



## Corporate Parenting Committee

24 April 2023

### Report from the Corporate Director of Children and Young People

## Overview of Unaccompanied Asylum Seeking Children (UASC) Support Situation

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	N/A
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	<p>Afzal Ahmed Service Manager, Looked After Children and Permanency <a href="mailto:Afzal.Ahmed@brent.gov.uk">Afzal.Ahmed@brent.gov.uk</a></p> <p>Kelli Eboji Head of Service for Looked After Children and Permanency <a href="mailto:Kelli.Eboji@brent.gov.uk">Kelli.Eboji@brent.gov.uk</a></p> <p>Palvinder Kudhail Director, Integration and Improved Outcomes <a href="mailto:Palvinder.Kudhail@brent.gov.uk">Palvinder.Kudhail@brent.gov.uk</a></p>

### 1. Purpose of Report

- 1.1 To inform Members of the Council's legal responsibilities towards Unaccompanied Asylum-Seeking Children (UASC) under the Children Act 1989.
- 1.2 To inform Members of the UK Government scheme operated by the Home Office called the National Transfer Scheme that is intended to address the significant pressure faced by authorities, such as Kent, who have become

legally responsible for the very high numbers of spontaneous arrivals of UASCs under the relevant children's legislation.

- 1.3 To provide Members with an overview of the number and profile of UASC in Brent, their presenting issues and the range of services provided to them.

## **2. Recommendations**

- 2.1 Note the continued needs of UASCs presenting to Brent and to note and comment upon the range of services provided for them.

## **3. Background**

- 3.1 An Unaccompanied Asylum-Seeking Child (UASC) is defined by the Home Office as 'a person who at the time of making the asylum application is, or (if there is no proof) appears to be, under 18 and is applying in his or her own right and has no relative or guardian in this country'.
- 3.2 The 2003 Hillingdon Judgment and DfES Circular LAC (13) 2003 means that all UASC are routinely provided with a service under S20 of the Children Act 1989, as 'looked after' children. This means they become entitled to a leaving care service until at least age 21 from a council's children's services department, rather than being dispersed to other parts of the country under national adult asylum-seeker arrangements. If they are in full-time higher education or have additional needs, they are entitled to support up to age 25. Support to those over 18 consists mainly of advice and guidance on education and employment although it may include subsistence payments of housing costs if the young adult is in full-time education or has no recourse to public funds.
- 3.3 Local authorities across the country have the task of receiving these children, identifying who they are and their specific needs, and ensuring that appropriate support is offered to keep them safe. Local authorities support young people with their legal and immigration status, helping them to settle into their new circumstances, achieve in education or training and to reach their full potential as is the case with other Brent resident children who are in care.

## **4. Legal basis for support**

- 4.1 All UASC referred to Brent are provided with accommodation by the UASC Team after undertaking an initial assessment (which considers necessary safeguarding issues such as child protection and trafficking concerns) within the provisions of the Children Act 1989, this includes young people under the age of 16 and up to 18 years of age. At 18 all young people become eligible for a leaving care services as former relevant young people as defined by the Children (Leaving Care) Act 2000.
- 4.2 If there are concerns about a young person's age, an age assessment is carried out in parallel to an initial assessment and consideration given to whether the stated age is likely to be accurate. If the young person is deemed to be under the age of 18 they are accommodated under section 20 of the Children Act 1989.

4.3 All UASC once they turn 18 are defined as former relevant young people and therefore eligible for services under the Children (Leaving Care) Act 2000 as long as they have a valid asylum application pending, these include duties to provide assistance with accommodation, finance, educational provision and an allocated personal advisor. This duty remains as care experienced adults until they turn 25.

4.4 The usual outcomes of an asylum application (determined after the young person reaches the age of 18) are:

Positive Decisions

- Refugee Status
- Humanitarian Protection
- Other leave to remain

Negative Decisions

- Refusal
- Possible Appeal

4.5 If the person is issued with a removal notice or has their asylum application refused and therefore has no recourse to public funds, a Human Rights Assessment is completed, and advice and support is provided until the person is removed from the UK by the Border Agency.

