



**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY
COMMITTEE**

6 JUNE 2023

UNACCOMPANIED ASYLUM SEEKING CHILDREN

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

Purpose of the Report

1. The purpose of this report is to provide the Committee with an overview of Leicestershire County Council's duties and responsibilities to Unaccompanied Asylum Seeking Children (UASC) and the context in which the County Council delivers services to these children and young people.

Policy Framework and Previous Decisions

2. The provisions for the transfer of responsibility for relevant children fall under Part 5 of the Immigration Act 2016.
3. The National Transfer Scheme 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.
4. Local authorities have a duty to support young people who cease to be looked after (for example those referred to in legislation as 'relevant' and 'former relevant children'). The main aim of the Care Leavers Regulations and of this guidance is to make sure that care leavers are provided with comprehensive personal support so that they achieve their potential as they make their transition to adulthood. The Care Leavers (England) Regulations 2010 are made under the Children Act 1989.
5. For the purposes of the dispersal hotels, an asylum seeker is a person aged 18 and over who has fled persecution and has made an asylum claim under the 1951 UN Convention on Refugees,¹ or against a breach of the European Convention on Human Rights.

6. The Children and Families Overview and Scrutiny Committee received a report on Unaccompanied Asylum Seeking Children on 25 January 2022 which outlined the position at the time.

Background

National Transfer Scheme

7. The National Transfer Scheme (NTS) was established in 2016 to provide a mechanism for the statutory responsibility for a UASC to be transferred between an entry local authority and another local authority in the UK, ensuring UASC get the crucial care placements that they need whilst facilitating a more equitable distribution of responsibility for UASC across the UK.
8. Participation in the NTS was initially voluntary. On 14 December 2021, the Home Office issued formal notice to direct local authorities to comply with the National Transfer Scheme under Section 72/5 of the Immigration Act 2016.
9. The exact number of children to be allocated to each local authority over the course of the mandatory scheme will be dependent on numbers of UASC arriving in the UK and the length of time a mandatory scheme remains in place (i.e. demand led).

Spontaneous Arrivals

10. Most UASC arrive in the UK by their own means, usually by truck, and are encountered at their 'port of entry,' at the Asylum Intake Unit in Croydon or are otherwise encountered by police/social services. The local authority in which the child first presents is responsible for their care.

Children Arriving Through the Adult Asylum System Dispersal (also known as Contingency) Hotels

11. Due to the unprecedented arrivals into the UK, adult asylum seekers or families, if they have nowhere to live, are being placed in temporary accommodation (often a hotel) by the Home Office, until their application is processed, and they are moved to more permanent accommodation.
12. Individuals placed at the hotels have an initial Home Office determination of being an adult, however on arrival in Leicestershire there have been a number of individuals who have identified themselves as a child, and therefore require assessment. Leicestershire currently has three dispersal hotels for adults only. This is an increase from two when previously reported to the Committee.

Local Context

13. There are two types of UASC that the County Council provides a service to – those who are children (under 18 years of age) who are looked after (children in care), and those 18-25 years of age to whom the local authority has a care leaver duty.
14. Leicestershire County Council has 83 children in care who are UASC and 110 UASC Care Leavers (as at 30 April 2023), a total of 193 children and young

people open to the UASC Team. This compares to 56 UASC Children in Care and 71 UASC Care Leavers at a similar time in 2022, totalling 128 children and young people.

Spontaneous Arrivals

15. Between April 2022 and the end of April 2023, the County Council accommodated 13 spontaneous new arrivals (an average of 1 child arriving per month). This compares to 14 spontaneous arrivals accommodated during the period of April to December 2021, an average of 1.75 children per month.
16. The number of children who are children in care or care leavers where arrival had been spontaneous has reduced by 1.8% over the last six months. We now have 21 Children in Care and 83 care leavers who presented as Spontaneous arrival. This is the lowest cohort of children in care which represents the changing pattern to NTS and Dispersal Hotel.
17. This does not include any transferred through the NTS or referred from Adult Asylum Dispersal Hotels (as detailed below). This also does not include those who arrive in the area who are deemed to be adults following an age assessment by the UASC Team and are therefore not accommodated.

The National Transfer Scheme

18. During the financial year of 2022-23 Leicestershire accommodated 36 children through the National Transfer Scheme (on average three children per month). In comparison following Leicestershire joining the voluntary NTS in July 2021 until April 2022 Leicestershire accommodated 14 children on average 1.75 children per month.
19. The Council now has 35 Children in care and seven Care leavers who were accommodated through the NTS. The County Council is also expected to continue to accept children through the scheme and aims to accommodate them within ten working days of referral.

