

By: Peter Oakford, Cabinet Member for Specialist Children's Services

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To: Corporate Parenting Panel – 23 September 2016

Subject: **UNACCOMPANIED ASYLUM SEEKING CHILDREN UPDATE**

Classification: Unrestricted

Electoral Divisions: All

Summary: Since June 2015, Kent County Council has seen an unprecedented rise in the numbers of Unaccompanied Asylum Seeking Children (UASC) arriving in the county and subsequently entering its care. As the Council received referrals for over 950 UASC in the 2015 calendar year, it sought urgent assistance from Other Local Authorities and Central Government to ensure children looked after were able to access appropriate places to live, in addition to receiving timely social work, medical and therapeutic interventions.

Through close collaboration and cooperation with the Local Government Association (LGA), Association for the Directors of Children's Services (ADCS), Department for Education (DfE) and the Home Office, an Interim National Transfer Protocol became operational on 1 July 2016.

This paper provides an update on the current status and future of Kent's services for UASC alongside national 'dispersal'.

It builds on reports presented to the Children's Services Improvement Panel (28 July 2015), Children's Social Care and Health Cabinet Committee (2 December 2015), and County Council (22 October 2015); alongside verbal updates regularly given to the Children's Social Care and Health Cabinet Committee, Corporate Parenting Panel and Children's Services Improvement Panel.

Recommendations: The Corporate Parenting Panel is asked to **CONSIDER** and **COMMENT ON** the information provided within this report.

1. Context

1.1 During 2014, there were relatively static numbers of unaccompanied children and young people entering Kent's care. On 1 December 2014, the former UASC service (which supported children and 18+ young people) was dissolved. Services for unaccompanied children aged 17 and under were integrated into the wider Children in Care services. This move coincided with the former Catch 22 provided services being brought in-house and made into a county-wide, Integrated 18+ Care Leavers' Service. The move was designed to aid

transparency, improve consistency of practice and accessibility to support for all children and young people, regardless of their background or nationality.

- 1.2 During early 2015, however, and in the run up to June 2015, there was a steady month on month increase in the numbers of UASC arriving in Kent and becoming accommodated. June 2015 marked the beginning of an accelerating challenge within the county, as increasing pressure was put on both KCC services and the services of partner agencies (e.g. Kent Police and local NHS, among others). This is well documented within both national and local news.

Figure 1: Unaccompanied children referred to KCC in 2015

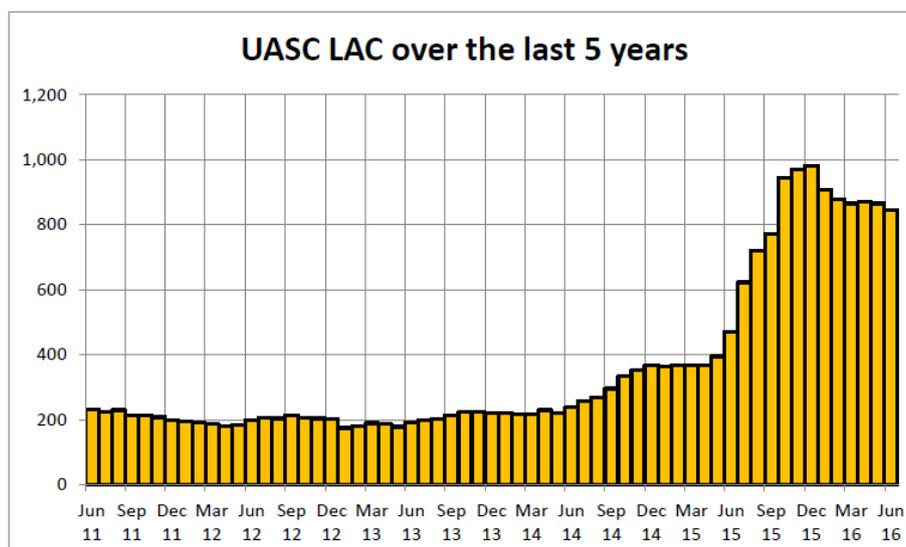
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total for 2015
31	18	29	14	42	105	180	128	98	212	51	41	951

Figure 2: Unaccompanied children referred to KCC in 2016, to date (*31.07.16)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total for 2016
35	28	35	48	31	32	47		-	-	-	-	256*

- 1.3 In previous years, Specialist Children’s Services would see a significant decrease in the numbers of children arriving alone in the UK over winter with five to 15 children arriving per month into the Council’s care.
- 1.4 Since the summer of 2015, however, the numbers of children and young people risking the journey into the UK between October 2015 and April 2016 has continued to be higher, with, on average, 36-37 children per month entering the Council’s care. This is a direct reflection of the 90,000 unaccompanied children who registered for asylum in Europe during 2015 (figures from [EuroStat](#), the official statistics office of the European Union), quadruple the number of children who sought asylum in EU states during 2014.

