

Briefing Report

Unaccompanied Asylum Seeking Children in Care and Care Leavers

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Introduction

Unaccompanied asylum seeking children (UASC) are young people below the age of 18 years who are making a claim for asylum in their own right, and who have no adult relative or guardian to care for them in this country. Unaccompanied young people have formed part of the population of forced migration throughout the last century. Their displacement to countries near or far from their own may occur for a number of often interrelated reasons. The need to seek safety from armed conflicts, political upheavals, persecution or natural disasters are frequently cited as major factors leading to departure. However there are also others including escape from serious poverty and deprivation, limited opportunities for the future connected to breakdowns in civil society and trafficking for the purposes of exploitation.

Young people who arrive in the UK are required to be accommodated (enter local authority care) under s.20 of the Children Act 1989, while an assessment of their needs is undertaken, unless they can go directly to live with family members.

The Government has set a quota for UASCs within a local authority care population. It is expected that LAs should absorb UASCs as children in care up to a ceiling of 0.07% of the local authority's population of children as published by the Office of National Statistics in the mid 2014 population estimates.

Southwark UASCs: Entry Routes

UASCs enter care in Southwark by 3 routes:

Entry Route 1: Rota Referral through London Asylum Seekers Consortium (LASC): all London Councils coordinate duties to UASCs through a Pan London Protocol to ensure equitable allocation of UASCs across London Councils. Each Council accepts UASCs who arrive at UK Border Agency in Croydon, through a rota referral system. This Pan London protocol works well, however the number of LAs participating in the rota is reducing as 14 out of 33 are above their 0.07 of their child population quota and are currently not participating. The number not participating will rise. From March 2018 Southwark withdrew from the rota – having exceeded the 0.07% ceiling.

Entry Route 2: "Walk-ins / Spontaneous Arrivals": some young people present directly at Council offices. Almost all of these present themselves as a young person under 18 years of age after previously having been assessed to be an adult by the Home Office and having subsequently been placed by the Home Office in Barry House, a Home Office Hostel on

Barry Road, East Dulwich SE22. A few arrive through other routes, having been dropped off by a lorry, discovered by the Police after having been trafficked or else have a connection with a family member who is unable to care for them. Such presentations results in extensive checks and in a lot of cases age assessments. LASC are notified of all *walk ins* to continue to fairly manage the London wide rota. If a young person is a *walk in* and the LA is above 0.07 quota then the practice from other LAs is for young people go on to the London wide rota.

UASC Entry Route 3: Dublin III and Dubs Arrangements: Dublin III regulation is used to establish which member state of the EU is responsible for determining the claims of young people seeking asylum. This particularly relates to those with family members in the UK. Dubs Arrangements involves accepting UASCs where there is no prior connection and stems from an amendment to the Immigration Act in May 2016. This was particularly used in relation to children transferring to UK following closure of the camps in Calais in October/ November 2016. In general, the view across London is that the Dublin III assessment, that there is a viable and appropriate family member able to care for the young person is not accurate in the vast majority of cases. Those family members either disappear or are clearly not suitable on assessment or refuse to care for the young person. Those young people enter the care system.

In relation to the above there are concerns about the developing situation of Article 1 of Dublin III. This states that if someone in the EU has a sibling or parent already in the UK they have an absolute right of entry, i.e. no assessment of viability or suitability is required – the intention is to reunite them to have their asylum claim dealt with together. The local authority is responsible for undertaking family assessments to ensure the placement is suitable. If a parent or sibling is the connection in question, and if they are not able or willing to take care of the child, then the relevant Local Authority will have a duty to take them into care.

A **National Transfer Scheme** was launched from 1st July 2016. This is a voluntary arrangement between local authorities to transfer the care of UASCs to ensure more even distribution of responsibilities. It is expected that LAs should absorb UASCs as children in care up to a ceiling of 0.07% of the local authority's population of children.

Southwark has not been involved with NTS as it was below the 0.07 quota. This will now change. The consensus around London is that NTS is not working. If an LA has above the quota and a young person *walks in* they have been accommodated with that LA who has attempted to engage the NTS to transfer responsibility for that young person. Generally young people refuse to be dispersed in this way and successfully challenge attempts to do so legally on a basis of having made links in the area. In practice it is also very hard to move a young person who refuses to be moved. IT can be very difficult to manage with legal firms

and schools really advocating for these young people. Local Authorities experience legal challenges where attempts to disperse through NTS are argued against as the young people are “settled in your area”.

