

From: Peter Oakford, Cabinet Member for Specialist Children’s Services

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To: Corporate Parenting Panel – 9 November 2016

SUBJECT: UNACCOMPANIED ASYLUM SEEKING CHILDREN - UPDATE REPORT

Classification: Unrestricted

Electoral Divisions: All

Summary: This paper builds on the report presented to the Corporate Parenting Panel on 23 September 2016; providing an update on the current status and future of Kent’s services for Children in Care who have sought or are seeking asylum, alongside the National Transfer Scheme (NTS).

Crucially, in light of the current activity and media coverage, this report focuses on the Calais migrant camp, Dublin III Regulations, the “Dubs amendment” and how these may affect Kent.

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

1. The current picture

1.1 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	179	128	98	212	51	41	948

Figure 2: Unaccompanied children referred to KCC in 2016, to date (*20.10.16)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total for 2016
35	28	35	48	31	32	47	42	42	17*			357*

1.2 The camp in Calais, so called “the Jungle”, is in the process of being dismantled by French authorities. The majority of individuals resident in the camp will be supported by the French Government to seek asylum in France; however the British Government are currently establishing which individuals (including children) may be eligible to seek Leave to Remain in the UK. At the time of writing this report there is concern that some children and adults will take this opportunity to make another attempt to reach the UK hidden in lorries - putting themselves at significant risk of harm, not just from the vehicles, but also from smugglers and traffickers. A small number of Kent social workers

joined those from other Local Authorities assisting the Home Office and French authorities in Calais, ensuring vulnerable children are identified swiftly.

2. The National Transfer Scheme (NTS) for Unaccompanied Asylum Seeking Children

- 2.1 The Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children (UASC) 2016-17 became operational on 1 July 2016. It is the protocol which governs the National Transfer Scheme (NTS). 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.
- 2.2 The number of unaccompanied asylum-seeking children in care a Local Authority is expected to accept is proportionate to its size and resident population. A threshold is set at 0.07% of the resident child population in a Local Authority area (based on the mid-2014 population estimates), and the numbers of unaccompanied children already in that Local Authority's care. Kent for instance has approximately 328,250 children resident here (excluding Medway); 0.07% of which means the county is expected to be able to support a maximum of 230 unaccompanied asylum-seeking children. Through the NTS, the overall numbers of Kent's unaccompanied children in care has seen a decrease since 2015; nevertheless the county continues to Look After over 730 children aged 17 or under.
- 2.3 In addition, Kent County Council is supporting over 600 former unaccompanied children, now aged 18+ and leaving care. Care leaving young people are excluded from "dispersal" under the National Transfer Scheme as they are already more settled in their local community. Further detail is contained in section 5 of this report.
- 2.1. Outside of the London boroughs, there are 8 regions consisting of 119 Local Authorities which could participate in the National Transfer Scheme (NTS). A small number of those 119 local authorities, however, are counties such as Northamptonshire, which are already supporting over their 0.07% threshold.
- 2.2. Over the past four months, the NTS has gained momentum as more Councils and Regional Strategic Migration Partnerships have begun participating. To this end, a [Frequently Asked Questions document](#) was produced by the Home Office and Association for the Directors of Children Services, to help facilitate the process in child-centred timescales.
- 2.3. Kent County Council remains very grateful for all offers of support and transfer which Other Local Authorities have given. Most importantly, because the more that Other Local Authorities participate in the NTS, the less time children which become Looked After temporarily by Kent have to wait before finding a settled place to live and access education.
- 2.4. The Department for Education has confirmed that as soon as an unaccompanied child has been accommodated for 24 hours, they become

Looked After under Section 20, Children Act 1989. Children therefore that arrive into Dover, are Looked After by Kent County Council until another Local Authority is identified to take on full care and social-work responsibilities. At the moment, unaccompanied children are waiting, on average, around three weeks in Kent before moving on to a receiving local authority, elsewhere in England.

- 2.5. Due to the pace of transfers, the numbers of children and young people who have found permanence with Other Local Authorities changes weekly.

As at 21 October 2016:

- Since 1 July, 149 children have been referred to KCC;
- 101 children have transferred to the care of 36 Other English Local Authorities.

- 2.6. In light of the NTS, it is predicted over the coming months and years that numbers of children who have sought or are seeking asylum, in Kent's care will continue to decrease. This is based on projections that children entering Kent over the coming months will transfer out to Other Local Authorities under the NTS, and children already in our care (pre 1 July^t 2016) will remain Looked After until they "age out" and transfer to KCC's 18+ Care Leaver Service. The impact of this though is that the numbers of 18+ young people supported by the Council's Leaving Care services is expected to grow to nearly 1000 by the end of 2017. Section 5 of this report illustrates the work to date to alleviate this growing pressure on the service, and ensure the Council continues to meet its statutory obligations to young people leaving care.

