



CABINET – 23RD NOVEMBER 2016

UNACCOMPANIED ASYLUM SEEKING CHILDREN

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILIES

PART A

Purpose of the Report

1. The purpose of this report is to update the Cabinet on the County Council's response towards Unaccompanied Asylum Seeking Children (UAS children) and on representations made regarding the financial cost incurred in meeting the needs of such children.

Recommendation

2. The Cabinet is recommended to:
 - a) Note the increase in the number of Unaccompanied Asylum Seeking Children being accommodated in Leicestershire;
 - b) Note that there exists a potential for additional young people previously housed in Calais having to be accommodated if they have family connections in Leicestershire;
 - c) Note the comments made by the Home Secretary and the Immigration Minister to review the current formula for funding young Unaccompanied Asylum Seeking Children but to re-affirm its previous decision to disengage from the voluntary National Transfer Scheme until the full costs of providing for such young people are met;
 - d) Note the increasing difficulty being experienced in identifying appropriate placements for such young people, and also the Government's proposed Controlling Migration Fund to help meet related costs, the details of which have still to be assessed.

Reasons for Recommendation

3. The current estimated cost of supporting 70 UAS children in Leicestershire is £4.64 million, which at present levels requires the County Council to contribute £2.05 million of its own resources. The recommendations seek a continuing commitment from the Cabinet to support UAS children, who are the Council's direct statutory responsibility, and only re-engage with the National Transfer Scheme when the full costs are met by the Government.

Timetable for Decisions (including Scrutiny)

4. A report regarding UAS children was submitted to the Cabinet in October and on 3 November 2016 this was also considered by the Council's all-party member panel on Refugees and Unaccompanied Asylum Seeking Children.

Policy Framework and Previous Decisions

5. The County Council has a statutory duty to look after UAS children who arrive in the County. The National Transfer Protocol is a voluntary agreement intended to ensure the fairer distribution of UASC placements across the country.

Resource Implications

6. The Children's Social Care budget is under considerable pressure. In the current year £7.9 million of additional growth was allocated to meet spending pressures following a £4.6 million overspend in 2014/15. Even without the added pressure of UAS children it is anticipated that further growth will be required in 2017/18 and later years.

Consultation under the Local Issues Alert Procedure

7. A copy of this report is being circulated to all members of the County Council via the Members News in Brief Service.

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PART B

Background

8. There are four ways in which an unaccompanied asylum seeking child can become the responsibility of the County Council.

i) Spontaneous Arrivals

These are unaccompanied children who arrive and present themselves at locations within Leicestershire – East Midlands Airport, Donington Services and Junction 21 of the M1 (i.e. they arrive outside normal immigration channels).

ii) Dublin Treaty III

This relates to children who were in the refugee camp in Calais and who have family in the Leicestershire. (Those with family elsewhere in the UK would come under the National Transfer Scheme.)

iii) ‘Dubs Amendment’ Children

The House of Lords ‘Dubs amendment’ to the Immigration Act 2016 will allow for the resettlement of unaccompanied children from within Europe where it is in the best interest to do so and where such children were registered before 20th March 2016.

iv) National Transfer Scheme

This is a voluntary agreement which aims to ensure a fairer distribution of UASC placements across all local authorities and regions.

9. The County Council is currently engaged in the first two of these and had previously committed to take in seven children under the National Transfer Scheme.

Unaccompanied Asylum Seeking Children in Leicestershire

10. As of 30th September 2016 there were 31 UAS children in care under Section 20 of the Children Act. Of these, an in-house placement was found for one and the other 30 were placed in private provision (Independent Foster Carers or semi-independent accommodation). Of those 31 children, 7 had been transferred to the County Council under the National Transfer Scheme. In addition, there are 27 former UAS children now over the age of 18 for whom the Council has continued responsibility as care leavers until the age of 25.

11. Based on the threshold of 0.07% of the child population, the calculation used by the Home Office for the National Transfer Scheme, the County Council would be expected to look after 94 UAS children. Taking into account the current number looked after, the County Council would be expected to care for a further 63 (the 27 UAS children above the age of 18 do not count as part of the calculation).

