



**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY
COMMITTEE – 5 SEPTEMBER 2016**

**REPORT OF THE DIRECTOR OF THE CHILDREN AND FAMILY
SERVICES**

**TRANSFERRING IN UNACCOMPANIED ASYLUM SEEKING
CHILDREN**

Purpose of the Report

1. To make the Committee aware of activity in relation to the new duty concerning Transferring in Unaccompanied Asylum Seeking Children (UASC), following the recent introduction of the Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17.

Policy Framework and Previous Decisions

2. The Transfer Protocol forms the basis of an agreement made between local authorities to ensure a fairer distribution of UASC across all local authorities and all regions. It is intended to ensure that any local authority does not face an unmanageable responsibility in accommodating and looking after unaccompanied children pursuant to its duties under parts 3, 4, and 5 of the Children Act 1989, simply by virtue of being the point of arrival of a disproportionate number of UASC, and in doing so to ensure that all appropriate services are available to all unaccompanied children.
3. The Transfer Protocol has been drafted in cooperation between the Department for Education, the Home Office, the Association of Directors of Children's Services and the Local Government Association and gives effect to, and operates in accordance with, the provisions for the transfer of responsibility for relevant children under Part 5 of the Immigration Act 2016. Specifically, it provides a scheme under section 72(1) of this Act to assist local authorities in effecting transfers in accordance with section 69.
4. On 18 July 2016 the Cabinet considered a report on this matter and agreed that its obligations would be taken seriously. The Cabinet's resolution is given in more detail at paragraph 18 below.

Background

The National Transfer Protocol

5. Where an unaccompanied child first presents in a local authority which is over the ceiling of 0.07% UASC to child population, the local authority is expected to

arrange for the transfer of the child through the national transfer scheme, unless there are clear reasons why it would not be appropriate to transfer the child.

6. The percentage of 0.07% is not a target but will be used to indicate when a local authority has reached the point where they would not be expected to receive any more unaccompanied children. This percentage is agreed for the year 2016-17 and will be reviewed annually. The percentage calculated for each local authority does not include care leavers or looked after children living in a local authority who are not the legal responsibility of that authority, i.e. they have been placed out of area.
7. A central administration team decides which region to allocate to, and the regional administration then leads decide which local authority to allocate to. The allocation of UASC to local authorities by the regional administration lead will be in accordance with a methodology agreed by each region and where unaccompanied children should be placed in their best interests.
8. UASC that arrive 'spontaneously' are managed through normal operational procedures as they arrive. 'Spontaneous' arrivals are those young people who are transported, usually in commercial vehicles, and dropped off at a port or a designated boundary. Leicestershire has three designated boundaries – East Midlands Airport and between Donnington Service Station and Junction 21 of the M1. UASC children are usually reported to the police who will contact the relevant local authority.
9. The local authority has a duty (under the Children Act 1989) to complete a compliant age assessment and where the person is assessed as being under 18 place him/her in local authority care.
10. Under provisions within the Immigration Act 2014 the Home Office requires local authorities with lower proportions of UASC to accommodate those from other authorities with a high proportion.
11. At the time (March 2016) of the Home Office proportioning of UASC to be transferred into Leicestershire, there was already a 'spontaneous' UASC Looked After Children population of 20 in the County and a further 45 who had left care but for whom the Council has Leaving Care Responsibilities. These 45 Care Leavers are not included in the 0.07% calculation.
12. The County Council will also continue to work with the District Councils to offer support to children, young people and their families who are transferring in through the Resettlement Scheme and are in the care of their parents or other family members. These children and young people are not of course included in the 74 UASC that will be transferring to Leicestershire.

Resource Implications

13. A grant is paid to local authorities by the Home Office in relation to the age of the child for the period in which they are in care. At its highest rate the grant is sufficient to meet the costs of placements (i.e. with a foster carer) but not the additional support they require. At its lowest for older children the grant is insufficient to meet placement costs. The current estimated annual cost to care

for 74 UASC in Leicestershire is expected to be in the region of circa £1.5 million annually.

14. The estimated costs include additional annual staffing for social workers, independent reviewing officer functions, and the support of the virtual school (a statutory requirement to promote educational achievement and positive outcomes for all children in care to Leicestershire), and it makes no allowance for any other costs that may be incurred such as educational psychology and special educational needs.
15. It is exceptionally difficult to estimate precisely the full cost as the age and needs of the children and young people are not yet known and without this information, it is impossible to predict the type of care or type of placement they will require.
16. For children and young people transferred from the care of another authority Leicestershire will be expected to retain placements and will also receive the lower rate of grant funding from the Home Office. This means that Leicestershire will inherit the cost of the placement, regardless of type of placement, and the lower rate of grant funding.
17. Following publication of the Transfer Protocol, the Children and Family Services Department contacted the Home Office to propose that the transfer of these children and young people took place over a three-year period in order to help manage the cost to the County Council. No response has been received to date, but given the pressure on other local authorities which have significantly exceeded their quota, it is considered that this proposal is unlikely to be agreed.

Cabinet meeting on 18 July

18. The Cabinet at its meeting in July resolved -
 - (a) That the County Council's statutory obligations for Looked After Children are taken seriously and all will be done to ensure the County Council cares for Unaccompanied Asylum-Seeking Children who will have endured terrible experiences in their homeland;
 - (b) That the Cabinet, regretfully, does not believe that the consequences of the Interim National Transfer Protocol for Unaccompanied Asylum-Seeking Children have been thought through by the Government in terms of accommodation, the provision of services, and cost;
 - (c) That the Cabinet believes it is correct to place on record that the County Council will have increasing difficulties in fulfilling its statutory obligations in this area, for example in regard to finding and funding appropriate placements for children in and out of Leicestershire;
 - (d) That the dialogue with the Government be continued to ensure that the full costs of accommodation and service provision in respect of Unaccompanied Asylum-Seeking Children are met by the Government, encouraging the Local Government Association and the County Councils Network also to impress on Government that full cost recovery is necessary;

(e) That this resolution be drawn to the attention of local MPs.

19. At the Cabinet meeting the Lead Member, Mr. Ould CC referred to the financial challenges facing the Authority. He said that whilst the Council took its responsibilities as corporate parent very seriously he was concerned about its ability to care for the children as the Home Office grant was quite inadequate.

20. Mr. Ould also noted that councils already struggled to provide enough care placements and if they needed to use independent providers or out-of-area provision the costs would rise further.

Current Situation

21. There are currently 34 UASC in Leicestershire's care, with a Looked After status. Of these, 7 transferred via the agreed National Transfer Scheme from Northamptonshire and Kent and 4 were spontaneous arrivals (arriving in a lorry).

22. Of the 7 transferring, all have remained in out-of-County placements (Kettering, Luton, Coventry, Northampton except for 1). Of the 4 spontaneous UASC arrivals, 1 was placed in a contracted bed, and 3 were placed in Independent Fostering Agency foster homes. Age assessments were initiated for a further 21 spontaneous arrivals who have not remained in the Council's care because they were age-assessed as adults or subsequently went missing.

Recommendation

23. The Committee is asked to note the demands placed on the County Council under the Transfer Protocol and the financial implications of meeting the care needs for UASC.

Officers to Contact

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Background Papers

Report to the Cabinet on 18 July 2016 'Unaccompanied Asylum-Seeking Children' and minutes of that meeting:

<http://ow.ly/ltr9303zw9T>

<http://ow.ly/HUZq303zwdq>

Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17 - <http://ow.ly/e5lt302l8lV>