



CABINET – 11TH OCTOBER 2016

UNACCOMPANIED ASYLUM SEEKING CHILDREN
VOLUNTARY NATIONAL TRANSFER SCHEME

REPORT OF THE DIRECTOR OF THE CHILDREN AND FAMILY
SERVICES

Purpose of the Report

1. The purpose of this report is to advise the Cabinet on the implications of participation in the Unaccompanied Asylum Seeking Children (UASC) voluntary National Transfer Scheme and of proposals to disengage from the Scheme.

Recommendations

2. It is recommended that:
 - (a) The County Council reaffirms its commitment to the overarching principle of the scheme whilst recognising its responsibilities to prioritise the needs of Leicestershire children and young people;
 - (b) The current service difficulties in meeting the needs of Unaccompanied Asylum Seeking Children who have already transferred to the care of the County Council under the National Transfer Scheme be noted;
 - (c) The financial, logistical and placement difficulties being experienced in relation to Unaccompanied Asylum Seeking Children be noted;
 - (d) In light of the above, it be noted that the County Council will disengage from the voluntary Scheme until such time as the Government:
 - meets the full costs of placements and service provision;
 - makes adjustments to the operation of the scheme to make it practical to deliver;
 - or makes participation in the Scheme mandatory;
 - (e) The support of Leicestershire MPs be sought to support the County Council's case.

Reasons for Recommendations

3. A grant is paid to local authorities by the Home Office in relation to the age of the unaccompanied asylum seeking child for the period in which he or she is 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 required. At its lowest for older children the grant is insufficient to meet placement costs. The current estimated full year gross cost for supporting 70 UASC in Leicestershire is £4.64 million which at the present level of Government grant aid would require the County Council to contribute £2.05 million from its own resources.
4. The County Council's 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 the care of Leicestershire) all of which are legitimate costs. There has been no allowance made for any other specialist costs that may be incurred such as educational psychology and special educational needs which will be bespoke to the needs of individual children and are difficult to quantify at this time.
5. It is also exceptionally difficult to estimate precisely the full cost as the age and needs of the children and young people are not known and without this information, it is impossible to predict the type of care or type of placement they will require.
6. For children and young people transferred from the care of another authority Leicestershire will be expected to retain placements where children are settled and it is in their best interests to do. This will mean supporting placements outside Leicestershire and potentially at some distance away. At present the County Council is supporting placements in Kettering and Coventry. This creates significant and additional logistical and financial pressures and is at odds with good practice standards which require wherever possible placements to be maintained within County.

Timetable for decisions (including Scrutiny)

7. The voluntary National Transfer Scheme was launched by the Government on 1st July 2016.
8. A report on this matter was presented to the Cabinet on 18th July 2016.

Policy Framework and Previous Decisions

9. The Transfer Protocol forms the basis of voluntary agreement between local authorities to ensure a fairer distribution of UASC across all local authorities and all regions. It is intended to ensure that no local authority faces 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. Unfortunately, it does not meet that test.

10. 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. It is regrettable there was not wider consultation within local government before the Protocol was agreed.

Resource Implications

11. The quota for each local authority is 0.07% of its existing child population; based on this Leicestershire could be requested to care for an additional 70 UASC under the Scheme.
12. Having now operated this scheme for a period and from information gained from UASC arriving directly within Leicestershire, there is now a better understanding of costs and original estimates have been revised. The updated estimated average daily gross cost per UASC is £181.78. The average daily grant received, which largely covers the cost of accommodation and not social work costs, is £102.50 per UASC, making the estimated net daily cost to the Council approximately £79.28 per UASC.
13. The expected annual cost to care for the additional 70 UASC Leicestershire would receive under the Scheme is now estimated to be £2.025 million. This is an increase from previously reported projection which was £1.5million.
14. These costs include additional annual staffing for social workers, independent reviewing officer functions and the virtual school duties. They already take into account the increase in national rates for new arrivals effective as from the 1st July 2016.
15. The Children's Social Care budget is under considerable pressure. In the current year £7.9m of additional growth was allocated to meet spending pressure following a £4.6m overspend in 2014/15. Even without the added pressure from asylum seekers it is anticipated further growth will be required in 2017/18 and later years.
16. The Director of Corporate Resources and the Director of Law and Governance have been consulted on this report.

