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Update report on Unaccompanied Asylum-Seeking Children – Specialist Migration Team/Children in Care Service

1. Purpose

- 1.1 This report is to provide the Corporate Parenting Committee with an update with regards to Unaccompanied Asylum-Seeking Children (UASC) outcomes and to update the committee with regards to the progress of the Specialist Migration Team.
- 1.2 The report will include an update with regards to recent developments in Government policy which may affect the Local Authorities future planning, support and care of Unaccompanied Asylum-Seeking Children.

2.Recommendation(s)

- 2.1 To ensure senior managers and Corporate Parenting Board members are aware of ongoing performance of the Specialist Migration Team with regards to UASC outcomes and to note the developments in Government policy towards UASC.

3. Reason(s)

- 3.1 To ensure senior managers and all Corporate Parenting Board members have a clear line of sight into the performance of the Specialist Migration Team with regards to UASC.

4. Supporting Information

- 4.1 The Specialist Migration Service received 48 referrals for accommodation/age dispute between 1.4.22 to 31.3.23, which is consistent with 2021-22 with 45 referrals for accommodation/age dispute. 12 people referred were deemed to be adults, or the responsibility of another Local Authority or withdrawn by the Home Office as missing or inappropriate transfer.

Between 1.4.22 to 31.3.23 we accommodated 37 young people as Looked After Children. During quarter one (1.4.23 to 28.6.23) we accommodated a further 7 young people. This remains consistent with 2021-22 where 33 young people became accommodated by the Local Authority.

Since January 2022 Derby has been part of the Mandated National Transfer Scheme (NTS) under Section 72(5) of the Immigration Act 2016. As of 28.6.23

Derby has received 25 Looked After Children transfers via this scheme making it the predominant method by which UASC enter our care.

There is a high turnover of children through our services and into leaving care services due to most entries into care for UASC being 16/17 years of age. 27 UASC left care between 1.4.22 to 31.3.23.

As of 28.6.23 we have 38 UASC in our care (37 males and 1 female).

Common nationalities/ ethnicities are Afghan, Albanian, Sudanese, Iraqi, Iranian and Vietnamese.

Ages of those accommodated range from 12 to 17 years with the predominant age being 17 at time of accommodation. We have one 12-year-old in our care and two 15 years olds.

Predominant religions for the UASC population in Derby are Muslim or Christian.

Two UASC 16/17 are placed within the Derby City boundary and sixteen are placed in nearby local authorities predominantly Nottingham, Leicester and Birmingham. The three UASC under 16 are placed outside of Derby. In most cases children are only placed outside of Derby Local Authority boundary due to placement capacity of foster carers within the Derby City area. The YMCA Derby no longer accepting under 18 (into their supported accommodation) will also impact moving forward.

There is unpredictability of referrals which requires significant resource response in terms of social worker time to ensure children are appropriately safeguarded.

There will often be a requirement to accommodate as a looked after child on the day with very little information to base placement decisions on. This causes difficulty in understanding and managing any risk that may be present for those young people/others they are placed (including potentially) with.

The age assessment process is complex and requires specialised social work with a good understanding of legalities of decisions made and impact they can have on the young person and local authority. The case law and policy around UASC is ever shifting and requires consistent and regular updating of the knowledge base.

Legal challenge of brief enquiries of age and Merton compliant age assessments is often lengthy and takes a considerable social work time. However, the Local Authority have not lost any legal challenge (Judicial or letter before action) since the formation of the Specialist Migration Team in February 2020.

There appears to have been a recent increase across the UK of the arrival of Albanian children and young people through illegal entry and trafficking routes. The Home Office have stated they possess intelligence to suggest this may be due to Albanian crime gangs trying to wrestle control of the illegal cannabis growing business from Vietnamese crime gangs. There appears to be an increased risk of Vietnamese and Albanian children going missing from care nationally.

5 Team Development and Network Building

- 5.1 Despite the challenges faced we continue to have a strong and dedicated team of Social Workers in the Specialist Migration team committed to providing a response and developing the Local Authority offer to UASC. The social workers are experienced and increasingly developing specialism in their area of work.

Quarterly UASC update meetings have been set up with SMT Manager, Designated LAC nurse and Head of Virtual School to ensure we are mapping strengths and needs and pushing resources in the right places. SMT manger also attends monthly regional Migration Partnership meetings and filters down to SMT social workers key developments in policy and emerging trends across the regional and national UASC landscape.

