

Meeting:	Cabinet
Meeting date:	28 July 2016
Title of report:	National unaccompanied asylum seeking children transfer scheme
Report by:	Cabinet member, young people and children's wellbeing

Classification

Open

Key decision

This is not a key decision.

Wards affected

Countywide

Purpose

To approve joining the National Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme and accept the statutory responsibility for a number equivalent of up to 0.07% of the child population within the county.

Recommendation(s)

THAT:

- (a) the principle that the council will offer sufficient placements so that the number of UASC accommodated in its looked after system is equivalent to 0.07% of our child population be accepted; and**
- (b) the director for children's wellbeing be requested to, working with partner councils as appropriate, continue to make the case to government for sufficient funding to adequately resource these additional pressures and provide a further report on the outcome of those negotiations.**

Alternative options

- 1 The current scheme is voluntary. Should Herefordshire Council refuse to join there is a risk of reputational damage with central government, the media and members of the public. There are provisions within the Immigration Act 2016 to enforce the scheme if local councils do not agree to join on a voluntary basis. The Home Office has made it clear that it would use these powers only as a last resort, however the council would risk losing control of when children are transferred to its area.

Reasons for recommendations

- 2 The current system means that in most cases children remain in the care of the local council where they claim asylum, resulting in a small number of councils looking after the vast majority of the children – most notably Kent – and many councils looking after very few or no UASC.
- 3 This is not sustainable and so over the past 12 months there has been discussion and negotiation on a national level with Directors and Assistant Directors of Children's Services and with the Local Government Association and central government about introducing a national transfer scheme; as shown in appendix 1.
- 4 The key principles underpinning the UASC transfer scheme are that there is a fair, equitable and transparent system for caring for children across the UK; the scheme is voluntary and locally led; distribution is based on a proportion of a county's child population; builds on existing structures and regional models with a phased introduction and that knowledge and resources are pooled recognising existing commitments to the adult dispersal scheme; as indicated within appendix 2.
- 5 The transfer scheme offers an opportunity to Herefordshire Council to demonstrate compassion and opportunities to children and young people who will have experienced conflict and trauma both within their home countries and during their journey to the UK.

Key considerations

- 6 3,043 UASCs claimed asylum in the UK during 2015. This was an increase of 56% compared with 2014. Currently over 900 UASCs are in Kent County Council's care and this is not sustainable for the council or for other services, including fostering agencies and supported living providers. The UASC population as a whole are mainly accommodated within London and the south-east with relatively small numbers in most other council areas. The increase in UASC is part of the impact of the wider mass migration from the Middle East and North Africa into Europe.
- 7 The figure of 0.07% has been calculated using data from the last census and Home Office data on current numbers of UK UASC, as well as forecasts of numbers likely to arrive this year (appendix 2). Therefore given that the child population within Herefordshire is recorded as 36,041, it is anticipated that Herefordshire Council accepts responsibility for up to 25 UASC. There are already six UASC within our current looked after children (LAC) population and so the national transfer scheme would require the council to accept responsibility for an additional 19 UASC. Depending upon the number of UASC who travel to the UK in the future this figure may need to be reviewed in time.
- 8 Of those children seeking asylum, 62% are aged 16 or 17 year olds and only a small minority are female. Almost all children aged under 16 are fostered with approximately half of those aged 16 to 17 being placed in foster care and half being placed in semi-supported accommodation. For UASC who are given leave to remain within the UK, they are entitled to the same care and support as any other care leavers.
- 9 UASC originate from a large range of countries. However, the highest numbers originate from Eritrea followed by Afghanistan and Albania.
- 10 UASC are considered to be looked after children and therefore if accepted through the transfer scheme, will have the same rights and entitlements as other looked after

children. Our LAC numbers will rise by the number of UASC we agree to accept. Evidence across councils with experience of caring for UASC highlights their academic motivation and desire to contribute to the community. Historically the council has cared for very small numbers of UASC, but we have had a small number accommodated over the past 12 months and so have strengthened our approach to meeting needs.

- 11 Over recent months the Home Office has written to the Directors of Children's Services and communicated with the Association of Directors of Children's Services (ADCS) on several occasions seeking support regarding the transfer scheme. The West Midlands Strategic Migration Partnership has now been tasked with supporting the regional response to the scheme and a briefing event attended by officers from Herefordshire was held on 21 June. The Council had to provide a direct response regarding Herefordshire's agreement to take part in the transfer scheme and timescales for political decision making.
- 12 The first phase of the scheme will commence on 1 July 2016. However, initial roll out is expected to be small numbers. In the first instance, Kent County Council has identified 150 children that could be transferred to other local councils.
- 13 Currently Herefordshire does not have placements either within the fostering service or available supported housing to meet needs, so would have to use independent fostering agencies. Planning has already commenced in regard to a marketing and communication strategy to enable suitable placements to be developed within the county. These will require engagement and momentum from council officers, leaders, strategic partners and the community to deliver change within a short timescale. The council will be able to plan for a gradual transfer of UASC in negotiations with central and regional government although if UASC are found or present themselves for the first time within Herefordshire, then the council immediately assumes legal responsibility and it is not possible to plan for this eventuality.

