

Cabinet – 26 October 2016

National transfer scheme for unaccompanied asylum seeking children (UASC)

Portfolio: Councillor R Burley Children's Services

Related portfolios:

Service: Children's Social Care

Wards: All

Key decision: No

Forward plan: No

1. Summary

- 1.1 The National Transfer Scheme was established in July 2016 to ensure a fairer distribution of unaccompanied asylum seeking children across all local authorities and all regions across the UK. It is intended to ensure that any local authority does not face an unmanageable responsibility in accommodating and looking after unaccompanied children (UASC) simply by virtue of being the point of arrival of a disproportionate number of unaccompanied children. At this stage involvement is on a voluntary basis however under the Immigration Act 2016 there the option to mandate compliance with the scheme.
- 1.2 This report outlines how the scheme works and highlights the cost implications for Walsall Council and the potential impact on other statutory and voluntary agencies.
- 1.3 The report recommends Walsall voluntarily takes part in the national dispersal scheme for unaccompanied asylum seeking children and that the reception of new children into Walsall is done in a measured and planned way.

2. Recommendations

- 2.1 That Cabinet agrees to accept 15 unaccompanied asylum seeking children via the scheme on a phased approach over the next three years from April 2017.
 - a) That one child every 2 /3 months will be received via the scheme to allow for appropriate planning of resources.
 - b) That Children's Services seek to negotiate regarding the cohort of children identified to ensure a balance a mix of needs.
 - c) The Migration Partnership Working Group provides governance arrangement to the reception of UASC dispersed by the scheme and has an over view of the total population of refugees and unaccompanied asylum seeking children within the Borough

3. Report detail

An unaccompanied asylum seeking child

- Is under 18 years of age when the asylum application is submitted.
- Is applying for asylum in their own right; and Is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

3.1 Unaccompanied Asylum Seeking Children are all treated as Looked After Children and have the rights and protection afforded them under parts 3, 4, and 5 of the Children Act 1989 or equivalent legislation in Scotland, Wales and Northern Ireland. Based on Government information UASCs are usually male between the ages of 16-18, the majority originate from Afghanistan, Syria and Eritrea. The national transfer scheme for UASCs has been created 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). Currently dispersal will be primarily from Kent and it has recently been announced from the migrant camp in Calais. The week commencing 17.10.16, saw the first arrival of UASC from Calais to be presented at the Home Office in Croydon for registration and planned settlement with family members already residing in the UK.

3.2 The Local Government Association considers it to be reasonable to expect no region to exceed 0.07% UASC as a proportion of the total child population in their area. These figures must take account of existing UASC population in each area. For Walsall this could mean around 45 UASC in total. Currently we are responsible for 9 UASC who have presented themselves to Walsall (an increased over the summer from 6 to 9). Therefore Walsall could be asked to support up to a further 36 UASC. However as this is a voluntary scheme, in order to allow for appropriate planning and resourcing of support this report recommends that Cabinet only agrees to a further 15 UASC being supported over the next 3 years.

3.3 In Walsall all UASC are managed within the Looked After Children's service where they receive an allocated social worker. They are subject to the same care planning processes and support that all Looked After Children receive and this is overseen by an Independent Reviewing Officer. As with any Looked After Child it is important to ensure their health and education needs are met for. In addition there is additional support to help them with their asylum claim. If their immigration status has not been resolved by the age of 18 they receive on going after care support via the Leaving Care Team. Health, Social Care and Education need to provide an integrated approach and that will involve

- Holistic health assessment which will include not only their physical health but also their mental health, with ongoing support
- Building a community resilience network
- Consideration of Prevent referrals
- Interpreting service
- Advocacy
- ESOL provision for yr 12/13 (16/17 year olds)

- Legal representation
- Communication with UK Visa & Immigration (UKVI) representatives

- 3.4 The national transfer scheme is likely to focus on children from Kent in the first instance however the Government has recently announced plans to transfer children from the migrant camp in Calais. The Government has started the transfer of unaccompanied children who have family members in the UK under the Dublin Regulation. These children are not part of the NTS scheme as they are being reunited with their families. However those who have no family members will be considered as part of this scheme.
- 3.5 If the Council agreed to accept UASC, the cost of providing foster placement, residential care and supported accommodation would need to be met by an allowance set out by the Home Office; this has seen an increase from the previous financial year but would not fully cover the current and ongoing support for a Looked After Child.
- 3.6 Recent developments in relation to the relocation of children from the migrant camp in Calais will also require a response to children and young people being reunited with their families. It is vital that we ensure the care giver is an appropriate person to look after the child. Where it is not possible to conduct these checks before the child arrives in the UK, it may be necessary to arrange short-term care (for example, a temporary foster placement). It will be important to ensure relevant support and ensure access to appropriate services. If a child under 16 is being reunified with extended family members then this would constitute a private fostering arrangement and relevant assessment would be undertaken and ongoing support would be put in place. These checks and assessments will be undertaken by the Initial Response Service in the first instance and should the family need the ongoing support of a social worker this would be via the Safeguarding Family Support Service.
- 3.7 It is currently considered that UASC will place additional budget pressures on the Council over and above the national transfer rates and that these are such that they would place significant challenges and un-budgeted cost pressures on the Council. For this reason it is recommended to currently offer support for UASC on a phased approach with a small number offered support in Walsall each year.

4. Council priorities

- 4.1 The proposal is in line with Council priorities and supports Children, in this instance unaccompanied asylum seeker children, to remain safe from harm by ensuring the right help and support is provided. They are resilient and able to achieve their full potential.

5. Risk management

- 5.1 Failing to participate in the National Transfer Scheme, could increase the chances of the Home Office mandating the local authority to accept the dispersal of UASC. In such circumstances, the Council is likely to have less influence over the timescales, frequency and number of UASC arriving in Walsall with a limited notice period.

