing Act 2004 and are currently provided in England in Statutory Instrument Number 372 2006. The offence of failing to comply with the regulations is also defined at section 234 of the Act.

42 The Local Government Workforce Strategy 2007 lists Environmental Health as third in the top ten fields for recruitment difficulties, with 57.7 per cent of authorities reporting difficulties (LGA et al, 2007).

43 Under schedule 3 of the Housing Act 2004.

available to local authorities is to prosecute the landlord<sup>44</sup>.

Under previous legislation covering HMOs, local authorities had powers to issue notices for failure to comply with the management code and take action if the requirements of the notice were not fulfilled<sup>45</sup>. This power should be reintroduced to give local authorities the option to take action that falls short of a prosecution where they feel this is a more appropriate way to ensure that the issues are resolved.

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## 20

Government should amend the Housing Act 2004 to extend local authorities' power to issue and enforce improvement notices to include breaches of the HMO management regulations provided for in section 234 of the Act.

Section 239(5) of the Housing Act 2004 states that in most circumstances the landlord must be given twenty-four hours' notice by environmental health officers seeking to enter an HMO for enforcement purposes. This clause was successfully relied upon by a property owner challenging an improvement notice at a recent Residential Property Tribunal (RPT) decision<sup>46</sup>. In general, one justification of the notice period is to give landlords a chance to rectify problems in advance of more serious action being taken. In the case of identifying overcrowding however, the element of surprise is important in obtaining the necessary evidence, and providing notice would give unscrupulous landlords time to temporarily conceal any problems. The Housing Act 2004 already includes a clause removing the need for notice in certain circumstances. That should be extended to include overcrowding cases.

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## 21

Government should amend the Housing Act 2004 to extend the circumstances under which local authorities can use their powers of entry without prior notice, as defined in section 239 (6) and (7), to include cases where the purpose of entry is to ascertain whether or not the property is overcrowded.

In one particular situation it is the obligation to act that creates problems. Where a local authority is aware of an HMO that should have a license<sup>47</sup> but does not, the authority has a duty to take over management of the property by making an Interim Management Order. The original intention of making this a duty rather than a power within the legislation was to avoid the possibility that local authorities might choose to close down unlicensed HMOs rather than taking management of them, effectively further punishing tenants who were already victims of poor accommodation, and reducing the probability of tenants coming forward to report problems with their accommodation.

Unfortunately, this has had the unintended consequence of some local authorities seeming to deliberately ignore unlicensed HMOs. Some local authorities do not have the capacity to implement these orders, for example due to a lack of relevant skills for the management of HMOs in-house and finding external organisations reluctant to administer the orders on their behalf (IDeA, 2006). The number of management orders that have been implemented is minimal compared to the number of unlicensed HMOs. Consequently, some local authorities appear to be deliberately

44 Section 234(3) of the Housing Act 2004 makes failure to comply with the regulations an offence, and consequently provides powers of prosecution, but the Act gives no other powers in relation to the regulations.

45 The Housing Act 1985 provided for a management code under section 369, granted powers to issue notices for failure to comply with that code under section 372 and allowed local authorities to conduct works in default under section 375.

46 For details, see: <http://www.rpts.gov.uk/Files/2007/October/9000116Y.pdf>.

47 Not all HMOs require licenses. The legislation sets out various conditions under which an HMO requires a license but the most common one is that the property has at least three storeys and at least five occupants.



failing to engage with potentially licensable HMOs where they know they would not be able to fulfil their duties.

Whilst the ability to take management of such a property is a useful tool for authorities to have at their disposal, it should be changed from a duty to a power, as this would remove the perverse incentive for authorities to ignore properties. Local authorities would then be able to take other actions, falling short of taking management, which may be useful in some cases.

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## 22

Government should amend the Housing Act 2004 to replace local authorities' duty under section 102 of the Act to take on the management of unlicensed licensable HMOs with a discretionary power to do so.

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### **Addressing housing standards in moveable dwellings (caravans)**

One specific area where current legislation fails to provide the necessary powers for enforcement agencies (such as local authority environmental health departments and fire and rescue authorities, and by extension the Gangmasters Licensing Authority) to enforce standards relates to moveable dwellings, the majority of which are mobile homes or 'static' caravans, although some are touring-style caravans. These moveable dwellings are a relatively common form of accommodation for migrant workers in some rural areas<sup>48</sup>. Caravan sites are often established without planning permission and consequently without a license under the Caravan Sites and Control of Development Act 1960; this means that the main power available to deal with them is to challenge the lack of planning permission,

<sup>48</sup> For example, Kerrier District Council in Cornwall, where the local authority estimated there were 3,000-4,000 foreign workers living in the area, mainly in caravans (Audit Commission, 2007).



itself a slow process. Environmental health powers can only be used when conditions become so prejudicial to health that the Environmental Protection Act 1990, which already covers caravans, can be invoked.

Caravans have higher levels of health and safety risks than conventional dwellings, so at a minimum enforcement agencies should be able to bring to bear all of the powers they currently have at their disposal for other forms of accommodation.

The Housing Act 2004 currently governs most regulation of 'bricks and mortar' dwellings in England and Wales, and bringing caravans within the remit of this Act would make a large number of powers available to enforcement agencies, with relatively little legislative effort. For example, dwellings recognised under the Housing Act 2004 can be subject to the HHSRS, one aspect of which is fire safety, thereby simplifying the process for local authorities to take action against caravans that present a fire hazard.

The proposed legislative change would only apply to residential caravans, not those used for holiday purposes. To prevent unscrupulous accommodation providers from attempting to avoid the regulations, local housing authorities would have the power to make a 'residential caravan declaration', with relevant appeals against the decision, similar to their powers in relation to HMO declarations.

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## 23

Government should amend the definition of 'dwelling' in section 1(5) of the Housing Act 2004 to include 'residential caravans', whether appropriate planning permission for the caravan site has been obtained or not. Local housing authorities should be able to make 'residential caravan declarations' using a procedure similar to the 'HMO declarations' procedure defined in section 255 of the Act.

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One of the issues that local authorities encounter when dealing with caravans that are rented to migrant workers is the sharing of facilities, a matter that is addressed in current regulations governing HMOs. However, the present definitions of HMOs only relate to 'buildings' and would not apply to caravans even if the Housing Act 2004 definition of 'dwelling' was extended to include caravans<sup>49</sup>.

