



CABINET – 23 JUNE 2023

**UNACCOMPANIED ASYLUM-SEEKING CHILDREN AND THE LOCAL
AUTHORITY'S DUTIES AND RESPONSIBILITIES**

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

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet of the increasing numbers of adult asylum seekers and migrants being housed in different locations throughout Leicestershire.
2. The report highlights the number of Unaccompanied Asylum-Seeking Children (UASC), in Leicestershire and the safeguarding responsibilities that arise from this along with the County Council's duties and responsibilities to UASC who are initially placed in adult dispersal hotels, and the costs associated with this.

Recommendations

3. It is recommended that the Director of Children and Family Services be requested to write to the Home Office and Department for Education to highlight the need for an urgent review of funding for local authorities to support asylum seekers and migrants, in particular Unaccompanied Asylum Seeking Children.

Reasons for Recommendation

4. To ensure that the Cabinet is fully informed of the current situation in relation to asylum seekers and migrants being housed in Leicestershire, the County Council's duties and responsibilities including for safeguarding, and the resource implications.
5. The number of asylum seekers and migrants requiring support and the way in which the dispersal system is operating is placing considerable pressure on the Council's capacity and resources.

Timetable for Decisions (including Scrutiny)

6. The Children and Families Overview and Scrutiny Committee received a report on 6 June 2023 which provided 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

7. The provisions for the transfer of responsibility for relevant children fall under Part 5 of the Immigration Act 2016.
8. Currently the Local Authority becomes responsible for UASC under three avenues - the National Transfer Scheme, spontaneous arrivals and those who identify themselves to be UASC after being placed as adults in the dispersal hotels.
9. 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.
10. When an UASC becomes a Looked After Child, the local authority resumes all of the duties and responsibilities outlined in The Children Act 1989 and becomes the Corporate Parent. These young people often have no other relatives in the country and are reliant upon the local authority to ensure that they are safeguarded and cared for. Post-age-18, they will acquire Care Leaver status.
11. 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) up to the age of 25. The main aim of the Care Leavers (England) Regulations 2010, which arise from the Children Act 1989, 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.
12. 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.

Resource Implications

13. In order to support local authorities in their duties to UASC a 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. (£52,000 annually).

14. For those children who arrive through the spontaneous route or dispersal hotels the local authority receives the lower rate of £114 per night.
15. Current funding rates for UASC Care Leavers remain at £270 a week/ £14,040 per annum. Leicestershire's average cost incurred in support and care of one UASC care leaver per annum remains at £21,000, which is above the East Midlands Average of £17,000. However, it should be noted that the East Midlands average is an out of date figure and further work is underway to determine the current cost.
16. Due to Leicestershire's average cost, there is a funding gap of £7,000 per child, per annum, which would result in a continued future funding pressure for every child coming through the scheme. This funding gap is further impacted by the increasing number of UASC care leavers in Leicestershire, which has seen an increase from 71 in 2021-22 to 110 in 2022-23.
17. The rapid increase in UASC in care and care leavers has required a greater resource requirement to meet their needs. More recently, there has been an increase in the number entering through the hotel dispersal scheme, where requests to age assess and accommodate young people who have been placed in the Adult Asylum dispersal Hotels in Leicestershire are made. Whilst they have been deemed adults by the Home Office, they subsequently claim to be children, and this creates an additional pressure for the service to manage, particularly as it is not fully funded.
18. In addition, delays in asylum claim processes mean that the service is often accommodating young people who are aged over 18 years. Home Office funding drops significantly when the young person becomes 18, but the costs to the local authority do not. In terms of Leicestershire's current demand, UASC who are aged under 18 are at approximately 83 now compared to 56 in April 2022 (48% increase), and those aged 18 are at approximately 110 compared to 71 in April 2022 (55% increase).
19. The Director of Corporate Resources has been consulted on this report.

Circulation under the Local Issues Alert Procedure

20. None.

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PART B

Background

Leicestershire Asylum Contingency Hotels

21. Five contingency asylum hotels have been stood up by the Home Office across Leicestershire, detailed in the table below. Contingency hotels, which are sourced by SERCO on behalf of the Home Office, are used to house asylum seekers whilst accommodation is procured in the local community. Such community-based housing is referred to as dispersed accommodation to distinguish it from hotel accommodation. Due to the demand for private sector rental property, there is insufficient dispersed accommodation, so asylum seekers are placed in hotels.

Hotel Location	Intake	Numbers of asylum seekers (Total of 603 as at 12/6/23)
Melton District – 1 hotel	Hotel 1 - Families	144
Charnwood Borough – 2 hotels	Hotel 1 - Single men Hotel 2 - Families	197
North West Leicestershire District – 2 hotels	Hotel 1 - Single men Hotel 2 - Families	262

22. The Home Office has recently announced that it is seeking to maximise occupancy at hotels to make usage more efficient and reduce costs, for example, through increasing room sharing, subject to suitability and risk assessment at each hotel. This means that hotel occupancy levels are expected to increase. Additionally, the Home Office is considering mixing cohorts so that single males could be housed in hotels currently only hosting families. No guidance on this issue has yet been released by the Home Office. However, the County Council has raised safeguarding concerns about this proposal and escalated these through the Strategic Migration Partnership (SMP) which represents the interface between the Home Office and statutory partners on all matters to do with migration, resettlement and asylum.