Figure 3: Total numbers of unaccompanied minors looked after by KCC



- 1.5 Overall numbers of unaccompanied children in the Council's care decreased at the beginning of 2016. This was primarily due to the high numbers of older teenagers having their 18th birthday and (where found to be qualifying or former relevant young people in accordance with s.23C(1), s.23CA(1) and s.24 of the Children Act 1989) transferring to the Council's Leaving Care service but also as a result of the increased security at Calais. The increased security restricted more individuals from being able to opportunistically and riskily access lorries crossing the channel, but potentially displaced points of entry to other parts of the UK. Organised groups trafficking or smuggling children and adults into the country will source other routes into England.

2. Where we are today: Corporate Parenting

- 2.1. The heightened numbers of new UASC arriving into Kent had previously created mounting pressure on available placements and staff capacity to meet statutory requirements for Children in Care; i.e. allocation to a social worker, completion of visits, Children and Families assessments, health assessments, dental checks and Looked After Child reviews etc. As such, from November 2015 (when numbers of children becoming looked after began to decrease), significant efforts were made to ensure that the Council was meeting "business as usual" standards for Children in Care.
- 2.2 The unprecedented number of UASC arriving over the course of 2015 resulted, at points, in up to 200 cases not being allocated to a social worker. This problem has now been resolved, with all UASC cases allocated on a business as usual basis.
- 2.3 The five Service for Unaccompanied Asylum Seeking Children's (SUASC) teams have worked exceedingly hard, and the Council is now meeting the Children in Care statutory requirements for this cohort. This has further been assisted by the district Children in Care teams accepting over 160 children and young people, so that caseloads continue to be more manageable.
- 2.4 During 2016, the number of overdue Looked After Children (LAC) Reviews has been managed down from over 600 to fewer than ten, and this number continues to decrease. The number of overdue supervisions, visits and health assessments has also greatly improved. This means teams are now able to move beyond compliance to quality work supporting this cohort of highly vulnerable LAC who may have witnessed or experienced violence or other traumatic events during their journey alone to the UK.
- 2.5 Despite challenges gaining funding for education provision targeted at this cohort of young people, academic settings in Kent continue to develop further study programmes around the county. This is exemplified by Gillingham Football Trust and Kent Training & Apprenticeships; in addition to provision supplied by East Kent College. There have been significant challenges in sourcing enough educational opportunities for older teenagers. Creatively utilising the generosity of local volunteers and charity provision, a structured programme of classes is available to young people living in the Appledore Reception Centre, with similar opportunities coming to the Millbank Reception Centre. Through the combined

dedication of social workers, Virtual School Kent, Education's Skills and Employability staff, colleagues in the voluntary sector and colleges, increasing numbers of children and young people will be accessing education from September 2016. From young people's records, it is clear how excited they are about this.

- 2.6 An increasing challenge and area of worry is the rising number of long-term missing children and young people. A recent House of Lords Inquiry concluded more action should be taken (both across Europe and within the UK) in the face of rising numbers going missing. It is known that certain cohorts of children are particularly vulnerable to trafficking, modern slavery and/ or exploitation.
- 2.7 The Cabinet Member for Specialist Children's Services was interviewed for a [BBC investigation](#) in June 2016, where it was reaffirmed "*if a young person decides they want to disappear, it's very, very difficult for us to keep track of them*".
- 2.8 Council staff continue to work very closely with the Police, the DfE and the Home Office to ensure children at risk of absconding, or who are long-term missing, are clearly identified, in line with [Kent Safeguarding Children Board \(KSCB\) Missing Children Procedures](#).

