

Report for: Corporate Parenting Advisory Committee - 3 October 2016

Title: Update on the situation and funding of Unaccompanied Asylum Seeking Children (UASC)



Report authorised by : Jon Abbey
Director, Children's Services

Lead Officer: Dominic Porter-Moore, Head of Service, Children in Care and Placements, Tel 020 8489 1011

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non key

1. Describe the issue under consideration

This report outlines recent Government developments in caring for and supporting unaccompanied and refugee children and their families across the UK.

The report also reports on the assessment pathway for looked after children with uncertain immigration status

2. Background information

2.1 On 1st July 2016 a new Interim National Transfer Protocol for UASC was issued by the Dept for Education, the Home Office and Department for Communities and Local Government.

2.2 The purpose of the interim protocol is to enable the safe transfer of unaccompanied children from one UK local authority (the entry authority from which the unaccompanied child transfers) to another UK local authority (the receiving authority).

2.3 The protocol forms the basis of a voluntary agreement made between local authorities to ensure a fairer distribution of unaccompanied children across all local authorities and all regions across the UK.

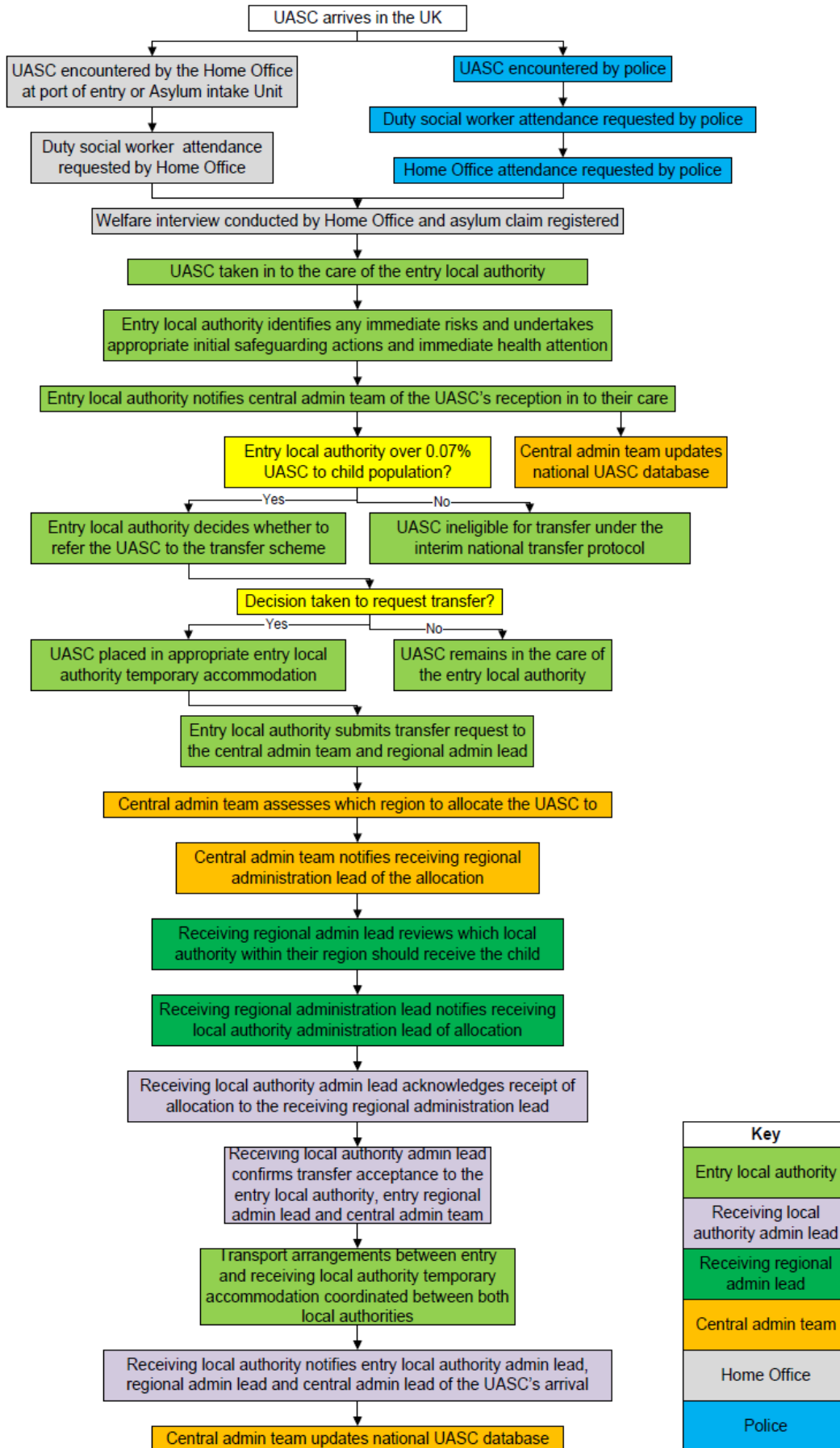
2.4 The calculation on the fair distribution of UASC across the UK was reached through agreement with the Local Government Association and the Association of Directors of Children's Services (ADCS). The formula is a simple and transparent way of checking whether the responsibility for looking after unaccompanied children is distributed fairly across the country. It is based on analysis of the total child population from the 2014 census and the numbers of UASC. The formula is set at 0.07%.of the total child population.

