

From: Roger Gough, Cabinet Member for Children, Young People and Education

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To: **Scrutiny Committee** – 15 January 2019

Subject: Unaccompanied Asylum Seeking Children (UASC): Care Leaver Funding Shortfall 2018-19

Classification: Unrestricted

Summary: Since the UASC crisis in 2015, the number of UASC Care leavers has continue to rise, with nearly 900 as at the end of November. The historical shortfall in grant rate paid by the Home Office along with a lack of recognition as to the impact of changes implemented following the Children Social Work Act 2017 have led to a significant financial pressure on this service.

1. Background

- 1.1 Since January 2018 Kent have been supporting over 800 former UASC children who are now young adults, having previously been UASC since the 2015 crisis before the implementation of the National Transfer Scheme (NTS). The number of UASC Care Leavers in 2016/17 was 696 rising to 871 as at November 2018. This is in addition to the 600+ citizen young people the service is supporting into early adulthood and independence. We are forecasting a total number of 940 UASC Care leavers by the end of the 2018/19 financial year. This number will continue to grow during 2019/20 as those who would previously have ceased to be eligible for a service at 21 years, remain within the service until they are 25 years old.
- 1.2 In addition, Kent is currently supporting 275 under 18 UASC, 42 above our 0.07% NTS cohort. The National Transfer Scheme (NTS) is a voluntary scheme administered by the Home Office and aimed to ensure UASC are distributed across Local Authorities more fairly (it does not cover Care leavers). Although there was some success with this scheme when first implemented, with Kent achieving its 0.07% quota for a short time, this programme has since stalled and the number of under 18 UASC in Kent is starting to rise. This will also negatively impact the longer-term number of UASC Care leavers as these young people turn 18.

2. Current Financial Position

- 2.1 In 2017-18, Kent received a total of £6.9m from both the Home Office and DFE to support UASC Care Leavers. However, the total cost of supporting these young people was £8.4m, a shortfall of £1.5m or 30%. In addition,

Kent spent an additional £0.9m supporting former UASC Care leavers that are no longer eligible for Home Office funding.

- 2.2 A similar story is expected in 2018-19, where Kent are currently forecasting a net shortfall of £1.5m in funding from the Home Office to support all UASC Care leavers. 26% of the total cost of supporting UASC relates to staffing whilst the remainder is spent on direct costs such as accommodation and expenses.
- 2.3 Funding is mainly received via the main Home Office grant for former UASC Care leavers, along with small grants supporting the agenda of “Staying Put” and the Controlling Migration Fund.

3. Main Challenges with UASC Care Leaver Funding

- 3.1 The current grant rate for Care Leavers is insufficient to deliver an Outstanding Care Leaver Services in accordance with the Ofsted ILAC guidance. Councils with disproportionately large numbers of UASC Care Leavers are heavily impeded and disadvantaged in achieving an Outstanding rating from Ofsted as a result of the too low level of funding. In addition to aspiring to be outstanding, the Council is under constant challenge from NGOs, immigration lawyers and special interest groups to provide to the fullest extent for this cohort. This activity is far more prevalent for UASC care leavers than for citizen young people. Below is an outline of the main issues:

Processing of immigration applications

- 3.2 Delays in processing immigration applications for 18+ UASC care leavers significantly impact on the resources of this Authority. Without a determination of status, the Local Authority continues to financially support all the housing, education and maintenance needs of UASC Care Leavers, when this should be being met by more general welfare benefits or indeed young people self-supporting by being able to seek paid employment. For this Authority, the number in this group currently stands in excess of 200+.