The ability to apply HMO licensing to both unauthorised caravan sites and those exempt from licensing requirements under the Caravan Sites and Control of Development Act 1960 would mean that environmental health officers would not need to rely on enforcement action being taken for lack of planning permission, which can be an unreliable tool and takes a significant amount of time to have effect<sup>50</sup>.

Although HMO licensing does not necessarily provide answers to all of the problems, the requirement for landlords to obtain a licence would provide the local authority with a powerful starting point, as the landlord would be committing an offence if they failed to do so. There are other motivations for landlords to ensure they are not operating an

49 The term 'building' is not defined within the Housing Act 2004, but presumably excludes moveable dwellings like caravans.

50 Enforcement action for absent planning permission is also something of a blunt instrument, as the result of a successful action would be to close the site. In some circumstances local authorities may have reasons to tolerate an unauthorised site, where it is helping to ameliorate a stretched housing supply, but may still wish to be able to improve standards on the site.

unlicensed HMO: the landlord of an unlicensed licensable HMO cannot gain possession using normal possession proceedings, and on conviction for failing to license, the tenants can apply for a rent repayment order for rent paid during the previous 12 months.

Extending the scope of HMO licensing to include caravans would clearly increase the workload for local authorities in respect of HMO licensing. However, this would be offset, to a greater or lesser degree, by the reduction in time spent dealing with problem caravan sites, so could potentially result in a net reduction in the workload of the local authority.

Since mandatory licensing only applies to properties with three or more storeys and with five or more residents it would not apply to standard caravans. A special form of licensing should be available<sup>51</sup>.

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## 24

Government should amend the definition of 'house in multiple occupation' in section 254 of the Housing Act 2004 to include caravans occupied by unrelated people and give local authorities the power to rapidly introduce a special class of HMO licensing for caravans where local circumstances warrant it.

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Even simple legislative changes like those proposed above can take a significant time to bring about. In the interim, local authorities faced with current problems, such as a significant number of unauthorised caravan sites, should consider the adoption of a bye-law to grant them powers to enforce appropriate standards. A bye-law for those purposes has been drawn up by Kerrier District Council; other authorities could draw upon that experience to produce a bye-law very simply. The

bye-law is made under the powers of section 270 of the Public Health Act 1936<sup>52</sup>, and whilst the Act does not give powers that would cover every situation it gives local authorities an additional tool to use in certain situations.

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## 25

Local authorities should, where there are significant numbers of migrant workers living in caravans, introduce bye-laws under section 270 of the Public Health Act 1936 to set minimum standards for accommodation for temporary agricultural workers.

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### Raising awareness of enforcement action

When enforcement action is taken against poor-quality accommodation there is an opportunity for the enforcing authority to maximise the impact of the action by publicising it widely. Publicity relating to a successful enforcement action could be seen by other landlords who might proactively seek to improve their property to avoid similar action being taken against them. It might also raise awareness of tenants experiencing the same conditions and help them understand how to report the problem. It would also have benefits in the wider community, demonstrating the appalling living conditions of some migrant workers and poor members of the settled community, as well as demonstrating the authority's determination to deal with the problem.

Some agencies, notably the Gangmasters Licensing Authority (GLA), already receive media attention relating to their work; we encourage them to further increase this work and other agencies to follow in their footsteps.

51 An alternative approach to that proposed here would be to improve the legislation relating to the licensing of caravan sites. Which legal mechanism is used to improve the tools available to enforcement officers is ultimately less important than ensuring those tools are put in place.

52 The section reads "A local authority may make byelaws for securing the decent lodging and accommodation of hop-pickers and other persons engaged temporarily in picking, gathering or lifting fruit, flowers, bulbs, roots or vegetables within their district."

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## 26

The Gangmasters Licensing Authority, local authorities and other agencies with responsibility for enforcing aspects of housing standards should seek to raise the profile of any action they take in relation to poor-quality housing, in order to increase public awareness of the issues.

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### Engaging with private landlords

There are a number of positive ways in which local authorities can engage with private rented sector landlords, in order to support landlords in providing better services to their tenants and to avoid the need for enforcement wherever possible. These include local accreditation schemes, landlords' forums and tenancy relations officers in local authorities.

**Local accreditation schemes** are a useful way to recognise and approve responsible landlords in an area, enabling local authorities to target enforcement powers on other landlords where necessary. Accreditation schemes enable a local authority and local landlords to have a two-way exchange of information, advice and support. They work best when they are voluntary rather than compulsory (Scott, 2007) and local authorities need to provide incentives, such as training or a lighter regulatory touch, for landlords to join. Care should be taken to carry out appropriate checks on landlords joining the scheme, to ensure they are honest and responsible. Since landlords often hold property in several different local authority areas, it is helpful if these schemes are set up across local

authority areas, for example the East Midlands Landlord Accreditation Scheme<sup>53</sup>.

**Landlords' forums** provide an opportunity for local authorities and landlords to meet on a regular basis and share information. Landlords can be encouraged to pass on relevant information to their tenants, including new migrants, as well as engaging more generally in promoting community cohesion. These forums also provide an opportunity to genuinely involve and engage private landlords in developing local strategies to provide housing and support services.

**Tenancy relations officers** and other similar posts within local authorities play a vital role in providing a single point of contact for a landlord who is seeking advice or help from the local authority. They are able to provide timely guidance to landlords as to appropriate sources of help and guidance, helping to reduce the need for enforcement action.

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## 27

The Local Government Association should encourage local authorities to take a proactive approach to identifying private sector landlords who own residential properties in their areas and establishing good communication links with them through a variety of mechanisms, including local accreditation schemes, landlords' forums and tenancy relations officers.

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53 The East Midlands Landlord Accreditation Scheme (EMLAS) is a region-wide accreditation scheme that encourages and rewards good property standards and management practice in the private rented sector. Any residential landlord in the region can join the scheme and enjoy not only the market advantage, but also briefing sessions on new legislation, resource materials and guidance, professional development courses and inclusion on the EMLAS property database: <http://www.eastmidlandsdash.org.uk/accreditation.asp>.