Nationally, in the year ending March 2018, the largest numbers of applications received were from Eritrean and Sudanese nationals representing 30% of all UASC applications followed by Vietnamese nationals (11%) and Iraqi nationals (11%).

Southwark UASCs:

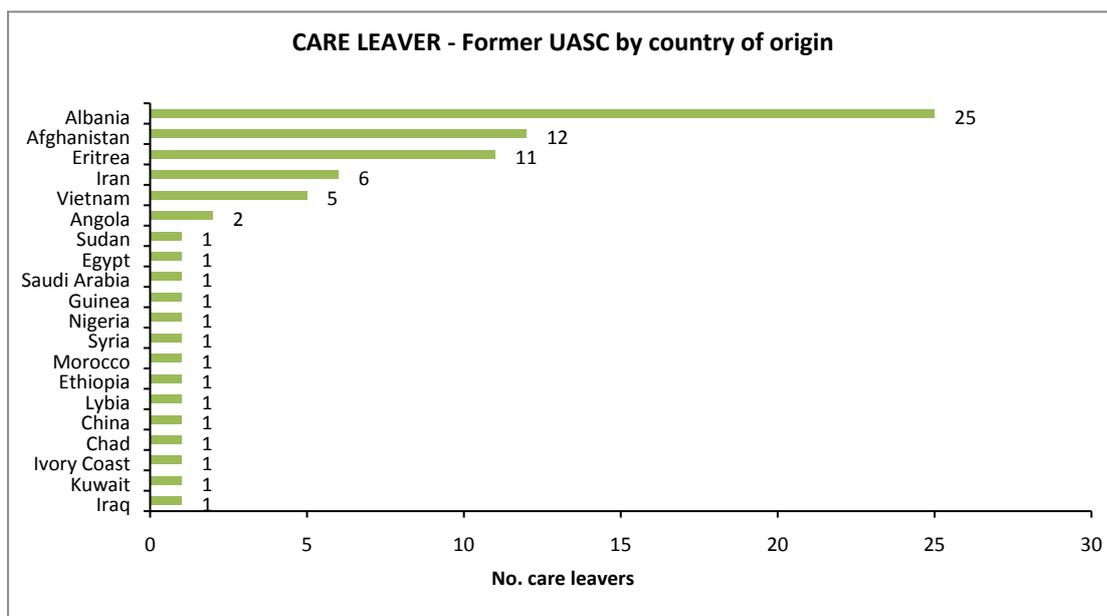
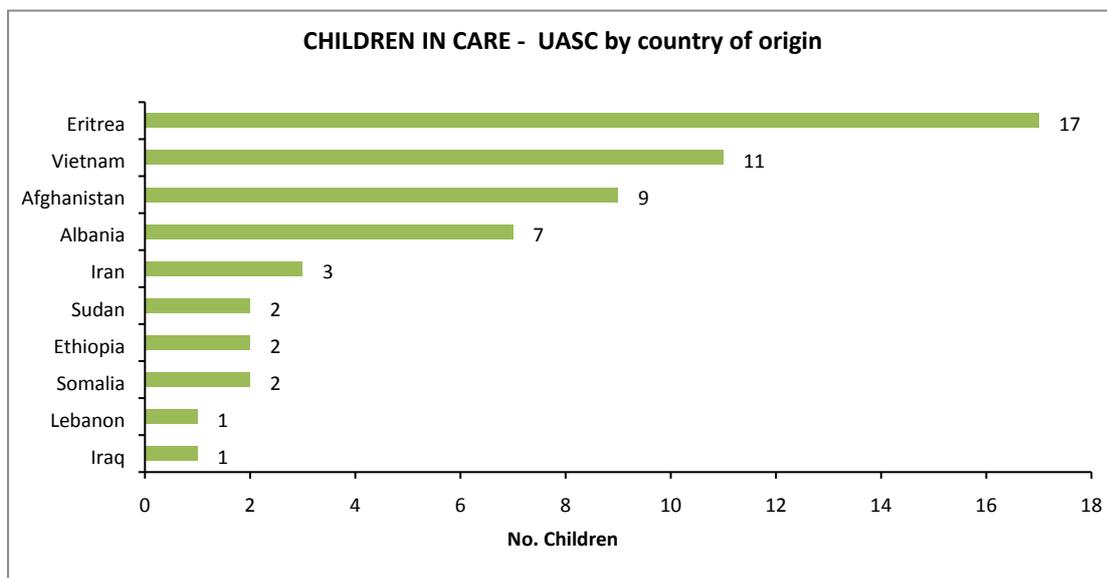
The number of children in care changes from one day to the next and this includes UASCs. At the start of October 2018 there were a total of 481 children in care, 49 of these are UASC (10% of the care population and 0.08% of the overall borough population). At this point in time there are 395 care leavers, of whom 84 are former UASC (21%). The figures for children in care represent around a 53% rise in numbers from April 2017.

