

## Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 10 October 2016

### Title

National Transfer Scheme for Unaccompanied Asylum Seeking Children (UASC)

### Is this a Key Decision and has it been included on the Forward Plan?

No

### Strategic Director Approving Submission of the Report

Ian Thomas, Strategic Director, Children and Young People's Services

### Report Author(s)

Mel Meggs, Deputy Strategic Director, CYPS

### Ward(s) Affected

All

### Summary

Unaccompanied Asylum Seeking Children (UASC) in the United Kingdom (UK) are children who are outside their country of origin to seek asylum in the U.K, are separated from parents and relatives, and are not in the care of someone who is responsible for doing so.

The government has legislated (1<sup>st</sup> July 2016) to introduce a national dispersal for UASC; named the National Transfer Scheme.

The report provides information about the National Transfer Scheme, the regional approach and implications for Rotherham Metropolitan Borough Council (RMBC).

### Recommendations

That the proposed voluntary arrangements to discharge the Council's statutory duties for the dispersal of UASC, through a regional scheme be approved.

**List of Appendices Included**

None

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Title: National Transfer Scheme for Unaccompanied Asylum Seeking Children (UASC)**

### **1. Recommendation**

- 1.1 That the proposed voluntary arrangements to discharge the Council's statutory duties for the dispersal of UASC, through a regional scheme be approved.

### **2. Background**

- 2.1 The National Transfer Scheme has been introduced in legislation to respond to the government's pledge to support child refugees. The scheme sets out to achieve a fair, equitable and transparent approach for the resettlement of child refugees across all Local Authorities in England.
- 2.2 Government wrote to authorities in May 2016 and again in September 2016 with information on the resettlement scheme for unaccompanied children, to include the resettlement of UASC, children deemed at risk from countries around Syria and children from other European countries into the UK.
- 2.3 Before addressing the wider issues in respect of unaccompanied asylum seeking children within the United Kingdom, it is important for there to be some clarity as to who would fit into the legal category of being an unaccompanied asylum seeking child.
- 2.4 An unaccompanied asylum seeking child is a person, who at the time of making the asylum application:
  - Is under the age of 18 or in the absence of documentary evidence appears to be under 18
  - Is applying for asylum in his or her own right
  - Has no relative or guardian to turn to in this country.
- 2.5 The reasons why children seek asylum are many and varied. They can include the child having been trafficked into the United Kingdom and having managed to flee from the trafficker. Some children will be fleeing child specific persecution, by way of example; forced marriage, child soldiering and others will seek asylum in the UK because they are experiencing persecution in their home country or in an attempt to flee armed conflict. Some young people will have become displaced from adult carers who had commenced the journey with them.
- 2.6 All local authorities in England and Wales have a legal duty to provide support for children and young people who seek asylum. Section 17 of the Children act 1989 provides a duty on every local authority to safeguard and promote the welfare of children in need within their area by providing appropriate resources to them, whilst section 20 requires every local authority to provide accommodation for children in need if

they have no person with parental responsibility and/or the child has been lost or abandoned.

- 2.7 The Home Office provides financial support to local authorities by meeting reasonable additional costs for those local authorities taking on responsibility for the care of UASC. The current rates paid to local authorities under the national transfer scheme are set out in section 7. The new scheme commenced in July 2016. The scheme has been funded on a per place basis but the costs are a contribution only towards the costs of a placement and do not cover the real costs to all agencies for caring for these children. The scheme does not specify how many children will arrive or when, however, it does make provision for when they arrive for them to receive “looked after” status.
- 2.8 The scheme has a distribution based on a proportion of the child population (0.07%) which equates to 726 children for the Yorkshire and Humber region and 39 Children for Rotherham. The Home Office encourages a regional response and is providing up to £60,000 to fund administrative arrangements to facilitate the development of regional approaches.