Children Arriving Through the Adult Asylum System

20. From October 2021 onwards, the County Council began to receive a significant number of requests to accommodate people placed in Asylum Dispersal Hotels in Leicestershire. They have been deemed adults by the Home Office and subsequently claimed to be children. During 2021/2022 the Council received 23 referrals from hotels and accommodated 18 (average of 1.5 children per month).
21. In 2022-23 the Council accommodated 26 through this route (average of 2.1 children per month). To evidence the recent significant increase in numbers, in March and April 2023 alone the Council received 26 referrals from the dispersal hotels and following an assessment accommodated 15.
22. Of the UASC cohort, 27 children and 20 care leavers were accommodated through the dispersal hotel route.
23. If Leicestershire continues to receive the increasing numbers through NTS and Dispersal Hotels. the impact of this would be primarily around resource

requirement to undertake assessments and resources to support those assessed as children both in staffing and accommodation

Service Response for UASC

24. Based on data for 2022/23, Leicestershire can expect to accommodate (spontaneous, NTS and via hotels) an average of 6.1 children per month into its care, or 73 children a year.
25. Children who are looked after by the UASC Team receive a specialist service. This includes the allocation of a social worker and personal advisor, accommodation, specialist support with the asylum process, appropriate interpreter support and specialist support from the Virtual School.
26. The UASC Team works closely with the Virtual School, which has a dedicated worker for UASC and close links with local schools and colleges. Some UASC are able to access education within two days of being accommodated.
27. The increasing number of UASC creates additional pressures within the resources for education. In Leicestershire, Leicester College is the only provider of Pre-Entry level ESOL course. They currently do not have capacity for newly accommodated children and therefore Leicestershire Virtual School are providing support through tutoring.
28. The Council uses specialist UASC providers where the staff have a good understanding of the asylum process and are able to offer support. UASC also have an opportunity to meet other young people in similar situations and often who share the same language and culture.
29. The UASC Team ensures that the young people have religious and cultural items and are supported to access a place of worship as soon as possible, if desired. Matching young people to placements and communities always considers access to shops that provide for their dietary needs and familiar cuisine.
30. The UASC Team has a good understanding of trauma informed practice and culture shock, and advocate well on behalf of young people. The young people often go on to achieve well in education and achieve good health and accommodation outcomes

Resource Implications

31. In order to support local authorities in supporting children, any local authority receiving a child transferred under the national transfer scheme will now receive a funding contribution at the higher rate of £143 per child per night (£52k annually). This is currently equal to the full cost of every UASC supported in Leicestershire. Children who arrive through the spontaneous route or dispersal hotels receive a lower rate of £114 per night.
32. Current funding rates per UASC Care Leaver remain at £270 a week, or £14,040 per annum. Leicestershire County Council's average cost incurred in support and care of one UASC care leaver per annum remains at £21k, which is above the East Midlands Average of £17k. There is therefore a subsequent

funding gap for Leicestershire of £7k per child per annum. This would result in a continued future funding pressure for every UASC coming through this scheme.

33. The rapid increase in UASC in care and care leavers has required a greater resource requirement to meet their needs. The different entry routes include both the National Transfer scheme, as well as spontaneous arrivals, but more recently through the hotel dispersal scheme where requests to accommodate people placed in Asylum Dispersal Hotels in Leicestershire are made, and whilst they have been deemed adults by the Home Office, subsequently claim to be children, and creates an additional pressure for the service to manage which is not fully funded.
34. This funding gap is further impacted by the increasing number of UASC care leavers. In terms of the local authority's current demand, UASC Under 18s, are at approx. 83 now compared to 56 in April 2022 (48% increase), and UASC Over 18s are at approx. 110 compared to 71 in April 2022 (55% increase). In addition, delays in asylum claim processes mean that we are often accommodating young people well past 18 and the Home Office funding drops significantly at 18 but the costs do not.

Background Papers

35. None.

Circulation under the Local Issues Alert Procedure

36. None.

Equalities Implications

37. All assessments and services provided for UASC are done so in a framework of respecting equality and diversity for young people. The Children and Family Services department is committed to equality and ensuring the human rights of all users, and importantly to support those young people who have arrived here from other countries as unaccompanied children.
38. There are no equalities implications arising from this report.

Human Rights Implications

39. There are no human rights implications arising from this report.

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