## Regulation of labour providers

The regulation of labour providers by the Gangmasters Licensing Authority (GLA) was established by the Gangmasters (Licensing) Act 2004. Subsequent enforcement of standards by the GLA has been relatively high profile. The current scope of gangmaster licensing is, however, significantly limited.

At present the GLA's remit only covers a specific subset of sectors: agriculture, forestry, horticulture, food and drink processing and packaging, and shellfish gathering. These currently account for 15 per cent of WRS registrations (UK Border Agency et al, 2008)<sup>54</sup>.

This excludes many of the sectors that migrant workers and other vulnerable, low-paid workers are employed by labour providers to work in. This creates anomalies: a worker, employed by a labour provider could be working one day in a meat packing factory and the next in a CD packing factory; on the first day their employment would fall under the aegis of the GLA, on the second it would not. If the principle of licensing labour providers is justified, then it should apply across all employment sectors.

As well as providing protection for workers in all sectors, extending the remit of the GLA to cover all employment sectors would also create a level playing field for businesses and a simpler system for labour providers who provide labour to a variety of industries.

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## 28

Government should extend the remit of the Gangmasters Licensing Authority to cover labour providers in all employment sectors and ensure that adequate funding is available.

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As well as the GLA, the Employment Agency Standards (EAS) Inspectorate also regulates employment providers, in the form of Employment Agencies (EAs) and Employment Businesses (EBs)<sup>55</sup>. Many of those who provide labour operate simultaneously as EAs and EBs, and those working in one of the relevant sectors are also classified as gangmasters under the Gangmasters (Licensing) Act 2004, and hence will require a licence from the GLA. The EAS Inspectorate team is very small in relation to the size of the employment agency sector<sup>56</sup>. The current separation of the EAS Inspectorate from the GLA is inefficient and a merger of the two would provide an opportunity for increasing coordination and providing a simplified regulatory regime for those labour providers currently falling within the remits of both organisations. Economies of scale could be gained, both financially and in terms of public awareness of the work carried out.

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## 29

Government should amalgamate the Employment Agency Standards Inspectorate with the Gangmasters Licensing Authority to provide a single agency responsible for the regulation of labour providers.

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54 As noted previously, the method by which WRS data are collected means they do not give a definitive number of migrant workers in a sector at any time. Figures derived from them will still have some indicative value though.

55 EAs and EBs are defined in Employment Agencies Act 1973. EAs are those where employees' contracts are with the company they are working for; EBs are those where employees have their contracts with the agency and include temporary employment agencies.

56 The 2006-2007 Annual Report of the EAS Inspectorate states that it employed twelve field inspectors (including some part time), four staff to operate a helpline and a management team of three. An announcement in September 2007 indicated that the number of inspectors was to be doubled. The same report stated that the recruitment industry is estimated to have an annual turnover of £24.5 billion (BERR, 2008).

## Building stronger communities

Building good community relations between settled and migrant communities has long been an important policy objective of successive UK governments (Zetter et al, 2006). There is now, however, a “radically different era of migration” and governments have struggled to reconcile and adapt this policy framework to complex new trends and impacts (Zetter et al, 2006). There is no simple relationship between migration and cohesion (Hickman, Crowley and Mai, 2008). Migration is one factor putting pressure on cohesion, especially in areas that are not used to inward migration from other countries. The tone of some national and local newspapers can encourage hostility (Audit Commission, 2007).

The presence of significant numbers of migrant workers in an area can have an impact on the settled community, which can put a strain on community cohesion. Local tensions may derive from relatively minor misunderstandings which could be eased or prevented with relatively simple actions. Such tensions include noise levels when returning/going to work at unsocial hours, not understanding rules about recycling/refuse collection and concerns over street drinking (Audit Commission, 2007). These tensions are exacerbated by factors including language barriers and the ‘churn’ that can be associated with a mobile population, leading to a constant process of incoming residents having to learn the

norms and rules for the area. Addressing the issues that can cause cohesion problems provides benefits for both the settled population and migrant workers. Factors such as increases in badly-managed private rented sector accommodation can also have an impact.

Where work is carried out to address needs identified in the migrant worker population, it should be structured to include any members of the settled population that have the same need. For example, services established to provide support and information to migrant workers could also provide a point of contact for members of the settled population to raise issues relating to their migrant neighbours. Conversely, service providers such as local authorities should ensure that their normal services such as refuse collection are also appropriate to the needs of migrant workers and other mobile populations. This dual approach could also help to ensure that some services are better-accessed by people moving to the area from other parts of the UK, who would not classify themselves as migrant workers, but might benefit from similar support.

As well as the practical benefits of this recommendation, it should also have political benefits as the local authority will not be perceived as giving special or priority treatment to a particular group, reducing the opportunity for local dissatisfaction.

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**30**

A principle of inclusivity should be applied wherever possible to ensure that projects and services meet the needs of all relevant sections of the community, including both migrant workers and the settled population.

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### Perceptions and the media

Under the Race Relations Act 1976 (as amended) a wide range of public authorities have a general duty to promote race equality, including having due regard to promoting good relations between people of different racial groups (Commission for Racial Equality, 2002).

Some of the concerns that settled communities have about the effects of rapid population change on their area may be legitimate. These concerns should be recognised and responded to by the relevant authorities. It is also important to recognise that migrant workers often experience prejudice and racial harassment (Nicholson and Romaszko, 2008). This discrimination should not be tolerated. Organisations that are responsible for dealing with racial discrimination should ensure that they are monitoring this issue and providing a robust response to it.

The tone of local media coverage can either help to encourage hostility, or combat it by ensuring more balanced reporting (Audit Commission, 2007). Local authorities need to take a firm leadership role in challenging any misreporting if they are to fulfil their legal obligations. The Equality and Human Rights Commission (EHRC), as a champion for equality should also take a leading role in this.

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**31**

Local authorities and the Equality and Human Rights Commission should ensure that they are fulfilling their statutory duties to combat racial harassment of migrant workers.

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One issue that is commonly raised in relation to migrant workers is the (usually false<sup>57</sup>) perception that they are using resources that would otherwise be spent on the settled population, which has a negative impact on community cohesion. As well as challenging incorrect reports that circulate, local authorities should actively seek and promote areas where proactive work relating to migrant workers can result in the authority spending less than they would have otherwise.