The vast majority (88%) of UASC in Southwark’s care are males aged between 16 – 17 years old. 12% are female. 94% are 16 years or over.

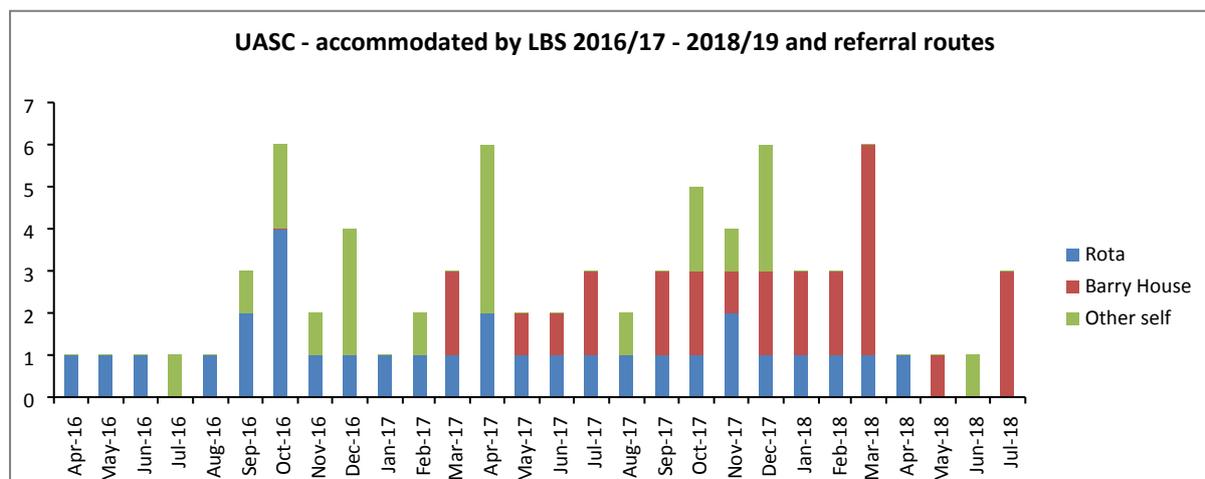
The age profile for former UASCs who are now care leavers is set out below

Age	No. Care leavers
18	27
19	25
20	18
21	10
22	2
24	2

The tables below demonstrate the changes of the cohort over time – for example a fall in the Albanian children in care population but significant increase in those from Eritrea and Vietnam compared to (former) UASCs who are now care leavers



Referral Routes



Health and wellbeing

A separate report on the health of UASCs is being prepared by the Designated Doctor for Looked After Children for Corporate Parenting Committee on 5th November 2018. This is an interesting comparison to information from health assessments as of March 31st 2018, four UASC were diagnosed with PTSD (Post Traumatic Stress Disorder) as a result of their experiences in their countries of origin and also through trauma experienced during their travel to the UK.

Strengths and Difficulties Questionnaire (SDQ) is a mental health wellbeing screening questionnaire, for use with children and adolescents. 69% of UASC are over the age where an SDQ is required (aged 11 -16) and were not screened. Of those who were eligible for an SDQ screening only 3 scored 13 or above (2 x 13 and 1 x 16) a score of 13 or above is the trigger for a CAMHS referral in Southwark. Nationally 13 would be seen as a slightly high score with scores of 17 and above being seen as high. The average score in Southwark for UASC was 5.4 and for young people of a similar age group not UASCs it was 14. It is possible that some UASC have developed greater resilience through their experiences prior to becoming looked after.

Education, employment and training

Of the 49 UASC in care and all but 3 are in school or attending college. The 3 that are not currently in education have only been in care since September. None of these have an SEN EHCP or additional special educational need support, although two are currently not making expected levels of progress.

