

From: Sue Chandler, Cabinet Member for Cabinet Member for Integrated Children's Services

Matt Dunkley, CBE, Corporate Director for Children, Young People and Education

To: Scrutiny Committee – 23rd March 2022

Subject: **UASC and Asylum Update since 10th September 2021**

Classification: Unrestricted

Summary: This report provides the Scrutiny Committee with an overview of how Kent County Council has undertaken its corporate parenting responsibilities for newly arrived unaccompanied asylum-seeking children (UASC) since the protocol between Kent County Council, Home Office and Department for Education(DfE) was initiated on 10th September 2021 and a mandated National Transfer Scheme became operational on 14th December 2021. It outlines the different schemes offered through Government, the local authorities' involvement and funding received to help families with resettlement and integration including Community Sponsorship.

Recommendation: Members of the Scrutiny Committee are asked to **NOTE** the number of UASC Kent County Council has accommodated since 10th September 2021 and the significant contribution this has made to reducing the number of UASC in hotels used by the Home Office since Summer 2021. Without the protocol between Kent County Council, Home Office and Department for Education, supported by a mandated National Transfer Scheme, this demand would have had a significant impact upon Kent County Council's ability to meet its corporate parenting responsibilities for both its UASC and citizen children. Members are also asked to note the refugee resettlement that is taking place within Kent under official government schemes

UASC in Kent

1. Introduction

1.1 The purpose of this report is to provide the Scrutiny Committee with an overview of how Kent County Council has undertaken its corporate parenting responsibilities for newly arrived unaccompanied asylum-seeking children (UASC) since the protocol between Kent County Council, Home Office and Department for Education was initiated on 10th September 2021 and a mandated National Transfer Scheme became operational on 14th December 2021. This report follows the All Member Briefing held in September 2021 and commitment to present an update to the Scrutiny Committee in the Spring of 2022.

2. Background

- 2.1** With the significant increase in numbers of UASC in 2015, the National Transfer Scheme (NTS) was established as an addendum to the 2016 Immigration Act to alleviate this National responsibility from falling predominantly on Kent and a small number of other Gateway local authorities. As a result, total of 317 children were transferred from Kent to other local authorities between July 2016 and March 2018, when Kent was forced to pause its participation in the scheme. Long delays for children and young people with local authorities not volunteering to accept responsibility resulted in Kent County Council not being able to meet its corporate parenting responsibilities for these children to the standards we felt were right. Consequently between March 2018 and June 2020 the Council took responsibility for all UASC presenting within its borders. This period also coincided with numbers falling following the clearing of the Calais camps, increased security at the Channel Tunnel and greater vigilance by the French Authorities at the Border, which made it possible for KCC to do this.
- 2.2** Numbers began to rise significantly again in late 2019 with small boat landings becoming more common place, and a request was made in January 2020 to the Home Office to return to transferring children under the NTS. Under the voluntary NTS scheme no offers were received to take children from Kent until June 2020. By the 17th August 2020 numbers of UASC in the Council's care were so high, and the speed of arrivals so fast (including 50 taken into care in one weekend), that the professional advice from the Corporate Director was that it represented a threat to our capacity to meet our statutory duty to give a safe level of care to all of the UASC, citizen children in care and vulnerable children we are responsible for. This was reflected in caseloads for social workers and IROs which were unsustainable.
- 2.3** In addition Covid 19 quarantine and isolation laws were also in force, placing an even greater pressure on the Council's ability to safely care for new arrivals. The decision was therefore reluctantly made by the Leader and Lead Member to temporarily cease accepting any new UASC arrivals from the port of Dover. Those children not placed with Kent during this period were safely relocated by the Home Office to other local authorities across England and Scotland who had more capacity to care for them, on a voluntary basis.
- 2.4** On 7th December 2020, the Council returned to accommodating newly arrived UASC but by 14th June 2021 numbers had risen significantly once more and we found ourselves in the same situation as we had done in August 2020. Despite having the power to mandate the National Transfer Scheme, Government chose not to do so preferring to rely on a voluntary rota which persistently failed to meet need and keep up with the demand.
- 2.5** On 10th September 2021 a protocol was signed between Kent County Council, the Home Office and Department for Education. This outlined how the Council would maintain its 0.07% threshold for UASC (242) in its Child in Care Service whilst its Reception and Safe Care Service has a capacity for a further 120 UASC. The vast majority of these 120 would transfer under the NTS within 10 working days.
- 2.6** On 23rd November 2021 the Government announced the National Transfer Scheme was being made mandatory for UK local authorities, which became operational on 14th December 2021. However, it was not until February 2022 that all local authorities in England and the

Home Nations were finally directed to take newly arrived UASC into their care. All UK local authorities under their 0.07% threshold are now legally required to accept NTS transfers.