The town of Crewe has recently seen a large influx of migrant workers from A8 countries, mainly to work in the local food processing industry. A significant amount of work has been undertaken by the local authority and other partners to support the integration of this group. This effort is spearheaded by a small team of workers, which includes several A8 nationals, based at Crewe and Nantwich Borough Council. As part of the community development team, they run drop-in sessions for migrant workers who are experiencing difficulties, providing a single point of access for migrant workers. The scheme also supports other service providers, such as the police and health services, who might otherwise struggle with cultural and translation issues. The team works proactively with both the settled and migrant worker communities to improve communication through language training, cultural education and social events.

<sup>57</sup> For example, few migrant workers are offered social housing tenancies, few are accompanied by their families – at least initially – and most are young and healthy (Audit Commission, 2007).

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**32**

Local authorities should take an 'invest to save' approach through the timely provision of appropriate support to migrant workers, thereby demonstrating savings to the authority from work carried out.

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### Communication and understanding

Producing a 'welcome pack' for a local area can be a valuable tool to introduce migrant workers and others arriving in an area to the services and facilities available. Explaining the practicalities of local services, such as refuse collections, is easier and cheaper than dealing with the problems that can arise from a lack of local knowledge.

Many local authorities and voluntary sector organisations have already developed welcome packs and these are widely available on the internet. Rather than duplicating efforts, local authorities should use an existing pack as a model. Suitable templates include those developed by IDeA as part of their Integrating New Migrants project<sup>58</sup>, by the Meeting the Information Needs of Economic Migrants (MINEM) project<sup>59</sup> and by the East of England Development Agency (EEDA) or, indeed, those developed by similar local authorities. This will save resources that can be used on enhancing other services.

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**33**

Local authorities should ensure that a welcome pack outlining local services is available for new arrivals to their area, but should seek to adapt one of the existing templates that have been developed for this purpose to avoid duplication of efforts.

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Migrant workers who understand their rights and obligations are less likely to fall victim to unscrupulous landlords or employers, reducing the need for expensive enforcement action. The provision of English language lessons can be seen as an example of investing money up front to save money later.

Another benefit of improved language skills is that they facilitate positive interactions with neighbours, leading to improved community cohesion. Language lessons can also touch upon cultural norms and customs which would improve cohesion through reducing confusion due to misunderstandings of local practices.

The Government has recently announced an intention that all foreign nationals wishing to become British citizens will have to learn English<sup>60,61</sup>. For many migrant workers obtaining British citizenship is not a goal so this measure will have no effect on them. In any event, whilst learning English over the course of several years to gain citizenship may be useful, those arriving in the country would benefit from 'survival English' immediately, developing the sort of language skills that enable them to manage the practicalities of everyday life, to have basic interactions in shops, with neighbours and with public services.

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**34**

Local authorities should arrange free lessons in 'survival English' for migrant workers arriving in their area without good English language skills.

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Understanding between communities can also be developed through town twinning-type exchanges with local migrants' home towns in Europe. Such

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58 See <http://www.idea.gov.uk/idk/core/page.do?pageId=7917246>.

59 See <http://www.minem.eu/>.

60 See [http://www.labour.org.uk/newcomers\\_must\\_earn\\_the\\_right\\_to\\_stay\\_in\\_the\\_uk](http://www.labour.org.uk/newcomers_must_earn_the_right_to_stay_in_the_uk), 2008-07-14.

61 This approach itself is not without practical problems. In 2006 the NIACE (National Institute of Adult Continuing Education) Committee of Inquiry into English for Speakers of other Languages (ESOL) made it clear that having a successful system of ESOL is of fundamental importance to this country, but found that there are significant issues to be addressed if that challenge is to be met (NIACE, 2006).



exchanges could also seek to develop partnerships with organisations (e.g. civil society, faith-based or governmental) in migrant workers' countries of origin, as well as any locally-based groups, which would help to ensure ongoing support and interaction.

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### 35

Local authorities should encourage cultural and social exchange with local migrant workers' countries and/or towns of origin, including by investigating opportunities for town twinning and should seek to establish links with migrant worker-linked organisations based locally.

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Building strong communities can include partnerships with a wide variety of groups. Developing links with organisations from, or with experience of, migrant

workers' countries of origin can be beneficial. Voluntary sector organisations, faith-based organisations and government agencies from these countries or migrant community organisations could all provide valuable information and support. This could include early intelligence about changes in the movements of people, information about culture to help understanding or assistance with translation issues. They can also provide an effective way to deliver services for hard to reach groups (Perry and El-Hassan, 2008). The Poland-based charity Barka, for example, has been commissioned by several London Boroughs to provide services to homeless A8 nationals<sup>62</sup>. These organisations can also have a role in preparing migrant workers before they leave their country of origin through providing information about UK culture, the practicalities of working abroad and sources of support if difficulties are encountered.

62 See <http://www.barka.org.pl>.



## Responding to local need

Local situations vary around the country, and particular cohesion issues need to be dealt with on a local basis. The Audit Commission noted, for example, that “Different areas of the country face a different combination of circumstances, and need to develop their own local responses (2007: p4).”

One aspect that warrants particular attention is the response to migration in rural areas, many of which have not previously experienced large influxes of new people. These areas are likely to be unfamiliar with responding to a more diverse community and they may lack the infrastructure and experience that is needed to integrate new communities. Migrant workers who are living and working on farms may face particular problems with isolation and gaining access to services.

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### 36

The Commission for Rural Communities should investigate the different challenges for community cohesion and integration in rural areas and produce guidance for addressing the challenges identified.

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Tying funding to good practice would encourage local authorities to deal with issues in their area, which might lessen the actual need for the funding to be drawn down in the future, as implementing the good practice may resolve the problems.

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### 37

Government should provide additional financial support to local authorities and other statutory sector bodies in areas where high levels of population churn have been identified, providing that they can demonstrate that they are already implementing existing good practice to address the issues.

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The Housing Act 2004 introduced two types of licensing for accommodation in the private rented sector: HMO licensing and selective licensing. HMO licensing covers houses in multiple occupation (HMOs) and is mandatory for properties with three or more storeys and five or more occupants; a local authority can apply to extend HMO licensing to other HMOs in its area.