3. Dublin III Regulations

- 3.1. The Dublin Regulations are European Union (EU) law. They first came into force in 1997, but have since gone through several amendments and revisions. It was intended to bring about a Common European Asylum System. Dublin Regulations determine which signatory European country will be responsible for an individual's application for asylum and humanitarian protection. The Dublin III Regulations (No. 604/2013) are the third and most recent iteration. They apply to all asylum applications made on or after 1st January 2014.
- 3.2. For reference, on 4th May 2016, the European Commission published a proposal for Dublin IV Regulations, in light of the 2015 and 2016 movement of over 1 million persons into Europe, displaced by conflict - particularly across North Africa and the Middle East (MENA region). These reforms however continue to be negotiated.
- 3.3. Originally, any person who sought international protection under the 1951 United Nations Refugee Convention, would have their application for asylum processed by the first European country that they were registered in. This is because any EU country is considered to be a suitable state of safety for those fleeing conflict or persecution. Whilst this principle generally still applies, over time, a strict interpretation of this had some limitations and led to the third version of the Regulations. Most notably, previous iterations of the Dublin Regulations did not sufficiently focus on family unity.

- 3.4. Under Dublin III, States which are signatory must consider what is in a child's best interests; this will include family reunification if that is a safe option. Children and young people with close family members already lawfully resident in the UK, may therefore have their asylum considered here - even if they were finger printed or registered in other European countries.
- 3.5. Under Dublin III, children to whom this Regulation applies are being supported by the Home Office to enter the UK legally and re-join their families in the UK. Children may be living in the Calais "Jungle", or other places in Europe - for instance, camps in Greece. Children supported under this arrangement have not submitted an application, nor been granted asylum anywhere else in Europe. Their application will therefore be undertaken by the British government, taking family arrangements into consideration. The Home Office has reported they have supported 130 children to come to the UK under Dublin III. Theoretically, children transported to the UK under this arrangement will not come into a Local Authority's care, as there is an appropriate adult already in the UK who already has or will assume parental responsibility.

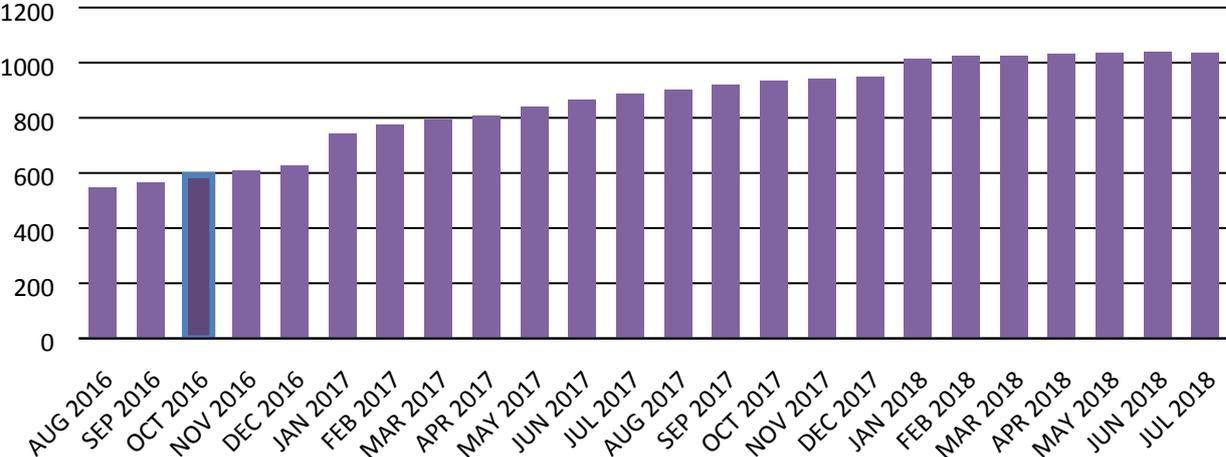
4. The "Dubs" Amendment

- 4.1. The so called "Dubs amendment" is named after Lord Dubs, who sponsored an amendment to the 2016 Immigration legislation, before it received Royal Assent. This is now enshrined in Section 67 of the Immigration Act 2016; entitled "Unaccompanied refugee children: relocation and support"
 - (1) *The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe.*
- 4.2. This programme is in addition to the work to relocate vulnerable children to the UK under Dublin III. The two strands, though similarly named, are separate, and relate to different cohorts of children and young people. The intent of the "Dubs amendment" is to identify and provide Leave to Remain to eligible unaccompanied children with no familial links in Europe. It comes from fears that thousands of children who have migrated to Europe seeking protection have gone missing since 2015.
- 4.3. As of 22 October 2016, eligible children are being supported into the UK under the "Dubs Amendment" s.67 measures to a number of pre-determined reception facilities, none of which is in Kent, by the Home Office. Children welcomed under this arrangement will enter into the National Transfer Scheme, for equitable allocation across England, in the same way as a child who enters the country via lorries or other means. Kent continues to be in regular discussions with the Home Office; but has been clear that due to the "legacy" of both UASC Children in Care and growing numbers of eligible former-UASC Care Leavers we are already looking after and accommodating, the county is unable to support further unaccompanied children entering the UK under the "Dubs amendment".

