

PERTH AND KINROSS COUNCIL

20 June 2018

SUPPORT TO UNACCOMPANIED ASYLUM SEEKING CHILDREN

**Joint Report by Executive Director (Education and Children's Services) and
Executive Director (Housing and Environment) (Report No. 18/215)**

PURPOSE OF REPORT

This report outlines the current circumstances in relation to the provision of support to Unaccompanied Asylum Seeking Children (UASC) by Scottish Local Authorities and the implications for Perth and Kinross Council.

1. BACKGROUND / MAIN ISSUES

- 1.1 In recent years there has been a significant increase in the number of young people travelling without parents who reach the UK and claim asylum. The easiest entry point is from Calais and into Kent. The vast majority of the UASC population are male, aged between 16 and 18 and are from Eritrea in East Africa. Many of these young men are fleeing religious persecution or are economically trafficked. They often present with the emotional scars of abuse and physical scars associated with torture. The population in Kent has fluctuated but is usually around 3500 young people who are housed in unsuitable accommodation. A transfer protocol across the English local authorities has existed for some time to support Kent and the surrounding local authorities with the additional pressures.

Scotland has received a much smaller number of young people arriving with the vast majority being in the larger cities of Glasgow and Edinburgh.

Over the past 18 months pressure has been brought to bear from a range of charities and others to resettle UASC from refugee camps in the Middle East, Europe and across the UK.

There are four ways in which UASC can arrive in Perth and Kinross and these are detailed below.

Spontaneous Arrival

- 1.2 Young people who make their own way to the UK must submit a claim for asylum on arrival will be considered for refugee status or granted humanitarian protection. At the point of presentation the young people are assessed by the Home Office and will either be returned to their country of origin or permitted entry as an asylum seeker. This will be reviewed when the young person reaches the age of 18 years. The Home Office will at that point determine their status as adults. Those children who are given the right

to remain as UASC will become looked after by the local authority in which they present.

National Transfer Scheme – Section 69 of the Immigration Act 2016

- 1.3 The long term objective of this voluntary transfer scheme is to achieve a more even distribution of unaccompanied young people across all local authorities and all regions across the UK. However, the 2016 Act also contains provisions which enable the government to compel local authorities in England to receive UASC into their area should they not do this voluntarily. Part 5 of the Immigration Act 2016 contains provision for the transfer of responsibility for UASC. This legislation was extended to Wales, Scotland and Northern Ireland on 7 February 2018 under section 73 of the Immigration Act. A Scottish protocol ([Appendix 1](#)) was agreed following negotiations - involving COSLA, Scottish Government and Local Authorities to ensure a transfer protocol which meets Scottish legal requirements. It should be noted that UK Immigration law requires that young unaccompanied asylum seekers are treated as Looked After children until they reach the age of 18. The formula that is used to determine the number of children the Home Office may seek to transfer to each local authority area is 0.07% of the local child population. For Perth and Kinross this would mean that up to 20 UASC could be transferred to Perth and Kinross under this legislation.

Vulnerable Children's Resettlement Scheme

- 1.4 In April 2016, the Immigration Minister announced a 'Children at Risk' Scheme linked to the existing Syrian Resettlement Programme which will aim to resettle vulnerable children from the Middle East or North Africa who may be unaccompanied, or who may be living with extended family or community groups. This Scheme is commonly known as the Dublin Regulation. Under this Scheme, family members in the UK will be identified and be willing to offer the young person a home. The Local Authority will then have the responsibility of completing an assessment as to the suitability of the placement and inform the Home Office of this. The scheme will resettle 3,000 individuals to the UK. Local authorities were asked to volunteer to participate in this Scheme. So far Perth and Kinross has not been asked to volunteer to resettle any young person through this scheme.

European Refugee Camps Resettlement

- 1.5 The Immigration Act 2016 also includes provisions which require the government to resettle UASC from camps within Europe, specifically France, Greece and Italy. This is commonly known as the Dubs agreement. The UK Government has not specified how many children will be resettled to the UK on this basis, but has instead said that they will be guided by local capacity, taking into account the wider demands to support Unaccompanied Asylum Seeking Children. Perth and Kinross responded to the request to volunteer care placements for these UASC and have to date received one young person from a camp in Greece.