Selective licensing applies to all private rented properties within a defined area, but can only be introduced by a local authority that has consulted widely (including with landlords) and demonstrated to central government that the area has one of two specific problems defined in the Housing Act 2004: low demand or anti-social behaviour. By making it available where there are problems related to community cohesion, an existing power could be relatively easily extended to give local authorities another tool to deal with cohesion problems<sup>63</sup>.

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### 38

Government should amend the Housing Act 2004, adding a third set of general conditions to section 80 to provide a power to introduce selective licensing on the grounds of issues of cohesion within an area.

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63 An alternative solution would be to remove the specific conditions from the requirements, allowing local authorities to introduce selective licensing for any grounds where they could make a good enough argument to CLG.

## Delivering change

People do not pay heed to local or regional government boundaries as they go about their daily lives. If there is not a coherent approach, both between agencies and between geographic areas, highly mobile populations, such as migrant workers, are particularly likely to experience the problems of the lack of coordination. Migrant workers frequently travel long distances to and from work (Audit Commission, 2007), and may well live in one local authority area and work in another.

The opportunities for improved delivery of services and positive change to local situations extend beyond cross-border working between neighbouring local authorities; they also include strengthened networks within an area, between the wide variety of statutory bodies that touches people's lives and also with civil society and private sector organisations.

### Local leadership

The value of local leadership should not be underestimated. Migration across the UK has been incredibly diverse in its scale and impacts on local areas. Different areas will require different approaches to address local issues and build strong communities. The arrival of migrant workers has often highlighted existing issues in local communities like shortages of

affordable housing or access to services. Leadership is required to acknowledge difficulties and find solutions that are relevant to the local area. Doing so will make it easier to dispel myths about migrant workers and build strong communities. The Local Strategic Partnership will, in many areas, be a suitable vehicle to take a strategic lead on the issue.

Failure to provide strong local leadership can be costly. The Ritchie review of the Oldham riots in 2001 highlighted failures in local leadership as one of the major lessons that needed to be learned (Oldham Independent Review, 2001). Oldham will feel the costs of this failure for many years to come. They relate not just to the initial costs of policing and repairs but also to the ongoing effects on the town's reputation, local businesses and community relations.

The Local Government Association (LGA) has a key role to play in disseminating information and guidance to councillors, and they should be among the networks taking a leading role in this field.

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### 39

The Local Government Association should work with councillors to stress the importance of local leadership on the issue of migrant workers.

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## Local and regional networks

The movement of people for work or other reasons is now an increasingly normal part of life for many people and it can have an impact on any part of the country. One of the reasons that the influx of A8 and A2 nationals following the expansion of the European Union has been different to other waves of migration is that the migrant workers have found employment throughout the country, rather than in a few urban centres (Audit Commission, 2007). Existing contact points (locations where both immigrant and settled communities live), such as major cities like London, continue to receive workers, but new contact points have developed in places like the rural East of England, and the South Coast (Audit Commission, 2007) where many workers have arrived to take up employment in the agricultural, hospitality and care sectors. Another difference between this and earlier types of migration is that settlement patterns in terms of length of stay are likely to be different and more variable; previously most people did not have the option of such easy movement around Europe.

Consequently, migration is now a mainstream rather than marginal activity and can no longer be considered a specialist function. Local authorities and other public bodies must be ready to deal with relatively rapid changes to their population, including movements both into and out of the area. Whilst it may be appropriate to appoint an individual dedicated 'migrant worker officer' in some areas, in most cases such a position should be viewed as a short-term measure to identify problems and enshrine work relating to migrant workers into all aspects of the authority.

On an ongoing basis, most areas will benefit from the creation of a working group which brings together a range of partners to address the issues relevant to their area. The exact composition and remit of such a group will depend on the specific local situation, for example the scale of migration and population 'churn' in the locality, whether the migration is international or domestic, and whether there are problems relating to a particular type of housing (e.g. caravans or HMOs). Relevant civil society organisations should be included. The working group should also take care to build relationships with others whose interest in migrant worker issues may not relate directly to the purpose of the group (for example, a group that focuses on housing issues may not need representatives of the Primary Care Trust at every meeting, but may want specific input on health issues from time to time). If there are issues they should be addressed by all relevant local agencies. Therefore appropriate existing partnerships should be used – Local Strategic Partnerships (LSPs) or Crime and Disorder Reduction Partnerships (CDRPs) are the most commonly used at present<sup>64</sup>. Depending on the scale and nature of migration-related issues an area is facing, it may be useful to establish one or more focused working groups (for example as sub-committees of LSPs, CDRPs or SMPs).

Employers, labour providers and private sector landlords should have a role within the working group, providing more than nominal involvement. Simply inviting private sector participants to attend meetings that are largely irrelevant to them, where they cannot contribute and do not learn anything of use to them will not make for a strong and lasting partnership, as the employers

<sup>64</sup> Another potential solution would be to modify the role of the regional Strategic Migration Partnerships (SMPs) to function along the lines of the groups described here. SMPs have recently been introduced by the UK Border Agency (UKBA), with their agendas set by the regional managers of UKBA.

and landlords will disengage. The statutory bodies leading on the partnership should consider how they make the relationship mutually beneficial.

Migration issues do not respect administrative boundaries, so it may be appropriate for partnerships to be established covering more than one district. Multi-Area Agreements could be a suitable vehicle for this type of partnership working.

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#### 40

Local authorities should where necessary establish working groups of local stakeholders that can act as focal points for issues relating to migrant workers.

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#### 41

Local authorities should seek to work in a more coordinated manner with a range of statutory bodies and civil society organisations within their areas, together with neighbouring authorities where appropriate, to address local issues relating to migrant workers.

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#### 42

Local authorities and other statutory bodies should encourage employers and housing providers to participate fully in working groups or other local partnerships addressing migrant worker issues by ensuring that their involvement can be meaningful.

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Local public bodies, such as local authorities, primary care trusts and police services, often have significant amounts of intelligence relating to migrant workers. Unfortunately this

information is often poorly understood and not shared with other relevant bodies. Indeed, there is sometimes even a reticence to share data within an organisation. Whilst there are legitimate data protection issues that need to be considered, public bodies should work to share between themselves as much data as they can for the promotion of integration and the protection of health and welfare standards without undermining people's privacy. Data sharing protocols can be established to put on a formal footing an understanding of what information can be shared.