Issues Facing the County Council

12. The two key issues facing the Council in dealing with UAS children are financial constraints and placement availability. Each is addressed below.

Financial

13. The Home Office grant does not cover the full cost of placements of UAS children. Those under 16 are always placed in a family based placement which requires a greater financial commitment. The County Council estimates that the gross cost of supporting 70 UAS children is £4.64 million whereas the Government contribution amounts to £2.60 million. Recent research undertaken by the Association of Directors of Children Services (ADCS) found similar results and concluded that even the 'enhanced Home Office grant rate covers no more than 50% of costs incurred by the local authority'.
14. The financial concerns expressed by the County Council have been echoed by a number of authorities across the country. The ADCS research found that 43 of 44 local authorities surveyed were of the view that the national funding provided was insufficient. The one authority which considered the funding satisfactory did so on the basis that it was sufficient if a child received an in-house foster placement but not any other type of placement.
15. Following the Cabinet meeting in October, the Leader of the Council wrote to all Leicestershire MPs seeking their support for the Council's request that the full costs of placement and service provision should be met. In addition, the Local Government Association and the ADCS have made representations to the Government on this issue.
16. The Government's response to these representations has been to indicate that it would review the current arrangement. In an answer to a recent question from Alberto Costa MP, the Home Secretary said:
- 'I pay tribute to Leicestershire County Council and all the local authorities that have stepped up and accepted unaccompanied children under the National Transfer Scheme. I assure my Hon. Friend that the Government are committed to funding local authorities for the care of unaccompanied asylum-seeking children. In July we significantly increased the rates by up to 33%. We will keep these arrangements under review.'*
17. At the subsequent ADCS Conference the Immigration Minister made a similar pledge, though no timescale has been given. Whilst these commitments to review are to be welcomed, they still leave the County Council to have to find over 50% of the costs of UAS children from within its own resources, at a time of significant budgetary pressures caused by reductions in funding and increased demand from additional and more complex placements.
18. The Government through the Home Office, the Department for Education and the Department for Communities and Local Government have now announced a new national Controlling Migration Fund which relates in part to UAS children. Its provision and requirements are being assessed.

Placement Availability

19. The number of unplanned UAS children has increased the demand for placements at a time when the number of children being looked after is increasing. Most are placed in foster care placements or semi-independent accommodation.
20. As of 30th September 2016 there were 498 children in care excluding UAS children whilst the Fostering Service has 209 mainstream and kinship carers. As a result the County Council is having to make increasing use of Independent Fostering Agency placements and to pay a premium for such placements.
21. The County Council along with all other authorities has a shortfall in foster carers. In January 2016 the Fostering Network calculated that an estimated 7600 foster carers were needed in England to meet placement demands.
22. These concerns regarding placement sufficiency were raised at the recent ADSC Conference. The Immigration Minister in response indicated that the Government was looking to establish a new scheme and fund aimed at providing some financial assistance for recruiting foster carers and other infrastructure costs, i.e. the Controlling Migration Fund.

Conclusions

23. The decision of the Cabinet on 11th October 2016 recognised the County Council's responsibilities to support refugees and UAS children but also its responsibilities to prioritise the needs of Leicestershire children and young persons. The commitment from Ministers to review the current arrangements whilst welcome, does not alter the position that the Council found itself in October. Without a clear commitment of financial support to meet the full costs of UAS children, the Council regrettably cannot commit to participating in the voluntary National Transfer Scheme or give any commitment to participation in the resettlement of any 'Dubs Amendment' children.

Background Papers

Report to the Cabinet on 11 October 2016 - "Unaccompanied Asylum Seeking Children Voluntary National Transfer Scheme" - <http://ow.ly/7sPC305YNPE>

Equality and Human Rights Implications

24. The Government has given a commitment to supporting UAS children and their families. The County Council shares the commitment to supporting UAS children who present in the area on a spontaneous basis and will discharge its statutory responsibilities to such children. The resettlement of UAS children in the County through the National Transfer Scheme or those arriving under the 'Dubs Amendment' can only be done if the Government commits to funding the full cost of their placements and care.

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