3. Intake of UASC since 10th September 2021

3.1 This table shows the numbers of UASC referred to Kent County Council per month and year.

	2015	2016	2017	2018	2019	2020	2021	2022
January	31	36	16	17	10	13	16	108
February	15	28	11	8	11	39	15	91
March	31	34	23	7	29	35	59	28*
April	16	48	12	3	15	38	38	
May	41	30	12	6	18	64	115	
June	105	32	27	20	26	85	63	
July	178	49	14	19	43	68	6	
August	127	42	25	17	44	97	9	
September	102	43	16	12	24	-	90	
October	211	19	19	11	40	-	96	
November	49	11	23	30	24	1	127	
December	40	18	12	12	48	38	96	
TOTAL	946	390	211	162	332	478	730	227

*at 7th March 2022

3.2 This table illustrates the pace Kent County Council has accommodated UASC since 10th September 2021 in comparison to months and years prior to the protocol. Kent County Council has accommodated 636* since 10th September 2021 and is on course to accommodate more UASC between September 2021 and September 2022 than it has in any previous 12-month period. This has significantly contributed to the reduction of UASC in hotels, used by the Home Office since Summer 2021. In September 2021 there were over 200 UASC across 5 hotels. By February 2022 all hotels were briefly emptied, with Kent County Council accommodating the last remaining UASC. Unfortunately, improved weather conditions for small boat Channel crossings have meant this was temporary.

3.3 The demographics of UASC accommodated by Kent County Council since 10th September 2021 is consistent with that seen in Kent and nationally pre-protocol e.g., predominantly males, aged 15-17 years old, from countries including Afghanistan, Iran, Syria, Sudan, Eritrea. Approximately 25% have been under 16 and 75% aged 16-17 years old, which is also consistent with pre-protocol figures. However, there has been a change in the percentage of UASC aged under 16 remaining in Kent long-term.

3.4 Every month young people that form Kent County Council's 0.07% threshold for UASC (242) will turn 18 and no longer count towards this quota. In order to maintain 242 UASC the Reception and Safe Care Service refers some UASC to the Child in Care Service to remain in Kent County Council's care long-term.

3.5 This table shows the numbers of UASC that have not been referred for NTS transfer each month, and have therefore remained as a Kent Child in Care, since the protocol and those aged under 16 and those aged 16-17 years old.

	No. remaining in Kent	Under 16	16-17
September 2021	15	12	3
October 2021	10	5	5
November 2021	18	16	2
December 2021	11	2	9
January 2022	17	16	1
February 2022	8	5	3
March 2022*	13	5	8
TOTAL	92	61 (66%)	31 (34%)

*at 7th March 2022

3.6 The reasons for more under 16 UASCs remaining in Kent long-term since the protocol include these being the youngest and most vulnerable and it being in their best interests to not have multiple placements and delay in care planning, which a NTS transfer causes when it continues to fail to identify appropriate placements and transfer children and young people in a timely way.

3.7 There are also operational challenges for moving young people out of reception centres, which include sufficiency of independent accommodation and time required to prepare UASC to live independently (the model for this is 8 weeks). Maintaining available bedspace at reception centres is critical to meeting the demand and pace of NTS transfers, when the majority of UASC are males aged 16-17 years old. The Reception and Safe Care Service is working with Kent County Council's independent accommodation provider, Ready Homes, and Kent County Council's Strategic Commissioning to better manage the challenges outlined above.