In considering the data that is available, it is also worth assessing the information that the private sector (including both landlords and employers) may be able to provide. An employer, for example, may become aware that some of their employees are living in unsuitable conditions and with appropriate relationships in place they may be able to report that to the public bodies or enforcement agencies. In return, it may be possible to provide private employers or landlords with information that might be useful to them<sup>65</sup>, as long as it can be ensured that the data is anonymised and not personally identifiable.

There is a suggestion that migrant populations are disinclined to cooperate with public bodies which they believe are involved in immigration enforcement activities, even when they do not expect to suffer the consequences directly themselves. This is because irregular migrants of various sorts are likely to be included in their circles of friends and associates and they do not wish to get them into trouble.

<sup>65</sup> For example, a large employer may find it useful to know which languages are spoken by migrants in an area, so they can translate literature or hire recruiters accordingly.



Because the withdrawal of the cooperation of migrants from the provision of information about themselves to public service authorities would be counter-productive the sharing of information should be limited to issues concerning the promotion of integration and the provision of housing, health and welfare services, and should not be made available on a routine basis for the enforcement of immigration regulations.

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#### 43

Local partnerships should actively seek to identify information that can usefully be shared between members and establish data sharing protocols to maximise the appropriate and secure sharing of information.

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Data sharing should also exist between the levels of government, and could be improved in some areas; specifically, statistical information on the

number of National Insurance Numbers (NINOs) issued to migrant workers which are still in active use<sup>66</sup> should be shared more freely by government<sup>67</sup> with local authorities and other statutory bodies. This could provide an improved picture of how many migrant workers there are in the country at any one time.

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#### 44

Government should review the use of a range of national administrative data to improve the estimation of migration figures. In particular the DWP and ONS should look for evidence as to whether migrant workers are continuing to use their national insurance numbers. When partnered with new NINo registrations and continuing contributions or payments this data may help improve statistics on local migration and population turnover.

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<sup>66</sup> Information on NINOs allocations is already freely available, broken down by nationality and local authority. However, as these data only reveal the number of new NINOs allocated they do not provide sufficient information to ascertain the number of migrant workers present in the UK at any one time. Information could be drawn out of government records to indicate which NINOs are currently active, based on national insurance contributions made and social security benefits claims. Whilst some people would be excluded from this measure (including dependents of migrant workers who neither work nor claim benefits), this activity data would be a useful proxy for migrant workers present in the country. The production of what is known as a 'stock' figure would provide a useful addition to the existing registration data, which contains no indication of when a person leaves the country.

<sup>67</sup> Coordination between government departments is necessary to facilitate this; the Department for Work and Pensions allocates NINOs and administers benefits while HMRC collects National Insurance contributions. The Office for National Statistics will have a role in establishing how to share administrative records held by different departments. Care would also need to be taken to avoid double-counting of people included in the International Passenger Survey, and to appropriately handle reactivation of existing numbers.

The public sector should often undertake its work in relation to migrant workers at a regional or sub-regional level, as migrant workers and their employers frequently operate across local authority boundaries. Many are transported long distances to work, and often an administrative boundary does not represent the boundary of an identifiable housing market.

As well as a role in bringing together local authorities, regional bodies also have a role in exercising their functions of developing plans and strategies for their regions. These detailed documents address many issues, and they should plan for and respond to migrant workers across different disciplines, including planning, employment, economic development and housing.

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#### 45

Regional bodies<sup>68</sup> should ensure that issues relating to migrant workers and a mobile workforce are addressed in regional plans and strategies, including Integrated Regional Strategies, Regional Spatial Strategies and Regional Housing Strategies.

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The benefits of a coordinated approach are demonstrated by the West Cornwall Migrant Worker Action Group (MIGWAG). This was set up in 2005 after Kerrier District Council and other local agencies began to hear reports of problems with accommodation provided to migrant workers. West Cornwall is a rural area that relies on significant numbers of migrant workers to support local agriculture and food processing industries. A variety of organisations, including two local

authorities, the police, the fire service and the GLA, came together to share information and formulate a joint response. Intelligence highlighted particular problems with caravan sites on isolated farms where migrant workers were living in damp, overcrowded conditions where there was a significant fire risk. The location of the caravan sites left the workers isolated from support services and the local community.

In January 2006, MIGWAG coordinated a joint operation to address one of the problem caravan sites. The operation led to the revocation of the labour provider's GLA licence, action against the Polish recruitment agency and improvements to both the environmental health and fire safety of the caravan site. Media coverage of the operation has raised awareness of this issue and helped to ensure that other local labour providers are aware of their responsibilities.

#### Guidance and the transfer of good practice

A number of reports and projects, such as the hact/CIH Opening Doors project (2007) and the Audit Commission's Crossing Borders report (2007) have identified good practice in the field. However, the uptake of this good practice appears to have been limited. Consequently, the transfer of good practice that has already been identified should be considered a much higher priority than work to identify further examples at present.

Existing networks, such as LACORS<sup>69</sup> for environmental health officers, could be useful in disseminating good practice information that has been gathered.

68 Integrated Regional Strategies currently fall under the remit of Regional Assemblies. With the forthcoming closure of Regional Assemblies these are set to become the remit of Regional Development Agencies.

69 LACORS (the Local Authorities Coordinators of Regulatory Services) is the local government central body responsible for overseeing local authority regulatory and related services in the UK. It comprises the Local Government Association, Welsh Local Government Association, Convention of Scottish Local Authorities and Northern Ireland Local Government Association. LACORS is mainly funded by local government.

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**46**

LACORS, the National Housing Federation, hact and the Chartered Institute of Housing as well as local and central government should increase their efforts to disseminate to members of their networks relevant good practice relating to migrant workers that has already been identified.

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**47**

Local authorities should proactively seek to learn from good practice relating to migration.

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At present there is a plethora of central government departments, advisory committees and other agencies involved in issues relating to migration. Annex 2 of CLG's recent Review of Migrant Integration Policy in the UK (2008b) provided a useful overview of many of these, listing literally dozens of bodies as "Key Agencies for Migration in the UK."