## 5. UASC arrivals

5.1 The number of unaccompanied asylum-seeking children in care has grown by 34% over the past year, driving the latest increase in the care population. Department for Education's (DfE) statistics [on looked-after children in England, released earlier this month](#), showed the number of unaccompanied children in care grew by 1,430 in the year to March 2022, surpassing the overall increase of 1,390 in the care population. The latter rose for the 14<sup>th</sup> consecutive year, by 2%, to 82,170. The number of asylum-seeking children in care, 5,570, was the highest ever recorded, 10% above the 2020 level, following a fall in 2020-21 that appears related to the pandemic.

5.2 London Boroughs continue to have the highest proportion of UASC in the UK and the number of UASC receiving support and assistance from local authorities across the capital has increased. London boroughs are making a huge contribution in taking care of UASC. London continues to have the highest proportion of UASC in the UK by a considerable margin; the number of UASC across London has increased to 1606 as at 31 December 2022 (based on most recent submissions by local authorities to the London Asylum Seekers Consortium, LASC).

Unaccompanied Asylum Children become known to Brent through:

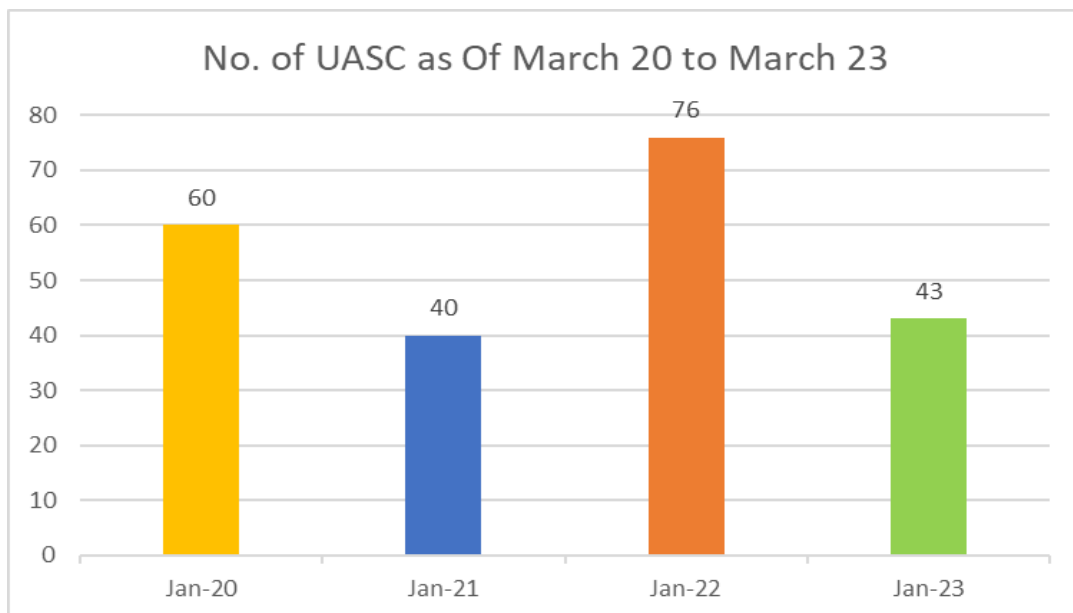
- Presenting directly at a local police station or at council offices
- Being a previously dispersed Asylum Seeker living in Home Office procured Brent hotel accommodation
- The pan-London rota, an agreement between London local authorities to fairly manage the distribution of UASC who presently direct to local authorities for support