### **3. Key Issues**

- 3.1 Colleagues across all local authorities report significant pressures on overall children in care numbers and a lack of appropriate placements.
- 3.2 The experience and risks of conventional approaches to receiving UASC have not always been positive either for the young people, their carers or the responsible authorities. These include:
- Duplication of processes and inconsistency in responses between local authorities
  - Inter local authority competition for service resources (translators, trauma specialists, placements)
  - Lack of coordination that risks further worsening outcomes for children such as separating siblings/peers
  - Bias towards process driven approaches that try to fit UASC into existing systems.
- 3.3 Migration Yorkshire have been working with the local authorities in the Yorkshire and Humber region, and with the Home Office, Department for Education and Department for Health, to develop a regional approach which brings together the specialist knowledge and skills to appropriately support these vulnerable children. The region is seeking an approach that:
- Does not rely on an already overburdened placement system
  - Recognises the unique experience and needs of these children and develops tailored packages of care
  - Maximises the collective resources of the region
  - Develops regional coordination at every stage of the child’s care
  - Benefits from explicit flexibilities and freedoms to deliver

- care/education and health services differently
  - Uses shared intelligence to ensure that young people are placed and supported in a way that maximises any community risks
  - Pools sparse specialists and resources to ensure a consistent offer.
- 3.4 A proposed outline regional model for the delivery of sustainable, young person centred health, education and care for the Yorkshire and Humber region has been developed, based on the following principles:
- Provide a consistent, warm, safe welcome
  - Provide health, care and education tailored to specific needs
  - Provide a service that minimises further separation and loss
  - Provide equitable access to legal advice and support
  - A system owned by the region, sharing cost, risk and pressure.
- 3.5 The proposed model for the region describes several shared functions at each stage of a UASC journey from pre-transfer to settled care:
- Stage 1: Pre-transfer – a central point of contact for the Yorkshire and the Humber region would receive early information on the details of UASC destined for the region to prepare for arrival, including language, health care, disability and other needs.
  - Stage 2: Transfer – three sub-regional centres in the north, south and west of the region would be established to undertake appropriate education, health and care needs assessments over a period of weeks.
  - Stage 3: Placement – matching the needs of each UASC to regional placement resources.
  - Stage 4: Settlement – a sustained point of contact with sub-regional centres would be provided to access advice and support and track UASC.
- 3.6 In Rotherham the sufficiency strategy is being further developed to ensure the council is able to respond to a diverse range of children and young people including UASC. Given the maximum numbers expected above, it is anticipated that a new framework in place with Independent Foster Care Agencies, together with supported housing options will enable placements to be made without having an adverse impact on LA foster carer capacity.

#### **4. Options considered and recommended proposal**

- 4.1 **Option 1: Not to enter into the proposed voluntary arrangement**  
The Council would still have statutory responsibilities for UASC who present within the borough. If a Local Authority refuses to engage in the voluntary arrangements, then the Secretary of State has been awarded new powers under the Immigration Act 2016, which will allow for the dispersal of UASC to be imposed on local authorities. Given the Secretary of State powers to direct the local authority, resistance to the national scheme is not recommended
- 4.2 **Option 2: Rotherham receives UASC outside of the regional model**  
Rotherham would need to plan for 39 additional children in care who

have multiple needs different to that of existing children in care. This would put further pressure on the child protection system, and present risks of a lack of coordination with regional local authorities, and duplication of resources. Therefore, this is not the preferred option.

#### **4.3 Option 3: Rotherham participates in a regional model for UASC**

The anticipated 726 UASC would be received, assessed and placed as a region, in three regional centres (expected to be in the larger cities) thus maximising collective resources, ensuring coordination and reducing duplication between local authorities. The 'Parental Responsibility' (PR) status for each child will be allocated using a fair and equitable process agreed by all parties. The region has a well-established track record in collaborative working supported by the 'Sector Led Improvement Programme' and this approach would extend this to health partners. The approach would be led by the regional Association of Directors of Children's Services. This is the recommended option.

### **5. Consultation**

- 5.1 The proposed model has been developed by the regional safeguarding Assistant Directors group of the Association of Directors of Children's Services (ADCS).
- 5.2 Officers from local authorities across Yorkshire and the Humber along with colleagues from Migration Yorkshire met with the Home Office and the Department for Education to discuss the proposed model on 31<sup>st</sup> August 2016, with support received for the proposed model.