It is inevitable, and possibly even desirable, that an issue with as many facets as migration will need the involvement of different agencies. There is, however, a clear case for simplifying some of this structure and ensuring greater coordination of the bodies that remain involved.

An overarching body should be created, which would be charged with ensuring that the public policy agenda is well attuned and effectively responding to:

- changing patterns of migration;
- its impact on local communities;
- ensuring a positive and informed welcome for new migrants.

In order to achieve these aims the body would be responsible for coordinating information on migration and monitoring intelligence and research. A particularly important role for the body would be the coordination of government departments and other agencies to achieve its objectives.

The body could also take on part of the role described above in promoting the good practice that has already been identified and publicised by organisations like the Audit Commission. This body would be a home for some of the advisory panels that currently exist, notably the Migration Impacts Forum (MIF)<sup>70</sup> and the Migration Advisory Committee (MAC)<sup>71</sup>, as well as taking the functions of CLG's Migration Directorate, and as many of the other functions as is appropriate.

There would be a need to explore the precise nature of accountability (potentially establishing the resultant organisation as a Non-Departmental Public Body (NDPB)) and work should be done to secure the support of all political parties. A recommendation was recently advanced by the Commission on Integration and Cohesion (2007) to create a national body sponsored by CLG to manage the integration of new migrants; similarly, Lord Goldsmith QC (former Attorney General) recommended in a report requested by the Prime Minister that consideration should be given to establishing an Office of Citizenship (Goldsmith, 2008). Following these recommendations, CLG evaluated (2008b) a proposal to create an Integration Agency as an NDPB sponsored by CLG. It decided to continue with the current arrangements, citing a desire to give more time for the relatively new Migration Directorate, MIF and MAC to become well-established before seeing if

70 The MIF was established in June 2007 and is tasked with building up an evidence base on the wider impact associated with migration experienced by local areas and how these challenges can best be met. Membership includes representatives from local authorities, voluntary and public sectors, the CBI and the TUC.

71 MAC, comprising five economists and two ex-officio members, first met in December 2007 and has a stated aim of providing independent, transparent and evidence-based advice to government on where labour market shortages exist that can sensibly be filled by migration (UK Border Agency, 2008b).



further development would be beneficial. Although the recommendation below differs from the proposal that CLG examined, their response seems clearly opposed to changing the status quo in the near future. Consequently the primary aim of the following recommendation is that CLG should review its decision sooner rather than later, and consider bringing the bodies together at that stage.

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#### 48

CLG and the Home Office should review the decision to retain the current bodies and structures dealing with migration at the earliest opportunity with a view to merging existing functions to establish a central body at arm's length from government, accountable to parliament, with an advisory role on all issues relating to migration.

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Migration is an international phenomenon and can simultaneously have a variety of impacts in

different countries. This can be seen in relation to housing markets: the construction industry in the UK has relied on skilled workers from Poland; meanwhile, remittances and money being taken back into the country are boosting the housing market in Poland and increasing owner occupation<sup>72</sup>.

There is need for research to be conducted on an international level to provide a coherent and holistic assessment of the impact that migration (inward and outward) is having on different states, and to highlight any areas where joint action by nations would prove mutually beneficial.

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#### 49

The European Commission should commission research into the impact that migration has on housing provision across Europe, highlighting areas where joint actions by states would be beneficial.

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72 A Polish Bank (DomBank) found that 50 per cent of Polish nationals living and working in the UK are saving to buy property in Poland: <http://homesgofast.com/blog/2008/07/17/polish-workers-to-help-poland-property-prices.html>.



## Overview of recommendations

This report includes detailed recommendations for action to address the issues of migrant workers' housing. The recommendations are restated below for easy reference, categorised according to the groups or organisations at whom the recommendations are directed.

### General

- 30 A principle of inclusivity should be applied wherever possible to ensure that projects and services meet the needs of all relevant sections of the community, including both migrant workers and the settled population.

### Central government

- 1 CLG should undertake a robust investigation into the scale of homelessness amongst those with no recourse to public funds across the country and take appropriate action to address the issues identified.
- 2 Government should amend legislation to remove the possibility of people becoming destitute because they have no recourse to public funds.
- 6 CLG should provide funding to civil society organisations to run pilot schemes to support members of the settled community to accommodate those arriving in an area as lodgers.

- 9 Government should introduce a requirement for planning permission for major developments that the application must address the housing needs of the construction workforce.
- 16 CLG should use a range of methods, including via the internet, on transport to the UK and at borders to provide information to migrant workers at an early opportunity, including information relating to housing and reasonable rent levels.
- 17 CLG should update 'Planning Policy Statement 7: Sustainable Rural Communities' to reflect the pressing accommodation needs of low-paid workers (including migrant workers) in rural areas.
- 20 Government should amend the Housing Act 2004 to extend local authorities' power to issue and enforce improvement notices to include breaches of the HMO management regulations provided for in section 234 of the Act.
- 21 Government should amend the Housing Act 2004 to extend the circumstances under which local authorities can use their powers of entry without prior notice, as defined in section 239 (6) and (7), to include cases where the purpose of entry is to ascertain whether or not the property is overcrowded.

- 22 Government should amend the Housing Act 2004 to replace local authorities' duty under section 102 of the Act to take on the management of unlicensed licensable HMOs with a discretionary power to do so.
- 23 Government should amend the definition of 'dwelling' in section 1(5) of the Housing Act 2004 to include 'residential caravans', whether appropriate planning permission for the caravan site has been obtained or not. Local housing authorities should be able to make 'residential caravan declarations' using a procedure similar to the 'HMO declarations' procedure defined in section 255 of the Act.
- 24 Government should amend the definition of 'house in multiple occupation' in section 254 of the Housing Act 2004 to include caravans occupied by unrelated people and give local authorities the power to rapidly introduce a special class of HMO licensing for caravans where local circumstances warrant it.
- 28 Government should extend the remit of the Gangmasters Licensing Authority to cover labour providers in all employment sectors and ensure that adequate funding is available.
- 29 Government should amalgamate the Employment Agency Standards Inspectorate with the Gangmasters Licensing Authority to provide a single agency responsible for the regulation of labour providers.
- 37 Government should provide additional financial support to local authorities and other statutory sector bodies in areas where high levels of population churn have been identified, providing that they can demonstrate that they are already implementing existing good practice to address the issues.
- 38 Government should amend the Housing Act 2004, adding a third set of general conditions to section 80 to provide a power to introduce selective licensing on the grounds of issues of cohesion within an area.
- 44 Government should review the use of a range of national administrative data to improve the estimation of migration figures. In particular the DWP and ONS should look for evidence as to whether migrant workers are continuing to use their national insurance numbers. When partnered with new NINo registrations and continuing contributions or payments this data may help improve statistics on local migration and population turnover.
- 48 CLG and the Home Office should review the decision to retain the current bodies and structures dealing with migration at the earliest opportunity with a view to merging existing functions to establish a central body at arm's length from government, accountable to parliament, with an advisory role on all issues relating to migration.

