

Report sponsor: Suanne Lim
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Service for Children in Care and Care Leavers.

Unaccompanied Migrant and Asylum Seeking Children looked after by Derby City Council

Purpose.

- 1.1 To provide the Corporate Parenting Committee with an overview of the services received by Unaccompanied Migrant and Asylum Seeking Children.
- 1.2 To provide the Corporate Parenting Committee with an update with regard to the progress of our corporate parenting duties to this cohort of young people

Recommendations.

- 2.1 To note the content of the report and the progress made.

Reason.

- 3.1 To ensure members of the Corporate Parenting Committee are aware of and understand this specialist area of the service.
- 3.2 To enable appropriate scrutiny and commentary on our responsibilities as corporate parents.

Supporting information.

4.1 Children's Summary.

Unaccompanied Migrant Children and Asylum Seekers are young people and children from other countries in the world that are here in this country with no one to look after them. Because of this the law says that wherever in the country these children are, the local council has to look after them and make sure they are ok and cared for. In the UK a child is anyone under 18 years old.

Sometimes older young people claim to be children so that they will be looked after and Social Workers will investigate this to see if they are telling the truth as we want to make sure that if they are children that we look after them. Last

year the government opened a big home in Derby and we are finding that they are putting a lot of young people there who are saying they are children. This is new to us and we have to learn a lot about these children and young people.

Young people who have come to this country cannot always speak and English and they do not always know much about what it is like to live here, so we have to help them and give them advice.

4.2 **Demand and resource implications.**

Historically, Derby City Council's population of unaccompanied children has been low, with numbers sporadically arriving in Derby and identifying themselves to the authorities as children.

However since 2018 and the opening of Laverstoke Court which is a Home Office Initial Accommodation Centre, we have experienced around a 900% increase in Young People requesting services of Derby City Council claiming to be children. These young people have at some point been processed by the Home Office as adults despite them presenting themselves as children.

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.

Children seeking asylum (UASC) who have no responsible adult to care for them are separated or 'unaccompanied', and are therefore 'in need'. The relevant local authority children's social services department has a gateway duty to assess such children under section 17, and then, almost always, to accommodate them under section 20 of the Children Act 1989.

As of the 1st March 2019, Derby City Council is supporting 33 UMC/UASC under 18 and 18 Former UMC/UASC who are now Care Leavers. This number has increased month on month.

UMC/UASC Cohort as of March 1st 2019.

Age	Number	%
Under 16	5	10
18	28	55
Over 18	18	35
	51	

Sex	Number	%
Male	44	86
Female	7	14

4.3 Referral Context.

Once a referral is received, the Children in Care Service (who have led on this from October 2018) will gather relevant information and arrange to visit the young person to conduct an initial age determination. Timescales for these visits are determined by need.

There are 3 possible outcomes to this visit.

1. Social Workers consider the Young Person is a child and requires support, accommodation and assistance as a child.
2. Social Workers consider that there is insufficient information to determine the Young Person is clearly and obviously an adult and therefore due to the presence of doubt, the young person is provided with support, accommodation and assistance as a child subject to the outcome of a Merton Compliant Age Assessment
3. The Young Person is clearly and obviously an adult and therefore Derby City Children's Services have no duty to that person.

Where the outcome of a Merton Compliant Age Assessment is that a Social Worker has assessed the Young Person to be an adult, or as a result of Point 3 (being the initial determination); there is a significantly high percentage of the Local Authority being challenged by judicial review. To date we have not been successful in defending our position and have had to accommodate and support all young people either pre Judicial Review or as Ordered by the Courts.

Derby City Council takes a pragmatic position in respect to UMC/UASC presenting in the city and where there is doubt, Young People are accommodated and age assessed appropriately.

4.4 Accommodation and Support.

Accommodation.

Once the decision to accept a young person's age or to commence an age assessment has been made, we are duty bound to consider them as Looked After Children under S20 of the Children Act 1989. As such they are then entitled to all the provisions that we provide to our Looked After population.

Young people presenting as being under 16 are ordinarily placed in Foster Care, due to perceived vulnerabilities.

For our cohort of Young People who have claimed they are 16/17, they are primarily placed in semi-independent accommodation with at least 10 hours individual support commissioned each week.

The increase in numbers of young people was not expected at the outset of Laverstoke Court and as such demand of Semi Independent placements in the city has increased significantly. It is also of note that until the Young Person's asylum claim is dealt with and concluded, Derby City Council remains responsible for all accommodation and support costs pre and post 18.

Support for our UMC/UASC.

As stated our UMC/UASC will receive the same support any other Looked After Child receives. This includes access to the full Leaving Care Offer post 18.

Additional support provided to UMC/UASC:

- Support to access education, including English classes in the City
- Support to access health services – emotional and physical.
- Support to develop and promote their identity.
- Social and self-care skills.
- Access to places of worship.
- Financial Support.
- Asylum and Immigration support.
- Advocacy and migrant support.
- Linking into community groups.

Challenges faced by UMC/UASC.

There are a number of factors that can place UMC/UASC at increased vulnerability, a non-exhaustive list can be seen below:

- Abuse and trauma.
- Language/dialect barriers.
- Social isolation.
- Separation from family.
- City orientation/independence skills
- Cultural support
- Identification and identity
- Adapting to new cultures
- Accessing resources outside of known areas.
- Trafficking and exploitation
- Expectations of care.

4.5 Analysis

A high proportion of UMC/UASC presenting in Derby are males claiming to be 17 and 18 years old. Given the margin of error in Age Assessments processes, it can be very difficult to determine age and for Social Workers acting as assessors be certain that claimants are over 18. The Law recognises this and the benefit of doubt is given in a large number of cases.

As such our children in care and care leaver population is expected to continue to rise. This is due to a number of factors, including ineffective age determination processes undertaken by the Home Office, the continued presence of Laverstoke Court and resource implications in responding to UMC/UASC from the Local Authority's perspective.

Overall the support we offer to our UMC/UASC is evolving and we are learning to respond to significantly increased demand in this area. The skills Social Workers and Managers in Derby have developed in this area has been exponential. There is much to develop in this very specialist and nuanced area. The Children in Care and Leaving Care Service continues to work on developing the skills and knowledge required to ensure our UMC/UASC population have their needs fully met consistently.

Demand and capacity continues to be significant in Derby City and this is affecting the speed of service development.

Working closely with our partners, basic needs are met in a responsive and proportionate way with our UMC/UASC, having swift access to education, health and social care. More work is needed in respect to building social and community networks for our UMC/UASC population.

Other options

- 5.1 None arising from this report

Financial and value for money issues

- 6.1 Resourcing implications for the increase in UMC/UASC is significant. Home Office Funding is not in line with actual costs of providing services for this group of Young People.

Legal implications

- 7.1 Derby City Council Children's Services has a duty to provide services to Children up to the age of 18 in its area and to Young People who have left our care. This statutory obligation is set out in a range of primary legislation.

Other significant implications

8.1 None arising from this report.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Suanne Lim	7 April 2019
Other(s)	Andrew Kaiser, Head of Specialist Services	3 April 2019