Main issues for Perth and Kinross

- 1.6 Perth and Kinross Council has limited experience of supporting UASC with a very small number presenting locally in the last five years. These young people have been between the ages of 16 and 18 years and have had sufficient independent living skills so as to be able to be accommodated within a housing support service rather than in foster care or residential care. UASC need access to expert legal advice and support and the expertise in this area of law is currently concentrated in Glasgow. All UASC are entitled to support from the Scottish Guardianship Service. This is a service funded by the Scottish Government and delivered by a third sector organisation to provide independent advice and support to UASC and trafficked children and young people.
- 1.7 UASC have the same status as other children and young people who are looked after. Therefore if they are accommodated on their 16th birthday they are eligible for throughcare and aftercare support. The experience of other local authorities shows that UASC tend to have different needs to young people who are looked after and so the type of placement they are likely to need will be different to that of other looked after children and young people. However, the Council response must be compliant with the Children (Scotland) Act 1995, the Adoption and Children (Scotland) Act 2007, the Children and Young People (Scotland) Act 2014 and associated regulations. Crucially, the Council's duties to provide both Continuing Care up to the age of 21 years and After Care up to the age of 26 years may mean that support will extend beyond the age of 18 years if the the Young Person is permitted by the Home Office to remain in the UK.
- 1.8 Consultation with community groups and organisations who may be in a position to support UASC has already begun and this will continue to ensure that any offers of support can be taken up in an appropriate way.
- 1.9 Care services in Perth and Kinross are under significant pressure to meet the demands from our existing population in resources such as Foster Care, Residential Care and Supported Lodgings. There is limited capacity within the Council's Housing Support Service for young people aged 16 to 24 years. However, experience across the UK has shown that this, together with supported lodgings, is often the best option to provide the support required to meet the needs of UASC.

The demand for social housing in Perth and Kinross is significant. However through strong partnership working with the Housing Service, young people have already been accommodated within a flatshare arrangement in the private sector which has worked extremely well.

- 1.10 Funding is made available by the Home Office for each UASC. The level of funding available covers the cost of a Young Person in a Housing Support service or within their own tenancy. This also includes a level of funding for daily living. The risk for funding is that this will cease when either the young person reaches the end of their asylum application and appeal process and is

therefore “appeals right exhausted,” or when they reach their 26th birthday and so the end of the care journey. Once the young people become “appeal rights exhausted,” funding from the Home Office will cease. Local Authorities will then be able to continue to support the young people as care experienced until their 26th birthday. There is no current mechanism for the local authority to continue to use public funds to support UASC post 26th birthday which is complicated further by the Home Office not returning them to their country of origin. This may mean that young people, once they reach 26, will continue to have no right to work and no recourse to public funds including social housing and may leave them extremely vulnerable to exploitation. This issue is currently being addressed by COSLA with the Home Office and Scottish Government.

Preparation for receiving UASC

- 1.11 Recent experience from the settlement of refugee families was that very little notice was given of their arrival and services had to respond quickly to establishing appropriate support. The nationality and needs of this population is unknown and some children and UASC will arrive with very little information known about them. A multi-agency working group has already been established locally including representatives from Education and Children’s Services, Housing, Health and the Third Sector which is building on the experience already gained through their involvement with the resettlement and integration of Syrian refugees. The provision of interpreting services, language support, access to appropriate education and training and access to comprehensive health assessment and treatment are all under consideration. Discussions have also begun with Dundee City Council and Angus Council to consider the potential for closer collaboration. A number of community groups have come forward to offer support to UASC who may transfer to Perth and Kinross. To date one group has provided items for young people moving into their own tenancy.
- 1.12 The experience of supporting the Young People to date has been a positive one for all. The Young People have settled well within our supported accommodation and community. They have used the support on offer and are very committed to staying in Perth and Kinross and doing well. The staff who have supported them have built their skills and knowledge which is being recognised nationally. However, experience has shown that as the young people settle the emotional impact of their previous experiences, together with the anxiety of the asylum application process, begins to take its toll. Therefore, intensive support is required especially from mental health services and emotional support. Work is ongoing to meet this demand across agencies and to develop a skilled and knowledgeable response. Perth and Kinross Council were asked by COSLA to present at a workshop organised by the Scottish Universities Insight Institute in recognition of how smaller Councils can use their resources effectively to meet the needs of UASC.