Children Arriving Through the Adult Asylum System

23. 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. In 2021/2022, Leicestershire County Council had 23 referrals from hotels and accommodated 18 children (average of 1.5 children per month).
24. In 2022-23, the County Council accommodated 26 children and young people through this route (average of 2.1 children per month). Since March 2023, a further 36 referrals for a brief assessment have been received from the dispersal hotels. Of these 20 (55%) were accepted as children and accommodated, which is an average of 6.6 children per month.

25. If Leicestershire continues to receive an average of five referrals per month via dispersal hotels, this would be an average of 3.6 children accommodated via this route per month. The impact of this would be primarily around resource requirements to undertake assessments and to support those assessed as children, both in terms of staffing and accommodation.

Safeguarding Duties and Responsibilities

26. The local authority and Safeguarding partners have duties and responsibilities for all children within their area, as outlined in The Children Act 1989 and Working Together to Safeguard Children 2018.
27. Unaccompanied Asylum Seeking Children are vulnerable by the nature of their experiences and route travelled from their country of origin to the UK. In addition, they often arrive in this country with no other family members. Once identified as an UASC the children are immediately assessed, they become Looked After, are provided with suitable supportive care and living arrangements that ensure they are supported and safeguarded.
28. A key challenge over recent months has been the number of UASC identified after they are placed in the Dispersal hotels. These children are immediately referred to the Local Authority and are quickly seen, assessed, and appropriately accommodated.
29. In addition, the Service is ensuring via First Response, that any refugee and their children referred due to concerns of safeguarding are provided with the same rigour of service as any child in Leicestershire. To date there has been a small number of referrals via First Response that have been assessed to require Child in Need services.
30. The Children and Family Wellbeing Service has made links with the Dispersal hotels for families to ensure that parents and children are linked into appropriate services and play resources. This has been possible within existing resources but would become a challenge if the number of hotels were to increase.

Service Response for UASC

31. Based on the 2022-23 figures. Leicestershire can expect to accommodate an average of 6.1 children per month into its care, or 73 children a year.
32. 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.
33. 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.

34. The increasing number of UASC creates additional pressures within the resources for education. In Leicestershire, Leicester College is the only provider for the Pre- Entry level English for Speakers of Other Languages (ESOL) course. The College currently does not have capacity for newly accommodated children and therefore the County Council is providing support through private? tutoring.
35. 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.
36. 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 takes into account access to shops that provide for their dietary needs and familiar cuisine.

Adult Asylum Seekers and Families – Safeguarding responsibilities

37. There are currently five dispersal hotels in Leicestershire -three for single adult males and two for families. All contacts to Children’s Social Care need to be considered alongside the threshold for access to services and a decision made within one working day regarding the level of response required. At any time an Initial Contact may become a Referral where the social worker or manager considers that an assessment and/or services may be required for a Child in Need.
38. The initial disposal of a Referral, which must be authorised by the manager, may be:
 - a. That it is suspected that the child is suffering or is likely to suffer from Significant Harm, which will result in a Single Assessment, with a view to conducting a Strategy Discussion, prior to a Section 47 enquiry commencing.
 - b. That the child does not appear to be a Child in Need, which will result in one of the following: the provision of information, advice, sign-posting to another agency and/or no further action;
 - c. That the child appears to be a Child in Need with a moderate level of need, in which case, the manager may authorise a Single Assessment;
 - d. That the child appears to be a Child in Need with a high level of need, which must result in a Single Assessment.
39. First Response Children’s Duty (FRCD) have had referrals for four children from two families who required support. Neither referral was due to safeguarding concerns but due to parents requiring hospital treatment.

Comments of the Children and Families Overview and Scrutiny Committee

40. The Scrutiny Committee at its meeting on 6 June considered a report regarding Unaccompanied Asylum Seeking Children. Members noted that

costs to the Council of looking after these children and that the funding provided by the Government for this purpose was inadequate.

41. Members also commented on the importance of the Council's safeguarding responsibilities and expressed concern that the dispersal process was putting children and young people at risk.

Conclusion

42. There is an increasing number of adults and families housed in hotels and housing in Leicestershire. Whilst an increase in safeguarding responses has not been evidenced in response to this, there has been a significant increase of those placed within dispersal hotels being identified as children. There are significant financial and resource implications in response to this increase both now and in the future due to the duty that the Service has to care leavers until the age of 25.

Equality Implications

43. 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.

Human Rights Implications

44. Article 2 Right to Life ,Article 3 Freedom from torture and inhuman or degrading treatment ,Article 4 Freedom from slavery and forced labour and article 5 Right to liberty and security are all relevant for refugees and UASC.

Background Papers

Report to Children and Families Overview and Scrutiny on 6 June 2023,
Unaccompanied Asylum Seeking Children

<https://politics.leics.gov.uk/documents/s176598/UASC%20-%20CF%20OSC%20060623.pdf>

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