3. The Immigration Act 2016 and the National Transfer Scheme

- 3.1 A national dispersal scheme was announced on 21 April 2016 during a meeting of the Government's EU Home Affairs Sub-Committee. This is in line with the Immigration Act 2016 (Part 5). The Immigration Act 2016 received Royal Assent on 12 May 2016; although different sections of the Act will come into force at different times. It was made clear from the outset that participation from Local Authorities will remain voluntary, dependent on Local Authorities' capacity and infrastructure to support any UASC who enter their care. Section 72 of the Immigration Act 2016 does, however, enable the Secretary of State to **require** a Local Authority to cooperate if they are unwilling to do so, on a voluntary basis.
- 3.2 The [Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17](#) became operational on 1 July 2016. It is locally led by Regional Strategic Migration Partnerships; with the 33 London Boroughs initially being excluded. Due to the numbers of children presenting at Lunar House in Croydon and Heathrow in Hillingdon, London has a pre-established rota for ensuring each borough supports their fair proportion of children requiring a Local Authority's care. Outside of London, there are eight regions consisting of 119 Local Authorities which could participate in the National Transfer Scheme (NTS).
- 3.3 The announcement and launch of the NTS was welcomed by the Council, as having an equitable process for allocating children to Local Authorities, and will assist with ensuring children receive a responsive service, tailored to their individual needs and often highly traumatic experiences. The NTS brings together not just the transfer and allocation of UASC identified within entry local authorities e.g. at the port or in lorry parks, but also the Government's commitment to [resettle 3000 vulnerable children at risk](#), currently outside the UK,

in partnership with the United Nations High Commissioner for Refugees (UNHCR).

- 3.4 In July 2015, the Corporate Director of Social Care, Health and Wellbeing had urgently requested help from other Local Authorities under Section 27(2) of the Children Act 1989 (see report to the Children's Social Care and Health Cabinet Committee on [2 December 2015](#)). This request was repeatedly supported by the Home Office, Department for Education (DfE) and Department for Communities and Local Government (DCLG). Prior to the NTS becoming operational on 1 July 2016, 101 children and young people had been transferred from the Council's care to the Corporate Parenting responsibility of 33 Local Authorities in England and one in Scotland.
- 3.5 The number of UASC each Local Authority should accept is based on 0.07% of their resident child population. For instance, based on the Office for National Statistics, Mid-2014 Population Estimates, Kent has 328,250 children living within the county. Under the NTS, Kent should therefore only be Looking After 230 UASC. An authority with a smaller resident population would be expected to Look After far fewer.
- 3.6 In 2015-16 Kent received "enhanced" grant rates from the Home Office, as detailed in a joint letter from the Home Office, Department for Education and Department for Communities and Local Government, in November 2015. These rates created a surplus on the Eligible under-18 cohort, but a similar shortfall on the Eligible 18 and older group. The Council is awaiting formal confirmation that the surplus can be off-set against the shortfall.
- 3.7 The Council continues to incur costs supporting young people who do not meet the Home Office criteria for eligibility under the grant rules. In 2015-16 the cost of these "Ineligible" young people was £1.5m. Work is ongoing with the Home Office to address areas where children and young people are "Ineligible" for the grant, but still require Local Authority support and/ or accommodation.
- 3.8 Uncertainties arising from the introduction of NTS (highlighted elsewhere in this paper) have complicated financial forecasting for UASC, particularly in relation to the speed/capacity of transferring new arrivals, and the impact this will have on the Council's current population of unaccompanied Looked After Children.
- 3.9 The Council's Finance Team is currently working with the Home Office to revise the funding rates to reflect the impact that the introduction of the NTS will have on the Council's costs. The Home Office has confirmed that the 2015-16 rates will remain in place until any revised rates are agreed.
- 3.10 Whilst the NTS is in its infancy at the moment, and not all Regional Strategic Partnerships are fully signed up, it is anticipated more will come on board as the year progresses. Governance processes for Local Authorities often mean that decision-making boards such as Cabinet and full Council meetings do not tend to sit during August.

- 3.11 Particular challenge comes for those Local Authorities who are not currently looking after any UASC, as they may not have the social work expertise, interpreter resources, English for Speakers of Other Language (ESOL) courses or Legal Aid representation available to best support children who are seeking or have been granted asylum. A Freedom of Information request conducted by Community Care in January 2016, suggests at least [42 councils](#) in England were, at the time, not supporting any UASC.
- 3.12 This echoes findings from the [House of Lords Inquiry](#) into “Children in crisis: unaccompanied migrant children in the EU”, which was published on 26 July 2016. The Council contributed both written and oral evidence to the Inquiry. The Inquiry found there continues to be too much regional variation with regards to Local Authority support for UASC, resulting in a small number of authorities supporting the greatest number of individuals. The impact of this is that areas supporting a proportionately high number of children and young people must either stretch existing resource or try to increase infrastructure for mental health services, advocacy, accommodation, access to education, etc. Regional variance in uptake is in part driven by where children and young people either present themselves or are intercepted by the Police or Home Office officials, but is also influenced by a paucity of available housing, foster carers and varying accommodation costs.
- 3.13 Council staff are doing everything they can to cooperate with the Home Office and facilitate the transfer of children and young people to other Local Authorities. The Home Office’s current priority for the NTS is children who have been referred to the Council from 1 July 2016. This ensures decisions are made in child-friendly timescales and children new to the UK quickly find somewhere where they are able to settle and recover. It also means young people already in Kent who are starting education in September will not face further anxiety and disruption to their lives.
- 3.14 The NTS has had a variable performance so far. It is encouraging that, on the whole, the pace of transfer from Kent to a receiving Local Authority has been markedly more responsive than in the previous 12 months. Not all Regional Strategic Partnerships and Local Authorities are signed up to the NTS yet, though, which means there are not always local authorities ready with the placement availability for children and young people. Transfers are therefore taking varying lengths of time, from between three to five days to up to three weeks.
- 3.15 Due to the pace of transfers, the numbers of children and young people who have found permanence with Other Local Authorities changes weekly.