- National Transfer Scheme (NTS) managed by the Home Office.
- 5.3 Kent is a 'gateway authority' having ports of entry such as Dover, where following checks, children claiming asylum are placed and assessed. The local authority in which the child first presents is normally responsible for their care. This caused significant pressure in 2021 and 2022 to councils such as Kent and Hillingdon which both have ports of entry, and Croydon where the Asylum Intake Unit is located.
- 5.4 In response to Kent's actions, the Home Office established "The Kent Intake Unit" (KIU) which undertook short form age assessments of young people by Home Office appointed social workers, where the Home Office wanted to assess whether putative unaccompanied asylum-seeking children were either children or adults.
- 5.5 In January 2022 the short form age assessments completed by the KIU were found by the High Court to be unlawful. Subsequently the Home Office established a new age assessment unit to deal with newly arrived applicants.
- 5.6 Since August 2021 59 people placed in hotel accommodation in Brent have presented to the service as putative unaccompanied asylum-seeking children, stating that the Home Office's assessment by the KIU was incorrect, that they were children and not aged over 25, and some have been provided by the council with accommodation under section 20 of the Children Act 1989. Some, following an assessment, were deemed as adults and remained in the hotels. Due to the vulnerability of this group to exploitation and/or re-trafficking the majority have been placed in 24 hour staffed semi-independent accommodation but some in foster placements, where they are well supported and appropriate monitoring in place to promote effective safeguarding.
- 5.7 A significant number of people subject to age assessments were determined to be adults (19). They were advised to return to Home Office accommodation via NASS (National Asylum Seekers Service) for accommodation and support.
- 6. Pan London Rota Referral through London Asylum Seekers Consortium (LASC)**
- 6.1 The Pan London Rota, coordinated by LASC, is an agreement by London Directors of Children's Services to support equal distribution of unaccompanied asylum-seeking children (16/17 years old only) in London. Almost all London Councils have agreed to this and coordinate duties to unaccompanied asylum-seeking children through a Pan London Protocol to ensure an equitable distribution across London. Each council accepts children who arrive at the UK Border Agency in Croydon through a rota referral system. This Pan London protocol works well as a regional model within the broader National Transfer System (NTS).
- 6.2 Eligibility for participation in the Pan London Rota is dependent on the proportion of unaccompanied asylum-seeking children in relation to the child population in a particular area. The 'ceiling' on the proportion of the local authority area's child population who are unaccompanied is 0.07%. As at August 2022, the council's current figure is 0.10%. As we are currently below

that threshold, we are receiving referrals from the Pan London Rota as well as any walk-ins or referrals from the police or community groups.

## 7. Local profile of UASC in Brent

- 7.1 On 31 March 2022, the Local Authority looked after 74 UASC compared to 40 UASC in March 2021. This represented 21.7% of the total Brent LAC population. The majority of UASC are young males who were accommodated in hotels in Brent by the Home Office and subsequently age assessed to be under 18.
- 7.2 The number and proportion of UASC in care has reduced over the last year, this is mainly due the Home Office placing fewer adults claiming to be children in the 4 hotels located in Wembley. The graph below illustrates this in relation to numbers over the last four years.