Community impact

- 14 The arrival of 19 UASC will pose challenges for colleagues in the school and health sectors. Education and communications staff are working with schools to prepare for this. The Children and Young People Partnership will consider how to respond across the sector including health, especially within the CAMHS arena and GP practices. The strategic refugee meeting is now incorporating planning for UASC to ensure joined up planning.
- 15 The council could lead the community response to new arrivals by highlighting the responsive and compassionate nature of its decision through a dynamic communications strategy.

Equality duty

- 16 The agreement to join the Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme will pay due regard to our public sector equality duty as set out under Section 149, the "General Duty" on public authorities ensuring that we eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under this Act. Furthermore, we will advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial implications

- 17 The Home Office pays grants for the care of UASC and refugee children. From 1 July the amounts are:
- £41,610 per child per year for children under the age of 16;
 - £33,215 per child per year for children aged 16 and 17;
 - £200 per child per week for UASCs who qualify for leaving care support.
- 18 These will not decrease over the year, as previously proposed. Regional discussion suggests this will leave us with an average shortfall because it won't meet the full costs of placements and infrastructure costs of additional social workers, personal advisors, an independent reviewing officer and council officers' time required to administer the scheme e.g. finance. 19 UASC is the equivalent, for instance, of one social worker's caseload. The anticipated additional cost pressure of meeting the government's requirement for UASC is £100k full year. The part year affect in 2016/17 will be covered with reserves and an ongoing pressure will be included in future year budget pressures.

Legal implications

- 19 The National Unaccompanied Asylum Seeking Children Transfer Scheme is a voluntary agreement made between local councils to ensure a fairer distribution of unaccompanied children across all local councils and regions across the UK.
- 20 Section 72 of the Immigration Act 2016 enables the Secretary of State to require local councils to co-operate with the transfer scheme if they are unwilling to do so on a voluntary basis.
- 21 If an unaccompanied child first presents in a region which is under the ceiling of 0.07%, then the child would expect to be transferred to a local council within that region.
- 22 The 0.07% is not a target but will be used to indicate when a local council has reached the point where it would not be expected to receive any more unaccompanied children.
- 23 The interim protocol is operational from 1 July 2016 and will be reviewed on a yearly basis. The review will include the percentage at which a local council would not be expected to accept any more unaccompanied children.
- 24 Once accepted, the council will have the same statutory duties to these young people as we do for their LAC peers.
- 25 The council could choose not to volunteer to take part in the scheme, however the Secretary of State could direct participation.
- 26 When the unaccompanied child reaches majority, it will depend on their legal status as to whether their extended family can join them.
- 27 Currently the legislation relating to family not in the country at the same time as the UASC would include:
- A person joining their partner (Spouse, fiancé (e), civil or unmarried partner);
 - A person joining their parents;
 - A person coming to look after their child;

- Persons coming to be looked after by their family.

28 The UASC / adult would need to be:

- A British Citizen;
- Have settled in the UK;
- Have asylum of humanitarian protection in the UK

Risk management

- 29 There is a financial risk to the council as it is anticipated that agreeing to accept responsibility for an additional 19 UASC could cost £100,000 in excess of the eligible grants. The fostering service and strategic housing officers are working to develop placement options that will minimise our reliance on independent fostering agencies which will help to minimise costs.
- 30 There is a risk within the current climate of economic uncertainty that the current level of government funding could be reduced or withdrawn.
- 31 There is a risk that the worldwide levels of migration and conflict will continue resulting in higher numbers of UASC arriving in the UK and consequently a demand that Herefordshire Council accepts responsibility for greater numbers.
- 32 A decision not to take part voluntarily in the scheme risks reputational damage to the council locally and nationally and could result in the government choosing to use the legal powers available to force participation in the scheme. By voluntarily taking part in the scheme, there is the opportunity for the council, its strategic partners and the community to demonstrate compassion and opportunities to children who have experienced conflict and trauma.
- 33 There is a risk that services required to support UASC who have experienced trauma will not be available. There are opportunities to work with other councils within the region to develop the services required. The Corporate Parenting Panel will provide oversight of the experiences and outcomes for UASC.
- 34 There is already concern that the housing needs for existing care leavers are neither sufficient or of good enough quality to meet needs. There is a risk that the needs of UASC could be prioritised over those of young people originating from Herefordshire, which would be both unfair and risk impacting upon community cohesion.

Consultees

- 35 None

Appendices

Appendix 1 – Unaccompanied Asylum Seeking and Refugee Children, June 2016, Briefing Note from UK Government

Appendix 2 – Letter from the West Midlands Strategic Migration Partnership, July 2016 regarding the UASC transfer scheme

Background papers

- None identified.