### **6. Timetable and Accountability for Implementing Decision**

- 6.1 A working group will be developed to establish the model for a pilot group of children; this will include the decision on where to place the Welcome Centres. It is likely that the larger cities in the region would be the most appropriate places.

### **7. Financial and Procurement Implications**

- 7.1 The Home Office provides financial support to local authorities taking on responsibility for the care of UASC through a national transfer scheme (see table 1).

Table 1: National transfer rates for 2016

<b>Age Profile</b>	<b>Rates for LAs accepting Kent's UASC: 1<sup>st</sup> April – 30<sup>th</sup> June 2016</b>	<b>National Rates: 1<sup>st</sup> April – 30<sup>th</sup> June 2016</b>	<b>New National Transfer rates: 1<sup>st</sup> July – 31<sup>st</sup> March 2017</b>
Under 16	£114 (daily)	£95 (daily)	£114 (daily)
16 – 17	£91 (daily)	£71 (daily)	£91 (daily)
Leaving Care	£200 (weekly)	£150 (weekly)	£200 (weekly)

7.2 The scheme has been funded on a per place basis but the costs are a contribution only towards the costs of a placement and do not cover the real costs to all agencies for caring for these children.

7.3 There is not currently a fully-costed model for a regional approach, and as such this report seeks approval for the principles of a regional model, with funding to be negotiated with the Home Office and other government agencies. Costing assumptions will need to be based on the profile and need of the children and young people requiring settlement. Therefore any costing assumptions can only be developed once Migration Yorkshire better understand the cohort.

## **8. Legal Implications**

8.1 The actions recommended in this report would support compliance with the Immigration Act 2016. Each local authority has a statutory obligation to take PR towards UASC, depending on where the child first presents. However, Section 69 of the 2016 Act facilitates the voluntary transfer of responsibility for caring for UASC where one local authority agrees to comply with another authority's request for that transfer. However, if the request is refused then the Secretary of State can require the refusing authority to provide written reasons for the refusal. Ultimately if the Secretary determines that the voluntary scheme does not provide the desired outcomes, then s/he may seek to use what are known as reserve powers under the 2016 Act. Those powers create a mechanism for the Secretary of State to prepare a scheme which directs local authorities to cooperate in the transfer of UASC from one authority to another. The Secretary of State also has the power to direct local authorities to provide information about the support and accommodation provided to children in their care, in order to inform arrangements for the transfer of UASC children from local authority to another. Clearly the Council would not wish to be subjected to the Secretary of State's reserve powers.

## **9. Human Resources Implications**

9.1 There appears to be no obvious HR implications, however, if there are implications resulting from extra staffing being required or in the event of a sub-regional welcome centre being set up, a potential TUPE transfer of staff, this will be supported appropriately.

## **10. Implications for Children and Young People and Vulnerable Adults**

10.1 In line with statutory guidance and RMBC's ambition to become a 'Child Centred Borough' unaccompanied asylum seeking children are children who are entitled to the same high quality provision as that which is afforded to all children within the borough, particularly those who are in need of protection and care. Rotherham Council continue to strive towards becoming an outstanding authority, which takes its responsibilities to those most vulnerable of children as a priority. A voluntary acceptance of the government proposals would go some way in affirming RMBC's ambitions. In agreeing to be part of a regional response, the council continues to place the best interests of all children as being the guiding principle of practice within a national framework, that ensures an equitable, regionally managed allocation of responsibilities.

## **11. Equalities and Human Rights Implications**

11.1 UASC are recognised as having protected characteristics, under the Equality Act 2010.

## **12. Implications for Partners and Other Directorates**

12.1 Health partners have been engaged in this process.

## **13. Risks and Mitigation**

13.1 As detailed in the report key issues.

## **14. Accountable Officer(s)**

Mel Meggs, Deputy Strategic Director

Approvals Obtained from:

Director of Finance:- Mark Chambers

Director of Legal Services:- Neil Concannon

Head of Human Resources :- Theresa Caswell

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