4. NTS transfers since 10th September 2021

4.1 This table shows NTS transfers per month since June 2020

	2020	2021	2022
January	-	14	44
February	-	18	74
March	-	36	29*
April	-	14	
May	-	21	
June	48	50	
July	37	24	
August	44	6	
September	47	11	
October	11	69	
November	2	89	
December	11	83	
TOTAL	200	435	147

*at 7th March 2022

4.2 This table illustrates how the rate of NTS transfers has increased since the protocol and the mandating of the NTS with 399 UASC transferring between 10th September 2021 and 7th March 2022. This compares to 383 NTS transfers completed between 1st June 2020 and 9th September 2021 and 317 NTS transfers completed between July 2016 and March 2018.

4.3 Not all 636 UASC referred to Kent County Council since 10th September 2021 have been referred for NTS transfer. This table shows a breakdown of the 636.

Transferred on NTS	399
Awaiting NTS transfer	92
Remaining in Kent	92
Turned 18 in under 13 weeks	8
Family reunification	15
Age dispute preventing NTS transfer	3
Missing before NTS transfer	22
Referrals received between 1 st and 9 th September 2021	5
TOTAL	636*

*at 7th March 2022

4.4 Whilst the rate of NTS transfers has increased since the protocol, so has demand. The protocol has and continues to safeguard Kent County Council's services from becoming overwhelmed through this persistent demand. The limit to which UASC can be referred to Kent County Council has provided an impetus on the NTS to achieve transfers for UASC in Kent so capacity in its Reception and Safe Care Service is maintained for new UASC referrals.

4.5 The protocol states UASC referred to Kent County Council must physically transfer to the care of another local authority within 10 working days. This is also a requirement of the now mandatory NTS. However, NTS transfer timescales for UASC in Kent remain variable.

4.6 This table shows the range and average timescales for NTS transfers since the protocol. Whilst the range of timescales is improving and the overall average is a significant improvement on pre-protocol timescales, it remains above 10 working days.

	Shortest wait for NTS transfer (working days)	Longest wait for NTS transfer (working days)	Average wait for NTS transfer (working days)
September 2021	Less than 24 hours	86	23
October 2021	1	102	16
November 2021	1	78	17
December 2021	Less than 24 hours	77	18
January 2022	Less than 24 hours	32	14
February 2022	Less than 24 hours	30	8
March 2022*	-	-	-
TOTAL (average)	Less than 24 hours	68	14

*at 7th March 2022

4.7 This table shows how this variety in timescales equates to almost 50% of UASC in Kent waiting longer than 10 working days for an NTS transfer.

	% Under 10 working days	% Over 10 working days	% Pending
September 2021	28%	72%	0%
October 2021	52%	48%	0%
November 2021	52%	48%	0%
December 2021	45%	55%	0%
January 2022	28%	72%	0%
February 2022	30%	35%	35%
March 2022*	0%	0%	100%
TOTAL (average)	34%	47%	19%

*at 7th March 2022

5. Corporate parenting responsibilities post-protocol

5.1 The accommodation and support provided to UASC referred to Kent County Council since the protocol remains largely the same as it was pre-protocol. All UASC have the status of Children in Care to Kent County Council, are allocated social workers, visited within statutory timescales, and provided with the same level of care and support in their placements. Kent County Council is not accommodating UASC in settings different from those used pre-protocol. All immediate health and care needs for newly arrived children and young people are met by the Council under their Section 20 duties of the Children Act.

5.2 The primary difference post-protocol in the Reception and Safe Care Service is that duties under Section 22 of the Children Act, which pertain to long term care planning are not initiated until the children and young people have been with us for 10 working days. Pre-protocol these were made at the point of the UASC entering the Council's care, as is the case for all children entering care. This change is because the objective of the protocol, now a legal requirement of the mandatory NTS, is for all NTS transfers to complete by 10 working days. Kent County Council's Independent Reviewing Officer (IRO) Service and NHS Kent and Medway's Looked After Children's Team are updated weekly on all UASC, including those who have not transferred by 10 working days. This is so these assessments and reviews can be booked as soon as possible from 10 working days.

5.3 Children and young people are significantly impacted by a delay in their transfer, not being able to settle and put down roots in their new communities. However local authority and health services are also impacted by delay as care planning work has to be started by day 10 but is often not subsequently needed or is not relevant as young people move on before any of the actions such as full health assessments and education placements can be fulfilled.