SMT Manager and social workers continue to utilise specialist country information training from the International Organization for Migration. This helps support specific home country knowledge of our UASC and allows us to better understand their culture, heritage and societal norms. This is key to building relationships quickly and a key component of our safeguarding work.

A key part of work for young people is building their social networks of support and social workers alongside placement providers provide a vital role in integrating young people into the community. We work with the Refugee Council, the British Red Cross, Upbeat Communities, Derby Refugee Advice Centre (DRAC) and Derbyshire Refugee Solidarity. Over the last year SMT have been attending their team meeting and providing advice and guidance on what our young people need and how non statutory services can best meet this need.

SMT have been in contact with the Princes Trust with regards to developing a specific UASC programme moving forward as it was identified that current programmes do not fit their needs. We are looking to arrange a meeting with the Princes Trust to progress this.

Historically The SMT team have not fully utilised access to No Recourse to Public Funds (NRPF) Connect. This a useful tool whereby Local Authorities can liaise with the Home Office directly regarding information they may hold. Upon any referral for services to the Local Authority we check the persons details by sending an email to the Home Office with a request for information. NRPF Connect is a streamlined version of this.

The SMT Manager has been liaising with the Asylum & Refugee Resettlement Officer over May and June 2023 to gain updated access and training for SMT social workers, SMT Manager, Accountancy Officer and Case Support Officer.

Safeguarding

- 5.2 On arrival into our care all UASC are provided direct work around contextual safeguarding/placed based risk, building their resilience and safety within the community. Social Workers ensure they are given advice on where the local police station is and how to keep safe in the community and online. Checklists are completed for each UASC systematically to ensure all key areas are covered. The Specialist Migration Team members have good links with the Independent Child Trafficking Service for more specialist trafficking work and safety plans and have all attended NRM training.

The Local Authority has an agreed procedure and process map for undertaking Operation Innerste which is a multi-agency response to better safeguard UASC and particularly those who are spontaneous arrivals at police stations. The operation allows Police to take fingerprints and photographs as reference points if the child later goes missing or is trafficked without recording a crime or treating them as perpetrators of crime. Obtaining fingerprints is often the only way we come into contact again with those who have been long-term missing from our care. This has been successful over the last 12 months with fingerprints and data matching helping to identify and recover to our care two long-term missing young people.

Previous Operation Innerste missing leads for the Police have left their roles and we are liaising with Derbyshire Police colleagues regarding identifying new leads. Social workers in the SMT are very familiar with this process as they encounter it frequently, but it is often custody Police officers who first encounter the young person and for them it is infrequent but is underpinned by the protocol.

Physical and Emotional Health

- 5.3 Often UASC have experienced displacement, trafficking and harm caused during their journeys to the UK (physical, emotional and sexual harm). Some of our young people have reported being tortured and this often relates to experiences of those who have passed through Libya. A particular concern of ours is the lack of specialist therapy support in relation to this specific type of trauma and how we can best support our young people.

An SMT Social Worker has met with our commissioned therapeutic Action for Children Service to explore development of a bespoke workstream for UASC given their specific trauma. A further meeting with Action for Children, Talking Mental Health Derbyshire, CAMHS, Derbyshire Social Care and Derby Designated Nurse for CLA is being arranged for July 2023 to progress this work further.

Health have now recruited a trauma navigator role positioned within 0-19 services, full time and are awaiting a start date. We are hoping this will help us and our UASC better navigate through the system of gaining health service

support. The person appointed has lived experience of working with UASC and navigating systems on their behalf.

Health systems can be a challenge for UASC in order for them to be effective. We see a lack of interpretation services, messages for appointments sent direct to UASC phones in English (which they cannot read). We have also experienced incidents of children attending hospital settings and the Local Authority not being informed as the alert system for them as Looked After Children has not been activated. Registering with universal services can be difficult particularly with dentists, even with the support of the Designated Nurse for Looked After Children who has been supporting the development of a dental pathways between dental practices, the Local Authority and health across the region, which is being led by the NHS Regional Clinical Leadership Fellow. A meeting scheduled (11.7.23) to look at a proposed pathway and will be attended by the SMT manager.

Social Workers from the SMT have rolled out the “yellow book for UASC” which is a replacement for the red book UK born children acquire at birth. This will travel with UASC and record all contact with health services allowing us to map where they have received health intervention and gaps in provision. This may be rolled out across the Midlands and NHS England have been approached to develop a more professional printing of these documents.

We still experience the challenge of outstanding Immunisations. For those in care for three months or more we have nine with immunisation outstanding, four with Blood Born Virus outstanding and three with TB immunisation outstanding.