2. PROPOSALS

- 2.1 The extension of the duties of the Immigration Act and agreement of the National Transfer Protocol to include Scotland has brought into focus the need for Councils to consider their involvement and offer to the UASC population. The participation in the transfer scheme continues to be voluntary but may become mandatory if not successful.

Perth and Kinross Council to date has supported a small group of UASC successfully and recognises that knowledge and experience has been built.

Involvement with the National Transfer Scheme on a voluntary basis will allow Council officers to provide the support to UASC in a manageable way within existing resources.

- 2.2 The proposed plan going forward is for the above resources and experience to continue to be built on by gradually taking young people over the age of 16. This will allow for them to be housed initially within our supported accommodation service which is staffed on a 24/7 basis. Following assessment of their needs and capabilities a judgement will be made as to follow on accommodation, whether that be with a supported lodgings provider or within their own privately rented accommodation.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 It is recommended that Perth and Kinross Council:
- (i) Agrees to commit to participate in the National Transfer Scheme under the Immigration Act 2016 to support the resettlement of 20 UASC (initially aged 16 – 18) on a phased basis.
 - (ii) Agrees to committing existing staff resources and spaces within Education and Children's Services' housing support service.
 - (iii) Recognises the growing expertise within services already working with UASC; and
 - (iv) Acknowledges that there is currently no mechanism for Local Authorities to use public funds to support UASC beyond the age of 26.

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Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	yes
Corporate Plan	yes
Resource Implications	
Financial	yes
Workforce	yes
Asset Management (land, property, IST)	no
Assessments	
Equality Impact Assessment	yes
Strategic Environmental Assessment	no
Sustainability (community, economic, environmental)	no
Legal and Governance	yes
Risk	yes
Consultation	
Internal	yes
External	yes
Communication	
Communications Plan	yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

This report relates to Objective No (ii). Unaccompanied Asylum Seeking Children will require the support of Perth and Kinross Council to begin to rebuild their lives. It is essential that support is co-ordinated and meets their needs if this is to be successful.

Corporate Plan

- 1.2 The Perth and Kinross Community Plan 2013-2023 and Perth and Kinross Council Corporate Plan 2013/2018 set out five strategic objectives:
- (i) Giving every child the best start in life;

- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective No (ii). This proposal will support young people who are UASC to become responsible and informed citizens of Perth and Kinross.

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Inclusion and Equality – This policy is about promoting the rights of UASC who are assessed as being under the age of 18. The support offered to UASC will enable them to settle and apply for the right to remain.

2. Resource Implications

Financial

2.1 The costs for a placement within housing support accommodation and supported lodgings are covered within the monies claimed from the Home Office. This includes some of the staffing costs which are required. The costing below shows the actual cost per Young Person accommodated within housing support accommodation.

The costs per UASC are as follows:

Weekly cost to stay = £214.06

Weekly living allowance = £57.90

Total cost for 1 UASC = £271.96 per week

Workforce

2.2 There are no workforce issue other than the capacity to meet the needs of these Young People.

Asset Management (land, property, IT)

2.3 N/A

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans

and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report (Appendix 2) can be viewed clicking [here](#).

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

Assessed as relevant and actions taken to reduce or remove the following negative impacts:

- A communications plan to be completed following approval at Committee to mitigate against any negative publicity;
- Housing options to be sought within private rented sector and therefore mitigate against use of Social Housing; and
- Education and support for UASC to integrate into their local community.

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 Not applicable

Legal and Governance

- 3.4 The legal framework relating to looked after children, together with the Council's powers to advance wellbeing, provide a legal basis for supporting UASC who may be transferred to Perth and Kinross under the Scheme, should the Council choose to participate in it.

Risk

- 3.5 There is a risk in terms of negative publicity and the use of public funds to support this group of young people.

4. Consultation

Internal

- 4.1 The following have been consulted in the preparation of this report - Legal Services, ECS finance, Housing, Services for Children, Young People and Families management team and Education colleagues.

External

- 4.2 COSLA, NHS Tayside and Perth College UHI.

5. Communication

- 5.1 A communication plan will need to be considered but this requires careful thought in terms of negative publicity.

6. BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

7. APPENDICES

Appendix 1 - National Transfer Scheme Protocol for UASC – Scottish Protocol
Appendix 2 – UASC Toolkit