5.4 In recognition of the demand and pace of NTS transfers since the protocol the Council has developed a specialist IRO role for the Reception and Safe Care Service. This new post was appointed to on 10th February 2022 and the successful candidate will be in

post by 14th March 2022. This specialist IRO will provide dedicated independent quality assurance of the care and accommodation provided for UASC in Kent's Reception and Safe Care Service. This will ensure Kent County Council's corporate parenting responsibilities are maintained for UASC post-protocol.

6. Funding Arrangements

6.1 All local authorities who accommodate their 0.07% quota of UASC, or who receive UASC from an authority via above their 0.07% via the NTS quota, receive the higher level of funding. This is the case for Kent and is always applied to the 242 UASC who remain in Kent as their permanent placement. A separate funding stream has been agreed with the Home Office to fund the Reception and Safe Care Service which recognises the volatility in numbers of this arrangement and ensures that core costs for having reception centre accommodation and foster care permanently available are covered.

6.2 Funding for Care Leavers was increased in June 2021 and is fully claimed for all Kent's UASC Care leavers which now number 1100. For those individuals who are given leave to remain, allowing them access to work, college and universal welfare benefits this funding stream is sufficient to meet costs. However, there remains a small but significant group of UASC Care leavers whose immigration status is unresolved as they turn 18. In these cases, the Council must continue to provide all means of financial support to them, which in turn creates a financial deficit which must be met. We are working closely with the Home Office to highlight these cases and ask for them to be prioritised, but capacity issues within Government mean that new arrivals who turn 18 within a short time of coming into our care do not receive an immigration decision in a timely way.

7. Refugee Resettlement in Kent under the official Government schemes

7.1 Since 2015 Kent has participated in the Syrian Vulnerable Persons Relocation Scheme (VPRS) and, since Spring 2021, its successor, the UK Resettlement Scheme (UKRS). These are both official Government resettlement schemes that allow refugees to settle in the UK with full rights to work, study, rent, claim benefits and other public funds. In early 2021 the number of individuals resettled under the VPRS nationally exceeded 20,000, the original target for 2020. The UKRS is almost identical to the VPRS but resettles refugees from anywhere in the world.

7.2 February 2022, 115 families (approximately 600 individuals) will have been resettled in Kent under the VPRS and UKRS. Further families are expected in the coming months. The overwhelming majority are from Syria, but other nationalities are now starting to be resettled in Kent, including from Sudan and Iraq. To date Kent has resettled about 20% of the South East total.

7.3 Over the last five years KCC and the twelve housing authorities have been working in partnership to resettle Syrian and other refugees under the VPRS and UKRS. The housing authorities are responsible for deciding on the number of families to be resettled in their areas and on the suitability of specific properties. In ten of the twelve districts, KCC then provides coordination and liaison with the Government resettlement team and also commissions (and oversees) the resettlement and integration support from Migrant Help, Clarion and Rethink. The two exceptions are Ashford and Canterbury who provide the support from within their own housing and community teams.

8. Schemes for supporting Afghans following the evacuation in 2021

8.1 Members will be aware, around 15,000 individuals arrived in the UK last summer as part of the Operation Pitting evacuation from Afghanistan. Since then, there have been additional arrivals from countries surrounding Afghanistan, in particular Pakistan.

8.2 The evacuees including Afghans were given permission to reside in the UK under the Locally Employed Staff (LES)/Afghan Relocations and Assistance Policy (ARAP), other Afghans were supported under the wider Afghan Citizens Resettlement Scheme and a limited number of eligible British citizens and their families.

8.3 Afghans who qualify under the LES/ARAP route are individuals (and their families) who have worked in some capacity for the British Government, including the MOD (for example interpreters). The wider ACRS prioritises those who have assisted the UK efforts in Afghanistan, stood up for values such as democracy, women's rights and freedom of speech, and vulnerable people, including women and girls at risk, and members of minority groups at risk. The Government has stated that this scheme will resettle up to 20,000 people. Spouses, partners, and dependent children under the age of 18 will be eligible for the scheme and other family members may be eligible in exceptional circumstances.

