



## **CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**

**25 JANUARY 2022**

### **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 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,<sup>1</sup> or against a breach of the European Convention on Human Rights.

## **Background**

### **National Transfer Scheme**

6. 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.
7. Participation in the NTS was voluntary. In August 2020 a joint Home Office and Department for Education consultation was launched with local authorities.
8. 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 numbers 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.
11. 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**

12. 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) or by the Home office, until their application is processed and they are moved to more permanent accommodation.
13. 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.
14. Leicestershire currently has two dispersal hotels.

## **Local Context**

15. 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.

16. Leicestershire County Council has 38 children in care who are UASC and 75 UASC Care Leavers (as at December 2021), a total of 113 children and young people open to the UASC Team.
17. This compares to 26 UASC Children in Care and 67 UASC Care Leavers at a similar time in 2020, totalling 93 children and young people.

### **Spontaneous Arrivals**

18. Between April and the end of December 2021, the County Council accommodated 14 spontaneous new arrivals (an average of 1.6 children arriving per month).
19. This compares to 11 spontaneous arrivals accommodated during the 2020-2021 financial year (average of 0.79 children per month).
20. This does not include any transferred through the NTS or referred from Adult Asylum Dispersal Hotels (as detailed below).
21. 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**

22. During the financial year 2020-2021, whilst Leicestershire County Council was not part of the NTS, it did accept five urgent transfers of young people from the Kent and South Coast.
23. In July 2021, Leicestershire joined the voluntary NTS and through this, during the financial year 2021-2022 to date has received nine transfers of young people (an average of 0.9 children per month)
24. The NTS became mandatory in December 2021 and Leicestershire is expected to take four children in cycle.
25. The County Council is also expected to continue to accept children through the scheme and accommodate them within ten working days of referral.

### **Children Arriving Through the Adult Asylum System**

26. From October 2021 onwards, the County Council has received 15 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.
27. Of the 15 referrals:
  - Eight have been accommodated by Leicestershire as children in care,
  - Three have full age assessments underway,
  - Three have been assessed to be adults,
  - One was moved by the Home Office to a hotel in another local authority.

28. If Leicestershire continues to receive an average of five referrals per month as it has in October to December so far, this would be an average of 3.6 children accommodated per month. 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**

29. Based on these figures, Leicestershire can expect to accommodate (spontaneous, NTS and via hotels) an average of 5.29 children per month into its care, or 64 children a year.
30. 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.
31. 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.
32. 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.
33. 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.
34. The UASC Team has a good understanding of trauma informed practice and culture shock, and advocate well on behalf of young people.
35. The young people go on to achieve well in education and achieve good health and accommodation outcomes.

### **Resource Implications**

36. 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.
37. In addition, whilst there is a funding enhancement for carer leavers, which would see current funding rates for UASC Care Leavers increase to £14k, Leicestershire's average cost incurred in support and care of one former 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, with

pressures potentially continuing through the care system up to the age of 25 years.

38. The rapid increase in UASC in care and care leavers has required a greater resource requirement to meet their needs. A combination of Home Office funding and an annual current Leicestershire County Council revenue budget contribution of £1.5m is absorbing such demands and funding shortfalls. This should be able to absorb such potential increases in demand/costs in the short to medium term without the need for any further budget growth, although this position will need to be kept under continual review given its volatility.

### **Equality and Human Rights Implications**

39. 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.

### **Background Papers**

None identified

### **Circulation under the Local Issues Alert Procedure**

None

### **Officer(s) to Contact**

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