New Duties arising from Children Social Work Act 2017: Extending support up to 25 for all UASC Care leavers

- 3.3 Of significant concern are the new duties arising from Section 3 of the Children and Social Work Act 2017, the last set of guidance relates to the extension of personal adviser support to all Care Leavers under the age of 25. Under the new provisions, LAs are required to offer all Care Leavers ongoing Personal Adviser (PA) support up until 25, irrespective of whether they are engaged in education or training. This will include Care Leavers who return to the local authority at any point after the age of 21 up until the age of 25 and who request PA support.
- 3.4 To date all UASC Care Leavers in Kent reaching the age of 21 have requested to remain open to the service and to continue to receive the support of their Personal Advisor. There is no evidence so far that this is likely to change in the near future. The new duties also require all LAs to widely publish their local Care Leaver Offer by December 2018 which Kent has now done. We are yet to feel the full impact of the numbers of 21-25

year old UASC care leavers already closed to our service who may wish to return for a further service.

- 3.5 This Council has only received £121K in 2018/19 additional burdens monies from the DfE to meet the increased duties of the C&SW Act 2017. This amount is provided to cover costs incurred across all our 1500 care leavers. This sum of money is derisive and is based on an estimated cohort of 11-15% of all 21+ care leavers remaining open to the service at any one time. In the context that every single rising 21 UASC care leaver is choosing to stay open to our service, the Local Authority is negotiating with the Home Office that the current Home Office Grant rules needs to be reviewed. These individuals are currently excluded unless they are in full time education which goes against the requirements of the new Statute. This group of care leavers have very limited community or family support mechanisms outside of the council services, so it is not surprising that they are choosing to remain with their PA support in greater numbers than their citizen peers.

- 3.6 In Kent we currently supporting 183 UASC Care leavers aged 21 and over of which 50% are in education and are therefore eligible for Home Office Funding and 19% are considered ineligible for various other reasons (i.e. prison, hospital and naturalisation). This means there are 55 asylum young people who are currently expected to be supported via the DFE Grant. The number of over 21 UASC Care leavers are expected to increase by a further 89 before the end of the financial year of which an approximately 27 would be expected to be met from the DFE grant.

Appeal Rights Exhausted cases

- 3.6 This Council has undertaken over 350 Human Rights Assessments over the past 3 years for those who are Appeal Rights Exhausted. We support the principle of this activity and cease support for those found not to be eligible for ongoing support. However, this requires expert social work assessment and appropriately trained staff which is not currently funded from the Home Office Care Leaver Grant. This Council wholly meets the costs of these staff.

Challenge on Age Assessments

- 3.7 As with the Human Rights Assessments, challenge on previous age assessments at 18+ also require expert social work assessment. These costs are also not covered by the current UASC Care Leaver grant.

Legal costs

- 3.8 Substantial legal costs are incurred by the Council in defending actions against both Human Rights Assessments and Age Assessments. This is the case, even in circumstances when the Council wins the case, but the Care Leaver Grant does not fund any of this work and costs are met from the Council's own reserves.

Prevent Agenda

- 3.9 This group of Care Leavers are particularly vulnerable to social isolation, mental health difficulties and minor and major offending behaviours. Emerging research is linking these factors to a heightened risk of

radicalisation and subsequent terrorist acts. In order to provide early and effective intervention, this group of Care Leavers require very regular and evidenced based interventions delivered by trained and skilled staff. We were pleased to receive Controlling Migration Fund monies for this work, but this is time limited and should instead be built into the new grant funding formula.

Interpreter costs

- 3.10 Interpreter costs continue to be a major burden on the Local Authority. This is particularly relevant for YP who arrive close to their 18th birthday but meet the eligibility criteria for care leaver services. They will have had little opportunity to learn English before they turn 18 and therefore their lack of a common communication channel is an increasing financial burden as more interpreters are required to meet our statutory duties.

Travel costs

- 3.11 Delays in progressing asylum applications have resulted in YP being required to travel to London on a regular basis post 18. These are substantial costs on the South Eastern Network which are funded by the Council.

4. Recommendations

Recommendations:

The Scrutiny Committee is asked to:

- a) NOTE and DISCUSS the current financial position for Unaccompanied Asylum Seeking Care Leavers.

5. Background Documents

5.1 Care leavers Local Offer

<https://d1qmdf3vop2l07.cloudfront.net/hopeful-geyser.cloudvent.net/compressed/df60c5105867f0b0ed63daf6247d491c.pdf>

6. Contact details

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