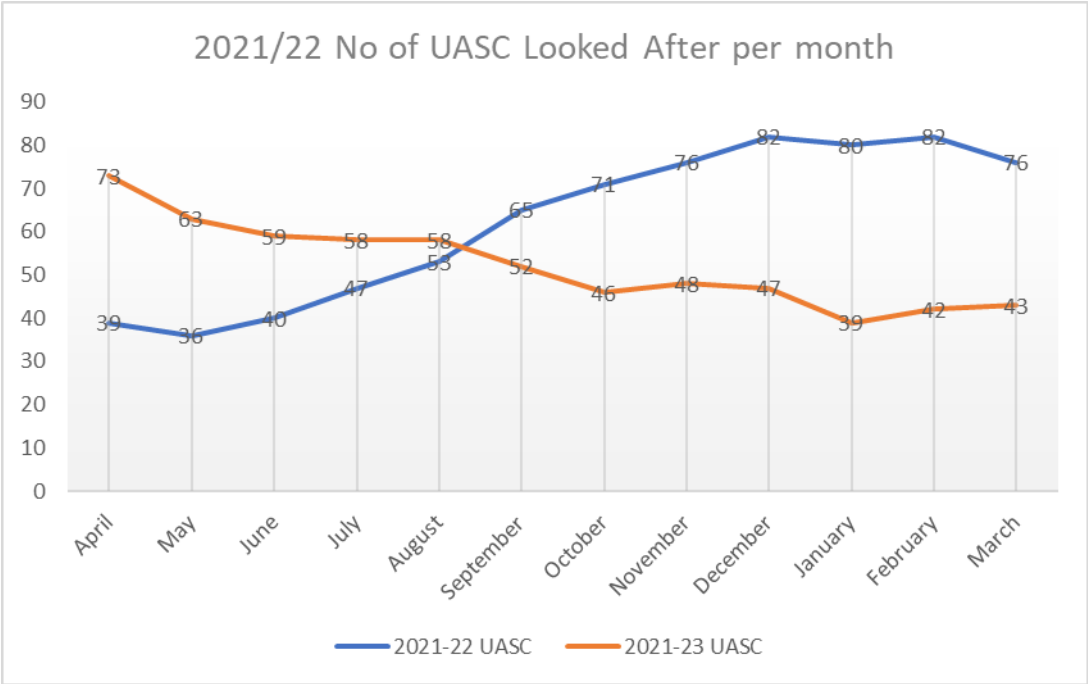
- 7.3 As of 31 March 2023 there were 43 unaccompanied asylum seeking children who are in the care of the council. The table below shows the numbers in age bands over the last 2 years.

Age Band	31st March 20	31st March 21	31st March 22	31st March 23
11-13	1	1		
14-15	12	8	6	5
16 and over	47	31	68	38
<b>Grand Total</b>	<b>60</b>	<b>40</b>	<b>74</b>	<b>43</b>

- 7.4 The graph below illustrates the total number of unaccompanied asylum-seeking children in the council's care each month during the 2021-22 and 2022-23 reporting years. It shows the rise in numbers in 2021 and a decrease by the end of March 2023. The reason for this rise is explained below.

7.5 When Asylum Seekers arrive in the country, a number of commissioned accommodation providers working under contract from the Home Office receive them into temporary housing. The Covid-19 pandemic caused a bottleneck in this process. In order to maintain social distancing and avoid making people homeless during the pandemic, all decisions on asylum claims were paused for most of 2020. This greatly increased the demand for dispersal accommodation, with large numbers being held in the system while awaiting outcomes of their claims.

7.6 As a temporary solution, asylum seekers began being accommodated in hotels, which were otherwise unused due to lockdown restrictions. These are known as contingency hotels. As a result of the increased asylum seeker population in Brent, the local authority received an increase in UASC referrals from solicitors and other charity organisations in the borough, supporting individuals who were initially identified as adults, and who subsequently claimed to be a child. For many an age assessment was required, as they had no documentation or paperwork to confirm their claimed age, or the age the Home Office has determined them to be.