2.5 London boroughs have made a huge contribution in looking after UASC. At 31st March 2015 they supported 45% of all UASC in England.

2.6 Currently Haringey has 0.047% UASC to total child population, therefore Haringey has the capacity to take an additional 14 UASC.

2.7 The transfer flow chart identifies the UASC's journey from point of arrival in the UK

Transfer Flow Chart



Key	
	Entry local authority
	Receiving local authority admin lead
	Receiving regional admin lead
	Central admin team
	Home Office
	Police

2.8 Guidance received from the Association of London Directors of Children's Services will apply until the ALDCS review the London arrangements. The ADCS is due to meet on 19th September to review how the protocol is working. The following arrangements will remain in place until further notice.

2.8(a) For 16-17 year-olds presenting in the Asylum Intake Unit in Croydon: The London protocol continues to be operational for this group, but that further placements are not made in authorities which are over the 0.07% threshold of UASC to total child population.

2.8(b) For UASCs under 16 presenting in Croydon: these children will feed into the national transfer protocol once Croydon has assurance that these arrangements are ready to take the volume of children (around 22 per month).

2.8 (c) For spontaneous presentations in other boroughs of UASCs of any age: where the authority is under the 0.07% threshold these will become looked after to that borough; where the authority is over 0.07%, these children will feed into the national transfer arrangements.

2.9 In the first instance UASC will be dispersed within the local region (such as London region) in which the child first presents if there are local authority partners who are under the ceiling of 0.07%.

2.10 The only exception to these arrangements is if it is assessed as not in the UASC best interest to be referred to the transfer protocol, for example if a sibling or close relative is also looked after by the receiving local authority.

2.11 On the 8th September the Immigration Minister Robert Goodwill MP wrote to all Council Leaders in the UK requesting that all local authorities:

- i) who have not registered for the National Transfer Protocol do so by the 21st September 2016. The Immigration Act 2016 gives the government the power to make the scheme mandatory if required
- ii) Local Authorities are also requested to confirm how many more UASC they could accept using the 0.07% threshold.
- iii) That local authorities under the Vulnerable Persons Resettlement Scheme (VPRS) consider taking children and their families as part of the UK government's commitment to receive 20,000 Syrian refugees over the next 5 years.

2.12 In regard to the VPRS it remains unclear what the dispersal and allocation mechanism will be although in a London Councils briefing document dated 13th

September up to the end of Q2 2016/17 nine London authorities had taken a total of 144 Syrian refugees.

2.13 London local authorities face challenges such as identifying sufficient private rented accommodation that is both available and affordable for refugee families receiving local housing allowances and the cap on levels of housing allowances and income maintenance benefits especially for larger refugee families.

2.14 The Greater London Authority calculate that London will take 2500 refugees as part of the national commitment to take 20,000 refugees.

3. Looked after children (LaC) with uncertain immigration status

3.1 Expert legal advice has been sought regarding LaC & care leavers in regard to LaC without a settled immigration status. This advice informs the following commentary.

3.2 There is no statutory requirement which says the local authority (LA) must seek to achieve settled immigration status for it's looked after children. However the duties under S23(c) are broad. The local authority duties rest on two tests

- i) how a reasonable parent would act in respect of their child and
- ii) the 'welfare of the child test'.

3.3 The analysis and outcome of the assessment would inform care planning and decision making on resolving a looked after child's immigration status.

4. Children and young people who become looked after by a local authority

4.1 At the earliest opportunity the assessing Social Worker must identify what the citizen status of the LaC is, whether they are UK citizens, European Union or the European Economic Area (EEA) citizens or from other countries outside the EU & EEA.

4.2 The allocated Social Worker will need to get a clear picture from the parents or carers as to their immigration status and the child's immigration status, what applications the family has made or plan to make and confirms that the parents will be including their child in any applications they intend to make whilst the child is in care.

4.3 If a LaC remains in care and there is little likelihood of rehabilitation to the parents or becomes LaC through the provisions of a S31 care order or the parents abandon their child or refuse to co operate then the local authority will need to undertake the two tests of a reasonable parent and the welfare of the child test to determine whether the LA takes steps to secure the LaC with indefinite leave to remain in the UK. The exception to this would be if the permanency plan is for adoption as once a child is adopted the child assumes the citizen status of their parent(s)

4.4 The decision to support and fund a LaC seeking indefinite leave to remain will depend on the needs assessment of the LaC. Once the decision has been taken that

it is in the child's welfare for their immigration status to be regularised then this needs to be done as quickly as possible as the threshold test for granting indefinite leave to remain is lower for children than for care leavers over the age of 18.

4.5 However part of the assessment must be an analysis of whether the LaC can be returned to the Children's Social Care Services or friends & family in their home country.

4.6 Whether or not a child can return to their home country depends on the country, the reasons why the child is in care, the social work assessment and facts of the child's case. There may well be cases where the LA takes the view that it would not fund the application but decisions will need to be based on assessments.