

To: Leadership Board

On: 14 September 2016

Report by: Director of Children's Services

Heading: Unaccompanied Asylum Seeking Children

1. Summary

- 1.1 In June 2016 a report was submitted to Leadership Board which updated members on national developments that were taking place in relation to unaccompanied asylum seeking children (UASC).
 - 1.2 Specifically the report noted the intention of the UK Government to implement a national transfer scheme which would seek to disperse the 1000 plus unaccompanied children who are currently seeking asylum in Kent. Officers from the Council have been exploring options to support a small number of UASC in Renfrewshire and a proposed service model has now been developed for implementation during Autumn 2016 subject to board approval and agreement with the Home Office and Care Inspectorate.
-

2. Recommendations

- 2.1 It is recommended that members:
 - Note the work undertaken by officers to consider the legal and financial implications of supporting unaccompanied asylum seeking children in Renfrewshire and the role of officers in related national working groups
 - Agree that the Director of Childrens Services now implements the proposed local support arrangements for UASC in Renfrewshire, subject to Care Inspectorate approval and final Home Office agreement.
-

3. Background

- 3.1 In June 2016, a report was submitted to the Leadership Board which provided an update on national developments relating to unaccompanied asylum seeking children (UASC) and the implications of these developments for the Council. The report noted that there are currently in excess of 1000 UASC currently receiving support from Kent County Council, with the UK Government now intending to move to a national transfer protocol which would seek to re-distribute this population of children and young people more evenly across the UK.
- 3.2 The Board agreed that the Council should seek to extend an offer of support to a small number of unaccompanied children and young people, subject to further more detailed work being conducted by senior officers to consider any associated legal and financial implications arising from offering this support. During the summer, officers from the Council have been working through some of these implications and have developed a service model which is able to support a small number of UASC initially.

Update on legal and financial implications

- 3.3 Elected members will be aware from the report in June that there is an urgent need in particular to offer support to older children, with available accommodation and educational placements under significant pressure within the Kent area. The UASC currently in Kent are from a variety of different countries including Afghanistan, Iraq and from Sub-Saharan African countries and countries such as Syria.
- 3.4 Unaccompanied children and young people are granted looked after status under current legislation, and must be supported by the local authority responsible for their care to apply for UK residency ahead of their 18th birthday. A decision is then made by the Home Office as to whether to grant permanent leave to remain in the UK. There is some potential for local authorities to incur legal costs in terms of supporting UASC through this process, particularly where an appeal is lodged if a child is not granted leave to remain in the first instance.
- 3.5 A range of legal issues relating to the provision of support to UASC, and which are pertinent to Scotland alone, are currently being explored through a national working group lead by the Scottish Government funded Migration, Population and Diversity team in partnership with the Home Office. A fundamental issue which requires to be addressed relates to the Children and Young People (Scotland) Act 2014 which requires that support is available to all “looked after children” until their 26th birthday. Different arrangements apply in Scotland than in the rest of the UK in terms of supporting young people leaving care, and the current funding arrangements available to support UASC do not reflect the Scottish position.
- 3.6 From 1 July, the UK Government has been seeking to sign up local authorities to a national transfer protocol which would commit the Council to resettling a designated number of UASC based on the size of our local child population. The Home Office is likely to enforce this protocol in the future, and is working with the Scottish Government to take this forward in Scotland. Officers from the Council continue to support national work being progressed to ensure that the protocol meets the requirements of the Scottish local authorities based on the nature of current provision for looked after children and the legislative requirements which underpin these services.

- 3.7 It is unlikely that the legal implications relating to the provision of support to UASC will be resolved quickly at a Scottish level. Due to the recognised experience in Renfrewshire gained through the provision of support to Syrian refugees, the Home Office will work with the Council on a unilateral basis, and have indicated that they will support the development of the model proposed in Renfrewshire which with the experiences of other Scottish local authorities will seek to inform the development of a national commissioning model of service for UASC in Scotland.

Model of support

- 3.8 As highlighted above, significant pressure is being experienced in Kent in relation to older children, and as such local work to explore options for supporting UASC have focused on developing a service model which would meet the requirements of this group of children. Senior officers from Children's Services in partnership with Development and Housing Services, have been developing a service model which would seek to support young people within communities. The young people who would be supported in Renfrewshire would receive support to live independently and maintain a tenancy, to integrate in local communities, and to access opportunities to learn English and to access education and vocational opportunities.
- 3.9 The development of this model would require a variation to the current registration of the Throughcare service which would manage the delivery of this service. Early discussions are underway with the Care Inspectorate to progress this variation, which is essential to the Council's ability to participate in this particular scheme using the model proposed.
- 3.10 The funding allocated by the Home Office ranges from £31 to 42k depending on the age of the child, with a weekly support payment available for all young people when they turn 18. Any additional costs relating to the provision of service to UASC will require to be met by the host local authority. For example, the needs of the child or young person may change at any time and similar to the experience with the Syrian families, the trauma of conflict and personal experiences may not come to light through initial assessment, with needs becoming apparent several months after arrival.
- 3.11 In addition, as highlighted above officers have identified that additional legal costs may be incurred by the Council in relation to applications for permanent residency which the Council would be required to support children and young people in making. Given the looked after status of the children and young people, the Council may also be required to meet additional living costs to support the child and young person after their 18th birthday and during the residency application process should appeals be lodged.

4. Integration support

- 4.1 To support the integration of refugees and asylum seeking children, as well as the increasing number of people who are settling in Renfrewshire from other countries and cultures, work is progressing to develop an integration network which brings together a range of organisations and community groups who play a role in terms of supporting successful integration within communities. The integration network would seek to involve all faith and community groups who can offer support to people from other countries and cultures coming to live in Renfrewshire.

Implications of the Report

1. **Financial** – There are financial implications relating to the resettlement of unaccompanied asylum seeking children in Renfrewshire. This is potentially a long term financial commitment for the Council and arrangements would require to be made for any costs to the Council over and above the funding provided by the Home Office, to be adequately provided for in the relevant Council budgets.
2. **HR & Organisational Development** - none
3. **Community Planning** –
There are implications and opportunities for local communities as the unaccompanied asylum seeking children integrate within local communities. Council officers will work with local communities to support successful integration.
4. **Legal** – Officers from the Council continue to engage in national discussions relating to the transfer protocol and relevant legislation which underpins the support of UASC in Scotland by local authorities.
5. **Property/Assets** - none
6. **Information Technology** - none
7. **Equality & Human Rights** - none
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - none
9. **Procurement** – none
10. **Risk** – Officers will continue to engage with Police Scotland and with other appropriate organisations to ensure that services meet the requirements of these vulnerable groups.
11. **Privacy Impact** - none

List of Background Papers – n/a

Author *Laura McIntyre, Strategic Planning and Policy Development Manager Tel
0141 618 6807*