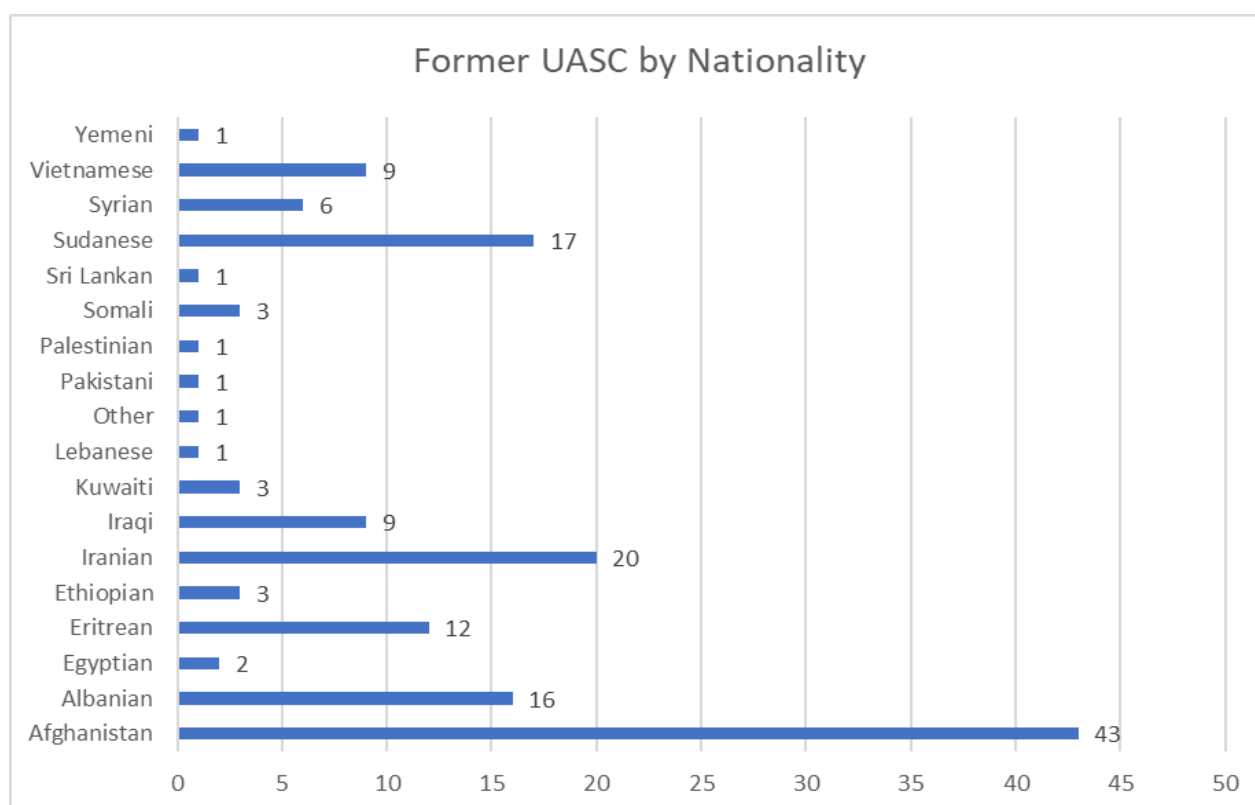
7.7 The table shows the nationality of new UASC arrivals over the last 2 years and the wide range of countries from which young people originate. The largest nationality remains Afghanistan.

30th Mar-2023		30th Mar-2022	
Nationality	Number of UASC	Nationality	Number of UASC
Afghanistan	22	Afghanistan	25
Albanian	4	Albanian	5
Algerian	1	Eritrean	4
Eritrean	1	Gambian	1
Ethiopian	1	Iranian	19
Gambian	1	Iraqi	3

Iranian	3	Lebanese	2
Iraqi	1	Pakistani	1
Pakistani	1	Somali	2
Sudanese	5	Sudanese	11
Syrian	3	Syrian	1
		Vietnamese	2
<b>Grand Total</b>	<b>43</b>	<b>Grand Total</b>	<b>76</b>

7.8 As of 31 March 23 there were 438 care experienced young adults aged 18-25 open to the leaving care service, 153 of these are former UASC. This is 35% of the total of number care leavers receiving services, the wide majority of whom are men. Of those 39% in semi-independent accommodation, 31% in independent living, 5% are staying put with former foster carers, with very small numbers in various other forms of accommodation including custody or living with a relative.

7.9 The graph below shows the nationality of all former unaccompanied asylum-seeking children in the care of the council.



## 8. Supporting UASC

8.1 Due to additional needs, supporting UASC is complex and challenging as they often have little or no spoken English on arrival. In addition, due to trauma suffered in their country of origin and/or during the journey to the UK, they may need specialist therapy. Young people have reported that their journey to the UK can take 2 to 3 years, and many will describe how their family members pay traffickers and people smugglers money to assist their child with safe passage

to the UK. Some with little money will stop in between countries to work until they have enough money to complete their journey.