UASC can be fearful as immunisation is not a familiar process to many of them. SMT Social Workers complete joint visits with LAC nurses to de-myth and ensure UASC have informed understanding of the importance before they decide on attendance. Sometimes there can also be gaps in gaining appointments, cancelations with GP's and UASC do not always attend when appointments are arranged.

Education

- 5.4 Of the 38 UASC 15 are currently NEET. This is largely due to the time of their arrival in our care and the availability of in year school and college placements. 9 of these children are likely to start college in September 2023 and are receiving language support from Upbeat Communities as an interim arrangement. 2 are awaiting school placements and out for consultation with the Local Authorities in which they reside, and we are hopeful for a September 2023 start.

4 young people have just arrived into our care and we are working with education services to build a plan for their education. We have good contacts at the college in Derby which helps identify any potential placements quickly. Whilst young people are awaiting college, we encourage them to attend language lessons with Upbeat Communities as an interim arrangement until more formal education is in place.

Transition

- 5.5 We have embedded pathways and transitions meeting where the SMT manager meets with Leaving Care Managers and the Deputy Head of the Children in Care Service every 6 weeks. This meeting maps all 16 and 17 years old UASC and ensures plans are in place for effective transition into Leaving Care services. Actions from this meeting are passed to Social Workers and Leaving Care Personal Advisors to progress.

Furthermore, we now have a lead UASC Personal Advisor who provides a focal point alongside Leaving Care managers for disseminating best practice post 18.

Leaving Care Managers and SMT Manager have also started conversations about developing a mentoring/buddy scheme linking Asylum claim experienced care leavers with current UASC, but this is in its very early stages of exploration. SMT Manager and Leaving Care managers have booked a meeting for 20.7.23.

Accommodation

- 5.6 There are challenges regarding the sufficiency of foster carers in Derby who can meet UASC needs. These young people being placed outside of Derby city will also not benefit from a closer network of support from their home Local Authority. There is a regional fostering project being explored and our UASC and project officers are linked to the Deputy Head of Service for Fostering on this matter. Fostering recruitment are also working to increase the number of internal foster carers interested in supporting UASC. UASC foster carers are always included as a specific area of need in information events run by fostering service and we are developing cases studies to provide to our marketing team on this.

The YMCA who offer a lot of emergency accommodation to our UASC children particularly those who are spontaneous arrivals are not applying to become Ofsted registered (in line with new regulatory requirements) and therefore will no longer be able to offer placements to 16- and 17-year-olds, which means more children may need to be placed outside of Derby City.

The Placements team are working with providers within our current framework to ensure sufficient provision to meet expected demand. We have good relationships with providers (such as Riverside and Anew) who we work to identify appropriate provision with. Contract management meetings with providers are held every month to discuss demand and encourage providers that there is a gap in the market they could meet if they had more properties.

We have nine beds in our Local Authority UASC property with one current vacancy. SMT, Leaving Care and Placements team meet to plan moves into this property and obtain maximum occupancy. This is used for care leavers

over 18 and who are no recourse to public funds. This allows control of accommodation costs and gives the Local Authority better value over private/third sector accommodation.

Asylum Claims and Home Office Financing

- 5.7 There can be delays in children receiving Home Office decisions regarding asylum claims, meaning many UASC reach age 18 without a decision having been made, resulting in uncertainty, and a budget pressure for the Local Authority. Without leave to remain decisions, these UASC care leavers become No Recourse to Public Funds resulting in the Local Authority paying for accommodation and support until asylum is granted. This is compounded by a national shortage of legal advisors available to support UASC with Asylum claims.

SMT workers meet with solicitors for UASC regularly to map and track progress of asylum claim and ensure we are block booking appointments, so any delays are minimised. We have a good relationship with Burton and Burton Solicitors who complete the majority of our UASC claims.

The Home Office's Children's Streamlined Asylum Process is now in place with Preliminary Information Meetings (PIMs) happening for UASC and UASC care leavers taking place. These meetings are aimed to be shorter virtual meetings to prevent the need for a longer substantive interview where possible.

There appear to be specific countries where there is an accepted risk by the Home Office (Afghanistan, Syria, Eritrea and Sudan). These asylum claims appear to be being processed swiftly to try and clear the back log. They are not official interviews and so the interview transcript may not be shared with the young person or legal representative afterwards.

