

Report to: Corporate Parenting Panel

Date of meeting: 26 October 2018

Report by: Director of Children's Services

Title: Unaccompanied Asylum Seeking Children (UASC) Update
1 April 2017 – 31 March 2018

Purpose: To outline the development of the services for Unaccompanied Asylum seeking Children.

RECOMMENDATION: The Corporate Parenting Panel is recommended to comment on and note the contents of the report

1. Background and supporting information

1.1 A report outlining the development of the services for Unaccompanied Asylum Seeking Children is attached as Appendix 1. In addition, a short briefing note is attached as Appendix 2 specifically to address a range of frequently asked questions (FAQ)

1.2 The services for UASC are supported via a combination of core funding from the CSA budget, the Pupil Premium for additional education support and a proportion of Home Office funding for each placement made.

2. Recommendation

2.1 Corporate Parenting Panel is recommended to comment on and note the contents of the report.

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List of Appendices

Appendix 1 – Unaccompanied Asylum Seeking Children Service Report

Appendix 2 – Unaccompanied Asylum Seeking Children (FAQs)

1. Background

1.1 The United Nations High Commissioner for Children defines unaccompanied children as 'those who are separated from both parents and are not being cared for by an adult who, by law or custom, has the responsibility to do so.' UNHCR (1994) Refugee Children: Guidelines of protection and care.

1.2 The Home Office defines an unaccompanied asylum-seeking child (UASC) as a person who at the time of making the asylum application

- is, or (if there is no documentary evidence) appears to be, under eighteen
 - is applying for asylum in his or her own right
 - has no adult relative or guardian to turn to in this country
- AND
- is fleeing persecution from their own country

1.3 UASC usually come to the attention of East Sussex County Council (ESCC) in a number of ways

- **Spontaneous arrival** which incorporates those young people who are discovered by police or boarder force staff having arrived in the UK illegally. ESCC become responsible for these young people if they are found in the county.
- **Dublin iii regulation** which is an EU law addressing where asylum should be claimed. If an unaccompanied minor has a family member in a member country they can apply to join them and make their asylum claim in that country. Family member includes siblings.
- **Sec 67 Immigration Act 2016** which relates to the resettlement of unaccompanied child refugees in France, Italy and Greece to the UK. Children must be under the age of 18 and in Europe before the 18 January 2018.
- **Dubs amendment** which covers the UK commitment to the resettlement of children in refugee camps in Europe.
- **Vulnerable children's resettlement scheme** which was established in 2016 as a scheme to resettle vulnerable children from Middle East and North Africa in response to the Syrian Conflict.
- **National transfer scheme (NTS)** which addresses the issue that the location of UASC across the UK is not evenly spread. Local Authorities with "entry points" such as ports and airports have a disproportionate number of UASC in their areas. NTS was set up to manage this with the aim of dispersing young people more evenly across the country. The Local Authorities who agreed to participate in the scheme made a commitment to take unaccompanied children up to 0.07% of their total child population. In ESCC this equates to 78 UASC. ESCC Children's Services have pledged to take up to 2 UASC a month under this scheme. ESCC are currently looking after 14 young people who came through the National Transfer Scheme.

2. ESCC Duties to UASC

2.1 Section 17 of the Children Act (1989) imposes a general duty on local authorities to safeguard and promote the welfare of children within their area who are in need. UASC who have no responsible adult to care for them are separated or 'unaccompanied', and are therefore 'in need'. Almost all of these children will be accommodated by ESCC Children Services as they meet the criteria of s20 unless a needs assessment results in another response being considered more appropriate

(for example if a trafficked child is at risk and it is appropriate to initiate care proceedings).

2.2 As Looked After Children (LAC), UASC are eligible for support in the same way as any other LAC.

2.3 UASC are also eligible for Care Leaving (CL) services in the same way as other LAC. The 2014 UASC Statutory guidance states: "A child's immigration status has no bearing on a Local Authority's duty to provide CL support, unaccompanied children must be provided with the same support as for any CL. This obligation remains until the young person is 21 even in cases where the young person has been refused asylum, is considered "all rights exhausted" and has no recourse to public funding. This can be extended to 25 if the young person is in education.

3. ESCC services to UASC

3.1 Historically UASC have been allocated to social workers across a variety of teams in ESCC including Youth Support, LAC and Care Leavers/Through Care teams. This has resulted in an inconsistent service with young people receiving different levels of support.

3.2 Asylum and immigration is a complex area of practice which requires a specialist level of knowledge and expertise. During the self-assessment completed within the CL service against the '10 gold standards' it became apparent very quickly that UASC would be best served by creating a small bespoke team partially funded through the additional Home Office grant. Workers in the UASC service will have specialist knowledge of the asylum process, legal duties, risks specific to UASC and resources to support cultural needs.

3.3 A decision was made to incorporate the newly formed specialist UASC service within the Through Care Service (TCS). This reflects the development of some expertise already acquired within the TCS in relation to the duties and responsibilities of ESCC to LAC and CL's. In light of the specific knowledge regarding asylum all UASC, regardless of age, will be allocated to UASC service.

3.4 The team will consist of 0.5 Practice Manager, 2 full time Social Workers, 1 full time Newly Qualified Social Worker and 0.7 Personal Advisor who works with young people aged 18+.

4. UASC within ESCC

4.1 There are currently 43 young people within ESCC who come under the umbrella of UASC. Of the total cohort of 43, 24 young people are aged 17 years or younger with the youngest being 13 years old and are being cared for as below

- 8 in foster care (3 in county, 5 out of county)
- 2 in supported lodgings (in county)
- 11 in supported accommodation (4 in county, 7 out of county)
- 1 living with friends (out of county)
- 2 missing

4.2 The remaining 19 young people are 18+ and are living in a range of accommodation options as detailed below

- 4 Staying Put (1 out of county)
- 11 Supported accommodation (1 in county, 10 out of county)
- 2 living independently
- 2 supported lodgings (in county)

5. Summary

5.1 The reconstituted UASC service should be fully staffed and up and running by the end of November 2018. These service developments were very well received by Ofsted during the ILAC's Inspection in July 2018. In addition the close working relationship with the Principal Social Worker for UASC for the South East Strategic Partnership for Migration has assisted with the drafting of detailed operational practice which is keeping pace with national best practice, a fast moving agenda.