6. Financial implications

6.1 Based on the recommendation that a further 15 UASC are supported by the Council a financial summary has been compiled to show the potential cost to the Council over the next 3 years (please note that this does not include any costs or income relating to the current UASC who are already being supported).

6.2 This financial summary is based on the following assumptions:

- Support is provided to a further 15 UASC (5 per year 2017/18 to 2019/20) - of which 1 each year is complex (at an assumed cost for support in line with that for an external residential placements) and the remaining 4 each year are not complex (at an assumed cost for support each year in line with that for an external foster care placement)
- Assuming that the complex placement is made on the 1st April each year and other 4 non-complex are spread over remainder of year (with support beginning every 2/3 mths)
- Assume all are 18+ years of age (Care Leavers), therefore any financial support from the Home Office is limited to £200 per week (Home Office rates for support are set out below)
- It is assumed each UASC will be supported to the age of 22 due to the complexities around each child's needs and period of required transition

6.3

Financial Summary			
Financial Year	2017/18	2018/19	2019/20
Modelled Net Cost In Year	£0.194m	£0.454m	£0.722m
Modelled Cumulative Net Cost	£0.194m	£0.648m	£1.370m

6.4 As set out within the assumptions listed at paragraph 6.2, included within the above calculation is an assumption that the Home Office will continue to provide financial support for these placements over this period. The current Home Office UASC contribution rates are set out in the table below for information.

National Transfer Rates for Unaccompanied Asylum Seeking Children (UASC)			
Age Profile	Rates for LA's Accepting Kent UASC (1 st April to 30 th June 2016)	National Rates (1 st April to 30 th June 2016)	New National Rates (1 st July 2016 to 31 st March 2017)
Under 16	£114 Daily	£95 Daily	£114 Daily
16 to 17	£91 Daily	£71 Daily	£91 Daily
Leaving Care	£200 Weekly	£150 Weekly	£200 Weekly

7. Legal implications

7.1 The Immigration Act 2016 received royal assent in May 2016 and covers a range of areas including:

- Part 5 of the Immigration Act contains provisions for the transfer of responsibility for unaccompanied asylum seeking and refugee children in England. Key provisions within Part 5 include:
- Section 69 creates a mechanism to transfer responsibility for caring for unaccompanied asylum seeking and refugee children from one local authority to another.
- Section 70 enables the Secretary of State to direct local authorities to provide information about the support and accommodation provided to children in their care. This will inform arrangements made for the transfer of unaccompanied children from one local authority to another.
- Section 71 enables the Secretary of State to direct the provision of written reasons as to why a local authority refuses to comply with a request to accept responsibility for an unaccompanied migrant child from another local authority.
- Section 72 enables the Secretary of State to require local authorities to cooperate in the transfer of unaccompanied migrant children if they are unwilling to do so on a voluntary basis, by creating a scheme for the transfer of the functions of one local authority to another local authority in accordance with arrangements under section 69 and directing the relevant local authorities to comply with the scheme.
- Section 73 enables the Secretary of State to make regulations to extend any provisions made by sections 69 to 72 to Wales, Scotland and Northern Ireland. These regulations will be subject to the draft affirmative procedure.

7.2 The Council is empowered to take the recommended action under Section 1 of the Localism Act 2011 and can be compelled to assist under Sections 100 and 101 of the Immigration and Asylum Act 1999.

- 7.3 Article 3 of the United Nations Convention on the Rights of the Child provides that in all actions taken concerning children, the best interests of the child shall be a primary consideration.
- 7.4 There is no statutory duty at this stage to accept UASC however, in offering to do so, the Council will be exercising a public function and will therefore be subject to s149 of the Equalities Act 2010.
- 7.5 UASC, are supported by local authorities in accordance with duties to children under the Children Act 1989. All Directors of Children's Social Services in England have been requested to provide urgent support under Section 27 of the Children Act 1989. Section 27 (2) states:
- "An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions".*
- 7.6 Section 20 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) contains a specific, mandatory duty to provide accommodation to a child who meets certain criteria. The criteria are that a child requires accommodation because there is no one with parental responsibility for them, because they are lost, abandoned, or because the person who has been caring for them is prevented from providing them with suitable accommodation or care. Section 22 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) places a general duty on local authorities to secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area.

8. Procurement Implications

- 8.1 It is proposed to procure sufficient appropriate supported accommodation as suitable accommodation for UASC. It is important to note that all UASC under 16 will require foster or residential care and all female UASC are placed in foster care and considered high risk for CSE and trafficking. There is likely to be competition for supported housing options for UASC over 16. The LAC sufficiency strategy will need to address long term planning/

9. Property implications

- 9.1 None

10. Health and wellbeing implications

- 10.1 The full implications for the Council and its partners are difficult to robustly predict, as we have no specific detail about the level of the needs of the

individual children who the Council may support through the transfer scheme. Details on the health and wellbeing of individuals is expected to be shared by the host Local Authority prior to receiving the individual, however it is anticipated that health and child adolescent mental health services will be required

11. Staffing implications

- 11.1 The additional children who will have Looked After Children Status will require an allocated Social Worker and there will be requirements for After Care support post 18. Consequently there will need to be an increase in the case holding capacity in both the Looked After Children Service and The Leaving Care Team. There will also be additional training requirements in relation to asylum and immigration legislation

12. Equality implications

- 12.1 An Equality Impact Assessment will be required

13. Consultation

- 13.1 There is no planned consultation

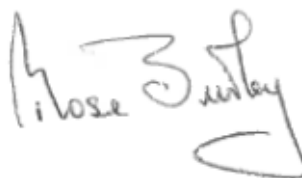
Background papers

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