5. 18+ Care Leaver Service Modelling

- 5.1. As a result of the unprecedented number of children who arrived into Kent's care in 2015, the Care Leaving Service is currently seeing a rapid increase in demand. The majority of young people who entered care during 2015 were 16 and 17 year olds, which means the majority of these young people are now becoming eligible for an 18+ service as Former Relevant Care Leavers. This leaves the Council with a substantial legacy of children and young adults to take care of as care leavers.
- 5.2. As of late October 2016, there are 602, 18+ young people with an Asylum flag open to KCC's Care Leaving service. Due to the ages of our current cohort of UASC who entered care prior to 1 July 2016, it is predicted that numbers of young people entering the Care Leaver Service will continue to climb, reaching nearly 1000 by the end of 2017.

Projections- Over 18, former UASC Care Leavers



5.3. The Council has always had a significant shortfall with the Care Leavers (18+) budget, as the Home Office Grant does not fully cover the costs to support a young adult. In the past however, this shortfall has been offset with a surplus from the cohort aged 17 and under. As the National Transfer Scheme assists however with “dispersing” children aged 17 or under who enter Kent's care, the overall numbers of UASC Children in Care is decreasing. The numbers of young people becoming Care Leavers though is rapidly increasing. Any surplus previously seen will no longer be able to offset the growing costs needed to effectively support young people aged 18-21; up to 25 if still in education. There are also proposed changes within the Children and Social Work Bill 2016 for all Care Leavers to receive a service until they are 25 years. The increase in former-UASC Care Leavers is not just a pressure on the Council's budgets. There is also a need for increased numbers of Personal Advisors and team managers to meet the rising demand, ensure Kent's Care Leavers get the dedicated support they need and statutory duties continue to be met; as prescribed in the Childrens (Leaving Care) Act 2000.

- 5.4. A data modelling exercise is currently ongoing, with input from the Specialist Children's Services Management Information Unit (MIU), Children's Strategic Commissioning and the Council's Business Intelligence Unit to identify need moving forwards. The intent is to upscale the whole 18+ service in response to both existing pressure on the service and the projected increase in demand. The project is being led by the Assistant Director for Corporate Parenting.
- 5.5. Kent's current Care Leaver service does not differentiate between support for former- UASC and citizen young people. Personal Advisors hold a mixed caseload. The 18+ Service also manages an accommodation provision which provides housing options for young people aged 16 to 21 years of age. This service works with the 12 district councils to ensure there are processes in place for Care Leavers to access appropriate housing. There is a Team Manager for accommodation services and 6 accommodation officers. The current service has needed to absorb a net increase of 150 young people in the past 10 months.
- 5.6. The challenge of increased numbers of Care Leavers who have sought, or are seeking asylum/further Leave to Remain means staff must have specialist knowledge. Further 18+ Personal Advisors and social workers will assist former-UASC Care Leavers access housing, Pathway Plans, immigration meetings, college places, and Human Rights Assessments for those refused Asylum (either outright or following an appeal). Additional staff are required in the 18+ Service to ensure caseloads remain manageable and young people are supported in line with [Kent's Care Leaver offer](#).

6. Corporate Parenting- current challenges accessing education for UASC

- 6.1. Despite the best efforts of both the Virtual School Kent and the Council's Education Services, notably the Skills & Employability Team, there is an ongoing challenge in assisting Unaccompanied Children who have sought or are seeking asylum, to access suitable education within the county. The most significant gap is in Medway where Mid-Kent College is hugely oversubscribed, despite offering 100 more places for UASC than last year. The other significant provider in Medway last year is Gillingham Football Trust. They delivered a very successful and popular study programme from Priestfield Stadium under a sub-contract from Canterbury College. This achieved excellent outcomes for children and young people, and earned very good feedback from students, social workers and their managers.
- 6.2. Although Gillingham Football Trust had 45 learners waiting to start in September 2016, Canterbury College has been unable to fund the programme and Gillingham Football Trust has now been left without funding to deliver to these learners. This is part of an ongoing difficulty experienced nationally, to secure sufficient further education funding from the Education Funding Agency (EFA), for 16-18 year old learners.
- 6.3. Gillingham Football Trust have applied to both the EFA and local college Principals for funding and in both cases have been advised that this provision ought to be sub-contracted by KCC's own EFA contract. If this is not authorised then the students concerned will either be Not in Education Employment or Training (NEET) or be obliged to travel considerable distances, perhaps to

London, to attend suitable provision. This not only has an impact in terms of travel costs the Council may incur but also affects young people's ability to effectively learn.

7. Recommendations

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

7. Background documents

none

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