53% of former UASCs who are now care leavers are currently engaging in education, employment or training. This is lower than the 58% average of care leavers in EET. This is partly explained because we are not in touch with 8 of these care leavers, some of whom disengage from services when there are issues regulating their status within the UK or they are given Home Office reporting requirements.

Practice Issues

Common challenges identified by social workers working with this group of young people are the difficulties in forming trusting relationships with those whose status has not been regularised. Some are wary of social workers, seeing them as representatives of the Home Office, they may be reluctant to provide information about their history and identity and stories can be inconsistent and / or incomplete. Conversely, when there are not issues relating to status or queries about the age of UASC many of these young people and children are very open and easy to engage.

A lack of records – passports, identification documents, travel documents along with a lack of educational, familial and medical histories can make it difficult to assess need and to provide the right services.

The age of an unaccompanied child is extremely important. It determines a child's access to education and support, effects the way in which their asylum claim is processed and can even be a decisive factor in a claim for asylum. An age assessment may be required if there is a dispute as to a young person's age and eligibility for services. There are clear guidelines around these including timescales (28 days) and procedural expectations, however, it is not an exact science and they can be difficult to progress due to a lack of documentation and at times difficulty in engaging young people with the process.

If it is thought that a young person or child may have been trafficked to the UK a referral is made to the NRM (National Referral Mechanism) and a safety plan is developed following a strategy meeting and s47 enquiry. Young people who have been trafficked may find it particularly difficult to participate in the age assessment process. Additionally they may have been provided with false documentation and rehearsed stories by those exploiting them. The safeguarding board has guidance and a toolkit for working with children who have been trafficked. From talking with managers and social workers, the group felt to be most at risk from trafficking are those of Vietnamese origin.

It can be difficult to establish what support networks that young people have because a common theme is that there is no contact with families and that their lives are in danger because of their family relationships.

UASC need to have persuasive evidence in order to establish an entitlement to the regularisation of their status, some young people talk to social workers about the trauma they have experienced but some are reluctant to take up services, although may do later when their claims are scrutinised – whether because the scrutiny provides further stress or because of the need to further establish history.

Many UASC and former UASC have well developed independence skills, which can be more advanced than other children in care and care leavers which enables them to make particularly good transitions to independent living in semi-Independent placements.

There are some country specific issues relating to young people from countries which can be culturally more patriarchal. Our anecdotal experience with some Afghani, Iranian and

Ethiopian young males is that some of them are unused to undertaking household chores, having been used to these being performed by their mother or sisters, and there is a reluctance to develop skills in these areas. For those placed in foster care it can cause tensions as there is a mismatch of expectation as to what is expected from them and what they expect from their carer.

Setting boundaries can be difficult as can having shared expectations when many of these young people have significantly different cultural references and life experiences to their carers.

Finance UASC (children in care)

Currently, the Southwark Children's finance team complete a return to claim financial relief for UASC from the Home Office six times a year. There are two rates of support available; the national rate which is approximately £100 per day and a legacy rate for older cases which is a lower amount of approximately £150 per week. Depending on information already held by the Home Office, Southwark is not able to claim for those children where the Home Office has already made a determination on the age of the child or where other information differs to that held by the Local Authority.

For 2017/18, the UASC in care costs in relation to accommodation are:

	LA Cost (placement)	Income (from Home Office)	Difference
Accommodation	£1,420,030	£1,282,666	-£137,364

The estimated total social care staffing costs (social work and management costs only) for UASC in care is approximately £231k over 2017/18. None of this is grant funded.

The total shortfall in funding for UASC in care to approximately £368k.

Finance former UASC (care leavers)

For former UASC that were over 18 during 2017/18, the costs in relation to accommodation are:

	LA Cost (placement)	Income (from Home Office)	Difference
Accommodation	£800,273	£62,000	-£738,273

The estimated total staffing costs for former UASC over 2017/18 is approximately £167k over 2017/18. None of this is grant funded.

The total shortfall in funding for former UASC (care leavers) is approximately £905K

The total estimated shortfall in funding for 2017/18 for UASC and former UASC is £1.273m. If we were to include other costs such as therapy, education, translators and other associated costs, this figure would be significantly higher.

Placements UASC (children in care)

48% of UASC are placed in internal fostering placements. 23% are placed with Independent fostering agencies. 29% are placed in semi-independent placements.

Placements former UASC (care leavers)

46 of 84 former UASC care leavers are placed in accommodation provided by Southwark. 43 in semi-independent or supported housing and 10 in staying put arrangements.