8.4 Those who qualify for the above schemes are in the process of being given Indefinite Leave to Remain (ILR). Most entered with a more limited form of leave, but this is in the process of being changed to ILR and Biometric Residence Permits issued. Their status (whether limited leave or ILR) allows them to work, rent, claim benefits and other public funds. They will eventually be able to apply for citizenship.

8.5 On arrival families are housed in a quarantine/isolation hotel for 10 days (at the moment this is continuing). After that the majority spend time in a temporary bridging hotel until more long-term accommodation can be found for them by local authorities (in Kent this is in private sector accommodation). Unfortunately, due to the difficulties finding move-on accommodation across the UK, a very high percentage of families remain in bridging hotels.

8.6 In Kent, as of March 2022, there are three bridging hotels being used. These have been in use since the evacuation last summer and currently support 302 individuals (nearly all families with children). The hotels were procured by the Home Office but the wraparound support is provided by the local authorities (district and KCC resettlement teams).

8.7 In addition to supporting the families in the bridging hotels, all local councils in Kent have committed to finding more long-term accommodation for Afghan families. So far there are 20 families accommodated across Kent and more are expected soon, subject to properties being found in the private sector or via charitable organisations. Across the wider South East as a whole there are 206 families that have resettled (this includes Kent's 20).

8.8 Resettlement support for Afghan families settled in their own homes is being provided in the same way as the support for the VPRS/UKRS. That is, the ten districts using the support organisations commissioned by KCC, will continue to do so, whilst Ashford and Canterbury will provide the support themselves.

8.9 In both the bridging hotels and the more long-term resettlement in Kent, there is strong partnership working between the district housing authorities, various functions within KCC (including the Resettlement Team, Education, Children's Services, Adult Social Care, Adult Education, Public Health), Health (CCG), Kent Fire and Rescue, Police, a strong voluntary sector (including various refugee support organisations across Kent) and religious groups.

8.10 The above programmes to support Afghans are distinct from the arrival of asylum seekers in Kent, some of whom are Afghans. With the exception of those staying at Napier Barracks near Hythe, most adults and families are transferred out of Kent under the national dispersal programme, while the position regarding unaccompanied under 18s (UASC) is reported above. See below for further details.

9. Funding to local authorities for VPRS, UKRS and Afghan schemes

9.1 For the VPRS and UKRS schemes local authorities that agree to resettle a family are provide with funding for 5 years to support resettlement and integration. This includes a proportion for Education and English language learning. CCGs are provided with additional funding for healthcare.

9.2 Although initially the funding for those supported under the Afghan schemes was a lower amount, the funding has now been brought in line with that for the VPRS and UKRS. The only difference is that it is paid over three rather than five years.

10. Community Sponsorship of VPRS, UKRS and ACRS

10.1 In addition to families resettled and supported by local authorities, charities and community groups are able to support families under the Community Sponsorship Scheme. In order to qualify the group must undergo a lengthy approval process (including by KCC and the district housing authority) and raise a certain amount of funding.

10.2 To date there are four successful Community Sponsorship groups in Kent and a couple of others being developed. KCC works closely with these groups and assists where possible, for example in helping to secure school places.

11. Adult and family group asylum seekers under the Adult Dispersal Scheme

11.1 Adult individuals and families who claim asylum once they have reached the United Kingdom (including those who have crossed the channel in small boats) are not allowed to claim benefits and public funds and are therefore supported by the Home Office if they require assistance with accommodation and daily living expenses. In the South East the accommodation and support is provided by Clearsprings Ready Homes, under contract to the Home Office.

11.2 The overwhelming majority of supported asylum seekers (just under 85,000 in total) are accommodated outside of Kent via the Adult Dispersal Scheme. Only around 1,000 of these are supported in the South East, including those accommodated at Napier Barracks (maximum numbers there at any one time being 304). Outside of Napier there are only 44 individuals supported in Kent (as at end December 2021). A 10 year plan to create greater equity across the UK is being slowly implemented by Government, taking into account the contribution of regions to other asylum and refugee schemes.

11.3 A very recent development is that part of the former Ministry of Defence site at Manston is being used as an initial assessment centre for adult asylum seekers and families following arrival to Kent by small boats. The maximum stay is expected to be 5 days with move-on taking place generally before then, to either contingency accommodation or dispersed accommodation. The site is expected to be fully functional by the end of March.