The outcome of the PIMs may be a yes/ no decision, or the outcome might be to ask a young person to attend a full Home Office asylum interview. We have been advised by our regional solicitor that the young person's legal representative must be present (even if the Home Office say otherwise). We are requesting the Home Office provide sufficient notice so the young person can have a pre-appointment meeting with their legal representative and prepare themselves for the interview. Feedback from Social Workers currently is that some of the PIMs still feel overly long and as long as a substantive interview.

The Home Office is experiencing a significant backlog in issuing biometric cards. They have advised agencies against sending e-mail and making phone calls to chase up cards as this is contributing to the backlog they are trying to work through.

SMT Manager and Leaving Care Managers are meeting with the Team Leader, Asylum & Human Rights Operations, Solihull on 14.7.23 to look at prioritisation of asylum claims and ARC card issuing.

SMT Manager meets with Accountancy quarterly to ensure we are claiming the maximum amount of funds from the Home Office that we are eligible for.

There can be challenges obtaining bank accounts for UASC resulting in us

utilising Quick Credit Voucher (QCV)s and pre-paid cards. Whilst Pre-paid cards are an improvement on relying on QCV, there are still challenges with both regarding delivering routine payments to young people.

We continue working to locate banks that will allow us to open accounts pre receiving an ARC card. Barnardo have advised they are able to open bank accounts for trafficked children without any form of ID. We will be working with Barnardo's to explore if the eligibility for this can be extended.

Diversity and Heritage

- 5.8 All our UASC are provided with our Diversity and Heritage Pledge. UASC are provide with Holy books and prayer mats when requested and made aware of local places they can attend for prayer. Culture and Heritage needs are explored within all assessments of young people and tailored needs are met.

Interpreting services for can be limited and challenging to source especially when face to face and there is short notice. There have been times when we have received an email from the interpreting service thirty minutes prior to a meeting to state they are unable to provide an interpreter.

SMT are in contact with Commissioning Services contract Manager for interpreting service, who collates feedback quarterly and presents to providers to look at solutions. Providers are aware of the impact not being able to fulfil a booking has on ongoing work and are willing to take on board feedback to improve services.

Feedback from UASC

- 5.9 Once a relationship is built up with Social Workers, the feedback from UASC suggests that bonds are strong and effective. UASC view Social Workers as valuable sources of support who they can rely on. UASC talk about how Social Workers put support networks around them and stand by them since arriving in the country. UASC report being thankful for Social Workers going the extra mile and providing experiences they have not previously thought possible. We have very talented sports people and musicians amongst our UASC, and they have been supported to attend cricket clubs and piano lessons. Through the dedicated work of SMT Social Workers UASC have been able to have day trips at significantly reduced cost to places such as London and stadium tours of Manchester Utd Football club.

6 Developments in Government policy and regional approaches to UASC

Age Assessment Board

- 6.1 National support for Local Authorities via the National Age Assessment Board

NAAB) has not materialised, as demand outweighs capacity. The NAAB went live on 31.3.23 and is operating on a minimum viable service, supporting two Local Authorities. The NAAB have struggled to recruit to posts. The NAAB are planning on moving towards increasing capacity and taking referrals from other Local Authorities, but this is not estimated to be until the late 2024.

Regional Approach to UASC

- 6.2 In late 2022 government reached out to Regional Migration Partnerships and invited them to explore new and innovative ideas that could meet the needs of UASC. This resulted in a regional UASC Reimagining Workshop whereby regional Local Authorities generated ideas regarding what a more integrated regional approach to UASC would look like. Derby SMT provided feedback to the meeting. The ideas from this were presented to regional Directors of Childrens Services who decided they would like to further explore three strands of work.

The three strands identified are A) Regional foster care approaches. B) Regional age assessment approaches and C) Regional strategic needs analysis approaches. Strands A and B are largely exploratory with the project team speaking to key stakeholders with a view to exploring different possible models of practice before developing a business case for each. Strand C is more developed in that business case and funding are largely in place. A data scientist is currently interning at the Regional Partnership and working with the project manager on potential data models and process mapping. There is also a funded role for a Senior Business Analyst within the Regional Partnership which they are recruiting to.

The Project Officer will be liaising with the Deputy Head of Service Fostering and Permanence Service regarding Strand A and SMT manager regarding strands B and C.

Illegal Migration Bill

- 6.3 The purpose of the Illegal Migration Bill is to 'prevent and deter unlawful migration, and in particular migration by unsafe and illegal routes, by requiring the removal from the UK of certain persons who enter or arrive in the UK in breach of immigration control'.

The Illegal Migration Bill imposes a duty on the Home Secretary to make arrangements for the removal of a person from the UK if they meet four conditions.