Figures as of 07 September 2016:

- Since 1 July 2016 104 children have been referred to KCC
- 51 children have transferred to the care of 25 Other English Local Authorities

4. Moving forwards

- 4.1 Whilst the Council is grateful for the efforts of its own staff, Home Office and DfE colleagues and other Local Authorities to progress National Transfer, it does not fully resolve the challenges facing Kent. Senior officers, the Leader of the Council and the Cabinet Member for Specialist Children's Services continue to work very closely with central Government ministerial departments in order to resolve both ongoing and arising issues.
- 4.2 The Council continues to look after and support over 780 children and young people, who entered its care before the NTS became operational on 1 July 2016. Whilst progress to date meeting the needs of both UASC in Care and former UASC leaving care, is a steadily improving picture, it means the Council continues to look after 550 children, more than 0.07% of our resident child population. The position regarding whether national transfer will apply to this cohort remains unclear. The longer children are in the Council's care, the more it is clear that moving a child or young person is not in their best interests and nor is it their wish, and risks disrupting their education, friendships and personal security.
- 4.3 Care Leaving young adults are just as much a Local Authority's Corporate Parenting responsibility as Looked After Children. There is an ever increasing risk regarding the pressure on Kent's Care Leaving Service. Over 400 of the Council's Children in Care, (who are seeking asylum or have been granted leave to remain) are aged 17. The Council's Care Leaving Service already supports over 570 former UASC; and during the next 12 months an additional 400 young people are set to transition in. The NTS does not apply to 18+ young people who are Former Relevant or Qualifying Care Leavers.
- 4.4 Currently, under the Children Act 1989, qualifying and former relevant young people can continue to access Local Authority support post-18 for up to seven years until they are 25, as long as they are in a programme of education or training. The majority of young people, however, only tend to access support until they are 21 (e.g. to then pursue paid work). The [Children and Social Work Bill \[HL\] 2016-17](#), currently at the Committee Stage in the House of Lords, re-establishes Corporate Parenting principles for English Local Authorities and proposes to extend duties to all Care Leavers up to the age of 25, regardless of the education/ training an individual is or is not accessing.
- 4.5 The Immigration Act 2016 made significant changes to Schedule 3 of the Nationality, Immigration and Asylum Act 2002. As such, Care Leaving support under the Children Act 1989 (section 23C / 23CA) can be restricted in circumstances where an 18+ young person has been refused further leave to remain. Young people who have never regularised their immigration status (for instance their claim is withdrawn), have been refused asylum outright (no right of appeal) and those who have exhausted their appeal rights (ARE) can be excluded from financial and accommodation assistance. A Human Rights assessment is conducted, to assess whether there would be a breach of a care leaver's human rights or rights under EU treaties, if Local Authority support is

withdrawn. Staff within the 18+ Care Leaving Service are working very hard to ensure assessments are conducted in a timely way, so as to alleviate uncertainty for young people and help them plan their future beyond the Council's services.

- 4.6 The position regarding the transfer of significant numbers of 'legacy' children and young people in care (children who entered the Council's care prior to 1 July 2016) is not clear. There is currently no confidence that this will happen, both as a result of Other Local Authority appetite and also, more importantly, as children and young people are becoming increasingly settled. These children will therefore remain in the Council's care until they reach their 18th birthday and transition to the Care Leaver service.
- 4.7 If every child referred to the Council from July 1 2016 onwards is able to find permanence with another Local Authority, and the Council has no new entrants into care, it will still take until February 2018 before the Council has 230 UASC Looked After. As time goes on therefore, the challenge around how it is able to best support the vastly increased numbers of children and young people is not resolved, it is displaced.

5. Recommendations

5.1 Recommendations: The Corporate Parenting Panel is asked to CONSIDER and COMMENT ON the information provided within this report.
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6. Background Documents

None

7. Contact Details

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