Circulation under the Local Issues Alert Procedure

17. A copy of this report is being circulated to all Members of the Council via the Members' News in Brief Service.

Officers to Contact

Paul Meredith, Director of Children and Family Services

Tel 0116 305 6340 email: paul.meredith@leics.gov.uk

Sharon Cooke, Assistant Director of Children and Family Services

Tel 0116 305 7441 email: sharon.cooke@leics.gov.uk

Nicci Collins, Strategic Lead (Transformation) Children and Family Services

Tel 0116 305 4504 email: nicci.collins@leics.gov.uk

PART B

Background

18. There has been a significant increase in the number of people seeking asylum within the United Kingdom. Within this cohort there has been an increase in the number of children who are unaccompanied and seeking safety.
19. Under section 72 of the Immigration Act 2016 the Secretary of State is granted power to prepare a scheme for transferring responsibilities between specified local authorities and to direct those local authorities to comply with the Scheme.
20. There is also a proposal in the Immigration Act 2016 to amend the rights of UASC post 18 years which will have an impact on the Council's duty and provision of services. Essentially, it will require the Council to offer a two-tier provision to young people who have left care who are resident and those who have not been granted right to remain. The Council will not be reimbursed any costs but could be left with responsibilities to provide support to this vulnerable group of young people who could be at high risk of exploitation. Further legal advice is needed to understand the implications of these proposals for unaccompanied young people and for the Council.
21. The large number of UASC entering the UK has resulted in the Secretary of State exercising this power and the Government launched the National Transfer Scheme on 1 July 2016. This is currently a voluntary Scheme whereby UASC are dispersed around the country with the intention that all social care authorities contribute to the welfare and maintenance of those children.
22. Of the 9 regional local authority areas, 3 are yet to participate in the voluntary Scheme. Within the East Midlands, not every social care authority is signed up, although East Midlands Councils has notified the Home Office that the region is signed up.
23. These children and young people are not in the care of a family member and are therefore transferred as Looked After Children (Section 20 Children Act), to whom the Council has a statutory and corporate parenting responsibility.
24. Based on the threshold of 0.07% of child population being used by the Home Office, Leicestershire would be expected to care for a total of 94 UASC. Care Leavers are excluded from the calculation and this number is reduced during the year by any UASC who arrive directly in Leicestershire. The total for the National Transfer Scheme has therefore been reduced to 70 to reflect this.

Operation of the Scheme

25. 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.

26. The percentage of 0.07% is not a target, but will be used by the Home Office 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.
27. A central administration team decides to which region to allocate, and the regional administration leads then decide to which local authority to allocate. 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. There is a concern that such processes by-pass individual social care authorities and their decision-making processes.
28. UASC who 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, Donington Service Station and Junction 21 of the M1. UASC are usually reported to the police who will contact the relevant local authority.
29. 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.

Impact on Leicestershire

30. Based on the threshold of 0.07% of child population being used by the Home Office, Leicestershire would be expected to care for a total of 94 UASC with Looked After status.
31. Currently, the Council has 51 UASC children and young people to whom it has a statutory duty. Of these, 24 have Looked After status (they are children who are in the Council's care) and 27 are Care Leavers. 7 of these children transferred to Leicestershire's care following 1st July 2016 as part of the voluntary National Transfer Scheme. All 7 have Looked After status.
32. Taking the Council's current UASC with Looked After status into account, under the Scheme the Council would be expected to care for a further 70 children.

33. The Council has experienced a number of difficulties relating to the transfer of the 7 UASC under the Scheme including the following:

(i) Financial

The Home Office grant does not cover the full costs of placements for these children and young people.

Children under 16 years are always placed in a family based placement, which requires a greater financial commitment which is not fully covered by the grant.

There is the option of placing older children (young people aged 16 and 17 years) in semi-independent accommodation. However, this decision is made based on the young person's needs. These young people have had very difficult life experiences and often require one to one care and as such cannot be placed in independent or semi-independent lodgings.

6 of the 7 children who have transferred to the Council's care have remained in their original placements (independent fostering agency placements) in Coventry - the transfer took a few weeks to arrange, during which time the children/young people settled into placements and could no longer be classified as an emergency placement. As such, moving the children/young people is subject to Care Planning Regulations, which necessitates Independent Reviewing Officer oversight.

(ii) Sufficiency

The number of unplanned arrivals (usually arriving on lorries and dropped off at motorway service stations) has increased the Council's number of UASC (Looked After Children and Care Leavers). This has increased demand for placements and use of independent fostering agency placements where the need requires this level of care.

A large number of the Council's UASC are already placed out of area (29 of the 51). Leicestershire has a large number of children from other local authorities placed within its borders, reducing the availability of local independent beds (family based and independent).

(iii) Logistical

Staff (social workers, reviewing officers, personal advisors, virtual school etc.) are having to travel great distances to provide statutory services to children and young people who have transferred to the Council's care.

34. The County Council is working with the district councils to offer support to children, young people and their families who are transferring through the

Syrian Vulnerable Person's Resettlement Scheme. Eleven families are transferring into the County over the next year under this Scheme and these children and young people would not be included in the 70 UASC that would transfer under the National Transfer Scheme.

Conclusion

35. It is regrettable that the consequences, financial and otherwise, of the Scheme have not been thought through by the Home Office; that the voluntary nature of the Scheme was previously not made clear to the County Council; and that the East Midlands Councils response to the Government was not originally as challenging as it could have been.
36. In the light of the difficulties already experienced by the Authority and the financial risks posed to the Authority if it continues to be a part of the Scheme, in particular to the Children and Families Departmental budget which is already under pressure, the Council should disengage from the voluntary National Transfer Scheme until such time as the Government meets the full costs of placement and service provision and also makes adjustments to the scheme to make it practical to operate, or until the Secretary of State makes the Scheme mandatory which she has the power to do under the Immigration Act 2014. It is also noted that other Schemes are being developed by the Government which may result in the Council being asked to receive more young refugees and asylum seekers, again in all probability increasing the cost to the County Council.

Background Papers

Report to the Cabinet dated 18 July 2016 – Unaccompanied Asylum Seeking Children

<http://politics.leics.gov.uk/documents/b10261/Unaccompanied%20Asylum%20Seeking%20Children%20Monday%2018-Jul-2016%2014.00%20Cabinet.pdf?T=9>

Equalities and Human Rights Impact Assessment

37. Initiation of the voluntary National Transfer Scheme was launched and led by the Home Office under section 72 of the Immigration Act 2016. As such, local authorities have not initiated local authority impact assessments.