- 1 They entered the UK in breach of immigration laws.
- 2 They entered the UK on or after 7th March 2023 (the Bill has retrospective effect)
- 3 They travelled through a safe third country enroute to the UK
- 4 They require leave to enter or remain but do not have it

People who meet these conditions and their family members, including children, must be removed as soon as reasonably practicable unless the Home

Secretary considers there are exceptional circumstances preventing their removal.

The Home Secretary is not required to remove unaccompanied children but has the power to make arrangements for their removal as soon as they turn 18.

If someone meets the conditions for removal, the Secretary of State has a duty to refuse to process any asylum claim they make, along with any claim that removal to their country of origin would breach their human rights.

People will either be removed to their home country or a safe third country where their claim for asylum will be processed.

The Bill confers the power to detain people pending their removal and while it is determined whether they should be subject to the removal duty. The detention power applies to families with children and to unaccompanied children.

The Bill will disqualify potential victims of slavery or human trafficking from protection from removal, modern slavery support, and any requirement to be granted leave. There would be exceptions for people cooperating with an investigation or criminal proceedings.

Finally, the Bill provides for a permanent bar on those who fall within the scheme from ever re-entering the UK or being given leave to remain or citizenship, with limited exceptions on human rights grounds or in compelling circumstances. The citizenship ban extends to their UK-born children.

The Illegal migration bill is currently at the committee stage in the Lords where it has come under heavy criticism with several suggested significant amendments. The proposed changes are now expected to be put to a vote, when the bill continues its passage through the upper house. The bill is expected to be in force this year.

Age Assessments

- 6.4 Two new clauses relate to decision-making about a person's age when they claim to be under 18. One would give the Home Secretary the power to make regulations such that a person whose age is disputed may be treated as an adult rather than a child if they refuse to undergo a scientific age assessment.

The other would exclude those wishing to challenge an age assessment from any appeal, meaning judicial proceedings could not be brought to prevent their removal from the UK and a decision about their age could only subsequently be quashed by a Court if it could be shown to be 'wrong in law' rather than wrong as a matter of fact.

Clause 56 sets out that if a child does not consent to scientific methods being used, they will be treated as an adult. If an unaccompanied child is a looked after child, it is the Local Authority's responsibility to ensure the child has

capacity to consent and ensure the decision is made free from duress given the implications of not consenting.

Children's Act duties

- 6.5 The Bill (if passed) as currently drafted, will significantly undermine efforts to safeguard children who have arrived in the UK, including those who have been trafficked or exploited.

The Bill does not make any changes to Local Authority duties under the Children Act or the Home Office's own safeguarding duties under the Borders, Citizenship and Immigration Act 2009. It will however, in practice make it far harder to ensure those children are appropriately cared for and safeguarded.

The Bill will affect children arriving 'irregularly' in the UK, whether alone or with their families. The majority will be denied the opportunity to make any claim for asylum.

Whilst the Bill states that unaccompanied children will not be removed, there will be a power to remove them.

The Bill gives the Home Office the power to accommodate unaccompanied children, in direct contradiction to the Children Act 1989, which makes clear that these children should be in the care of local authorities. Local Authorities will continue to have a statutory duty to all children residing in their geographical area.

Clause 15 of the Bill gives the Home Office the legal power to accommodate children and Clause 16 the power to direct a Looked after Child to be returned to Home Office accommodation.

7. Public/stakeholder engagement

- 7.1 There is regular consultation with UASC in relation to their support with Social Workers to inform their plans on an on-going basis .

8. Other options

- 8.1 The SMT was devised to ensure a bespoke service was developed to ensure expertise in relation to immigration issues to ensure the best quality service to UASC. This has had many benefits as seen in this report and the alternative option would be to deliver UASC services throughout the Children in Care Service which would dilute the quality of delivery significantly.

9. Financial and value for money issues

9.1 No additional resource required/other financial issues to note.

10. Legal implications

10.1 There are legal implications that would be brought about by the illegal migration bill if this passes into legislation in its current format. This would be particularly pertinent for USAC who reach age 18 and could be removed if they meet the criteria for removal.

11. Other implications

11.1 There are no other implications

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal & Insurance Services	17.07.2023
Finance	Janice Hadfield, Head of Finance	
Service Director(s)	Andy Smith, Strategic Director, Peoples Services	
Report sponsor	Suanne Lim, Director of Early Help & Children's Safeguarding	
Other(s)		

Background papers:
List of appendices: