



**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY
COMMITTEE – 5 MARCH 2024**

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 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 United Nations 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, or social services. The local authority to 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, when 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 groups 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 140 UASC in care and 135 UASC Care Leavers (as of 31 December 2023), a total of 275 children and young people open to the UASC Team. This compares to 88 UASC Children in Care and 88 UASC Care Leavers at a similar time in 2023, totalling 176 children and young people.

Spontaneous Arrivals

15. Between December 2022 and the end of December 2023, the County Council saw an increase from 28 -30 (7%) Children in Care and 73-85 (16%) Care Leavers. This is the lowest cohort of children in care which represents the changing pattern to NTS and Dispersal Hotel.
16. 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

17. Between December 2022 and December 2023, children accommodated through the national transfer scheme increased from 33 to 52 (57.5%) Children in care and 4 to 16 (300%) Care Leavers. During this period Leicestershire accommodated 31 children through the National Transfer Scheme (on average 2.5 children per month).

Children Arriving Through the Adult Asylum System

18. From October 2021 onwards, the County Council began to receive a significant number of requests to accommodate young people placed in Asylum Dispersal Hotels in Leicestershire. They had been deemed adults by the Home Office and subsequently claimed to be children.
19. For the period December 2022 to December 2023, the number of children being accommodated through this route increased significantly. The number of children in care increased from 27 to 58 (114%) and the number of care leavers increased from 11 to 34 (209%). In a short period of time this has become the route from which we have accommodated the highest numbers.
20. This route has additional issues for capacity as the age challenges require an assessment by two experienced social workers. Not all are accommodated and therefore the number of children in care and care leavers only represents part of the work undertaken.
21. 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

22. Based on data for 2022/23, Leicestershire can expect to accommodate (spontaneous, NTS and via hotels) an average of 8.25 children per month into its care, or 99 children a year.
23. 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.

24. 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.
25. 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. They have also commissioned an external project to support groups of twelve UASC to have group tuition in English, Maths, and ICT. This is a ten-week programme, and two groups are currently set up to begin.
26. 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.
27. 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.
28. 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

29. The financial pressure in relation to the Unaccompanied Asylum-Seeking Children (UASC) budget is largely due to the rapid increase in UASC in care and care leavers, which has required a greater resource requirement to meet their needs. The different entry routes include both the National Transfer Scheme (NTS), as well as spontaneous arrivals. But more recently through the Hotel Dispersal Scheme which creates an additional pressure for the service to manage which is not fully funded. In addition, delays in asylum claim processes mean that the Council is often accommodating young people well past 18 and the Home Office funding drops significantly at 18 but the costs do not.
30. Whilst costs of supporting UASC in care is broadly in line with current funding rates for those supported by the Home Office, the current funding gap of those UASC over 18's is over £39k per year per UASC over 18.
31. As of 31 December 2023, there are 140 UASC in care. This is an increase of 52 young people (59%) since 31st December 2022. This rise continues the upward trend noted in 2021/22, an expected increase due to the NTS becoming mandatory and two dispersal hotels opening in Leicestershire. UASC over 18's is currently 135, which represents almost a 53% increase since December 2022, and this is linked to the increasing number of care leavers, for whom a significantly reduced funding rate is received in comparison to the costs being incurred.

32. Recent figures provided by the East Midlands Council based on returns from local authorities show since July 2021, a total of 258 unaccompanied young people claiming to be children in adult asylum hotels have been taken into care across all upper tier local authorities in the region, except Rutland. Almost a third of which coming into care in Leicestershire, creating an additional financial burden. The issue continues to be raised with the Home Office at senior officer level.

Background Papers

33. None.

Circulation under the Local Issues Alert Procedure

34. None.

Equalities Implications

35. 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

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

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