## Regional government

- 10 Regional Planning Bodies should build into Regional Spatial Strategies an assumption that temporary planning permissions will be granted at growth sites to serve the housing needs of the construction workforce.
- 11 Regional Planning Bodies should ensure that forethought is given to how the area would respond to the accommodation needs that would result from rapid population changes, for example by addressing where temporary accommodation might be sited in the Regional Spatial Strategy.
- 18 Regional Development Agencies should take a strategic lead in promoting partnership arrangements between public and private sector housing providers to identify innovative solutions to meet the specific accommodation needs of mobile workers.
- 45 Regional bodies should ensure that issues relating to migrant workers and a mobile workforce are addressed in regional plans and strategies, including Integrated Regional Strategies, Regional Spatial Strategies and Regional Housing Strategies.

## Local government

- 3 Local authorities should address the needs of migrant workers in their homelessness prevention strategies where it is a local issue.

- 4 Local Resilience Forums should run exercises featuring the sudden homelessness of significant numbers of migrant workers due to closure of housing or employment, to validate and test their plans.
- 5 Environmental health officers should ensure that (where they are planning to undertake enforcement action that might result in accommodation being closed down) they have robust plans to deal with the impact on residents, including addressing their immediate housing needs.
- 15 Local authority environmental health departments and the Gangmasters Licensing Authority should increase their partnership working to coordinate the enforcement of accommodation standards.
- 19 Local authorities and other agencies with responsibility for funding enforcement action should increase expenditure on environmental health departments and other enforcement agencies to proactively police housing conditions and carry out effective enforcement action in relation to poor conditions where needed.
- 25 Local authorities should, where there are significant numbers of migrant workers living in caravans, introduce bye-laws under section 270 of the Public Health Act 1936 to set minimum standards for accommodation for temporary agricultural workers.

- 26 The Gangmasters Licensing Authority, local authorities and other agencies with responsibility for enforcing aspects of housing standards should seek to raise the profile of any action they take in relation to poor-quality housing, in order to increase public awareness of the issues.
- 27 The Local Government Association should encourage local authorities to take a proactive approach to identifying private sector landlords who own residential properties in their areas and establishing good communication links with them through a variety of mechanisms, including local accreditation schemes, landlords' forums and tenancy relations officers.
- 31 Local authorities and the Equality and Human Rights Commission should ensure that they are fulfilling their statutory duties to combat racial harassment of migrant workers.
- 32 Local authorities should take an 'invest to save' approach through the timely provision of appropriate support to migrant workers, thereby demonstrating savings to the authority from work carried out.
- 33 Local authorities should ensure that a welcome pack outlining local services is available for new arrivals to their area, but should seek to adapt one of the existing templates that have been developed for this purpose to avoid duplication of efforts.
- 34 Local authorities should arrange free lessons in 'survival English' for migrant workers arriving in their area without good English language skills.
- 35 Local authorities should encourage cultural and social exchange with local migrant workers' countries and/or towns of origin, including by investigating opportunities for town twinning and should seek to establish links with migrant worker-linked organisations based locally.
- 39 The Local Government Association should work with councillors to stress the importance of local leadership on the issue of migrant workers.
- 40 Local authorities should where necessary establish working groups of local stakeholders that can act as focal points for issues relating to migrant workers.
- 41 Local authorities should seek to work in a more coordinated manner with a range of statutory bodies and civil society organisations within their areas, together with neighbouring authorities where appropriate, to address local issues relating to migrant workers.
- 42 Local authorities and other statutory bodies should encourage employers and housing providers to participate fully in working groups or other local partnerships addressing migrant worker issues by ensuring that their involvement can be meaningful.

- 43 Local partnerships should actively seek to identify information that can usefully be shared between members and establish data sharing protocols to maximise the appropriate and secure sharing of information.
- 47 Local authorities should proactively seek to learn from good practice relating to migration.

### Others

- 7 The Royal Institute of British Architects (RIBA) should establish a design competition for flexible accommodation that is appropriate for migrant workers and can be quickly assembled and moved from place to place to meet local needs.
- 8 The Construction Industry Council should bring together government departments and other bodies, to review existing information and coordinate a feasibility study to identify and assess different options for the provision of low-cost, modular-type accommodation, leading to the development of blueprints.
- 12 Housing associations should include migrant workers as clients in the innovative private sector rental schemes, including operating as managing agents for private rented sector landlords, private sector leasing, rent guarantee schemes and rent deposit schemes.
- 13 The Low Pay Commission and the Department for Business, Enterprise & Regulatory Reform (BERR) should lift the accommodation offset to the relevant Local Reference Rent for labour providers holding GLA licences where there is no element of on-call work; the GLA should be given powers to have consideration of all accommodation that gangmasters provide to their workers, irrespective of the sector the workers are employed in.
- 14 The Low Pay Commission and the Department for Business, Enterprise & Regulatory Reform (BERR) should lift the accommodation offset to the relevant Local Reference Rent where the accommodation is managed by a housing association and there is no element of on-call work.
- 36 The Commission for Rural Communities should investigate the different challenges for community cohesion and integration in rural areas and produce guidance for addressing the challenges identified.
- 46 LACORS, the National Housing Federation, hact and the Chartered Institute of Housing as well as local and central government should increase their efforts to disseminate to members of their networks relevant good practice relating to migrant workers that has already been identified.
- 49 The European Commission should commission research into the impact that migration has on housing provision across Europe, highlighting areas where joint actions by states would be beneficial.

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### Anglo-Polish Organisation of Tiverton

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**Housing Rights Information**

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