12. Hong Kong British National Overseas Visa Scheme

12.1 Since 31 January 2021 the Hong Kong BNO visa scheme has allowed eligible individuals from Hong Kong to settle in the UK with their family members. To qualify individuals needed to have registered their Hong Kong BNO status before 1 July 1997 (the date of handover to China). They also need to demonstrate that they have enough money to support themselves and their family members for at least 6 months and further, pay the healthcare surcharge.

12.2 Eligible family members include:

- spouse or partner
- child or grandchild under 18
- parent, grandparent, brother, sister, adult children if they live with the applicant and are very dependent on them for their care.

12.3 A recently announced change to the rules is expected to come into force in October this year. The Government has made the decision to enable individuals aged 18 or over who were born on or after 1 July 1997 and who have at least one BNO parent to apply to the route independently of their parent. This cohort will still be required to meet all of the other suitability and eligibility requirements for the route. This may lead to an influx of younger people after October.

12.4 By the end of 2021 103,900 visa applications had been made under the BNO route. The Government are unable to provide official data on where individuals have settled but based on surveys and intelligence from various partners, it is estimated that approximately 650 families have settled in Kent so far.

12.5 The BNO visa grants the right to work and study but not normally to apply for benefits or public funds (including local authority housing and homelessness assistance). Local authorities are able to claim destitution funding if support needs to be given and, in exceptional circumstances an application to lift the “No Recourse to Public Funds” condition can be made. KCC is administering the claims for destitution in Kent for this cohort but, to date, none have been received.

12.6 A certain amount of upfront funding has been made available to local authorities for support activities. In Kent this is being administered by KCC and following discussion with partners, will be used to fund support for integration activities across Kent, mental health support and additional capacity within the voluntary sector (on top of VCSE funding). Separate funding has been made available for English language (ESOL) support. KCC is managing the claims for this funding and to date 43 requests for this have been received.

13. Support for Ukrainian Refugees

13.1 At the time of writing this report, two mechanisms allowing Ukrainian refugees to enter the UK have been announced. These are a scheme allowing family members to join UK residents in the UK and a wider sponsorship scheme for those who do not have family members in the UK.

13.2 The Ukraine Family Scheme allows applicants to join family members or extend their stay in the UK as family members. The scheme is now opened to extended family, is free to apply to and will grant a visa for three years. A person applying via this route will be able to live, work and study in the UK and access benefits and other public funds.

13.3 From Tuesday 15 March, if an applicant is outside the UK and holds a valid Ukrainian international passport, they will no longer need to provide their biometric information from overseas to apply to the scheme. They will still need to complete an application online but will not need to attend an in-person appointment at a visa application center.

13.4 Further details of the new sponsorship scheme (for those without family ties) will be provided to Members at the committee hearing. It is understood that the scheme will allow sponsors, such as communities, private sponsors, or local authorities, to bring those forced to flee Ukraine to the UK, with no limit on numbers. People offering homes to refugees will receive a payment of £350 per month and it has been reported that local authorities will also be given funding (the amounts to be confirmed). Those who come under this scheme will be granted leave for an initial period of 12 months and be able to work and access benefits and public services.

Recommendations

Members of the Scrutiny Committee are asked to **NOTE** the number of UASC Kent County Council has accommodated since 10th September 2021 and the significant contribution this has made in reducing the number of UASC in hotels used by the Home Office since Summer 2021. Without the protocol between Kent County Council, Home Office and Department for Education, supported by a mandated National Transfer Scheme, this demand will have a significant impact upon Kent County Council's ability to meet its corporate parenting responsibilities for both UASC and citizen children placed with them. Members are also asked to note the refugee resettlement that is taking place within Kent under official government schemes

3. Contact details

Lead Officer

Louise Fisher
Assistant Director Front Door and Reception and
Safe Care Service
03000 414 791
Louise.Fisher@Kent.gov.uk

Lead Director

Sarah Hammond
Director of Integrated Children's Services
(Social Work Lead)
03000 411 488
Sarah.Hammond@kent.gov.uk

Lead Officer

Chris Grosskopf
Refugee Resettlement Programme Manager
03000 416181
Chris.grosskopf@kent.gov.uk