- 8.2 UASC receive the same service as any other child in care. An assessment of their needs must be undertaken, and services provided in relation to those needs. They are allocated a social worker who undertakes the assessment and continues to work with them. They are then allocated a personal advisor in the same way as other care leavers.
- 8.3 Since 2021 a dedicated UASC team has been established within the LAC and Permanency Service in response to the pressure of the increase of UASC requiring care and support. The team is made up of social workers working with children and young people under 18 requiring statutory child in care services and those with specialist UASC knowledge to carry out Merton compliant age assessments.

## **9. Education and training support for UASC**

- 9.1 The LAC and Permanency Service work in partnership with the Virtual School (VS), providing education provision and support to young people with ESOL classes before moving into more mainstream college education. Education is of the highest importance to most UASC although a significant barrier can be an unfamiliarity or a lack of fluency with the English language. Older UASC (aged 16/17) are likely to be attending college and participating in an ESOL programme to assist with their language skills. In some cases where there is an age assessment pending young people will be offered an online ESOL course until the age assessment is complete. This is to ensure that we are confident that the young people are UASC rather than adults and to ensure safeguarding procedures are adhered to.
- 9.2 All UASC will receive a Personal Education Plan (PEP) within 10 working days of coming into care. During these meetings, education history and past achievements are recorded, alongside interests, strengths and home location. Any barriers to learning are also noted including potential additional support. This information gathering informs decision making around sourcing suitable education provision.

## **10 Health of UASC**

- 10.1 Every child entering care receives an initial health assessment that should take place within 28 days of them entering care. For all children, and particularly importantly so for unaccompanied asylum seeking children, a face to face appointment is made with a doctor. The majority of appointments occur face to face unless the young person refuses. Every young person is given the option of seeing a male or female doctor. To ensure that the voice of the young person is heard the appointment is facilitated by an interpreter.
- 10.2 Health assessment work with unaccompanied asylum-seeking children highlights considerable variation of health needs alongside some common conditions and health concerns. Most UASC have unknown immunisation status and need catch up immunisations as per public health guidance. It is quite common for presenting UASC to display the following health needs: dental



disease; vision concerns; stomach/bowel problems; parasitic infections; skin problems; risk of vitamin D deficiency.

- 10.3 The Wellbeing and Emotional Support Team (WEST) now provides a wider targeted service for identified vulnerable groups, including Looked After Children and UASC, and is delivered by the Anna Freud Centre. The service provides support, clinical advice and training for professionals working with children and young people and a range of evidence-based interventions working directly with children, young people and families in the identified priority vulnerable groups.
- 10.4 We have recently commissioned a service with Anna Freud Centre to develop our practice with a Reflective Care Framework. This project is being introduced specifically in response to the mental and emotional wellbeing needs of UASC, however its benefits are not limited to UASCs as this approach can benefit all looked after children and care leavers.
- 10.5 Other low to moderate mental health and wellbeing services that are providing support to our looked after young people are WDP Elev8 and the Brent Centre for Young People.

## **11 Placement needs of UASC**

- 11.1 Depending on the needs of the UASC and after a full assessment they will either be placed in foster care or supported accommodation. Foster care is a way for children to be cared within a family setting when their own family is unable to care for them. Shared housing is where a young person lives in a multiple occupancy house which is shared with other young people to provide peer support, with additional visiting support. This type of accommodation allows a young person to live with independence but usually with outreach support to provide the additional level of care and support. Supported living is a shared living space with multiple rooms and facilities which is usually staffed full time, This is the type of establishment where the majority of our UASC are placed as the majority are aged over 16 and display the capacity for some degree of independent living, with targeted support.
- 11.2 We have several enrichment activities that are open to all looked after children and care experienced young people. For example, we have The Care Leavers' Hub which meets every month where young people talk about issues that they are concerned about. We have our long-established weekly football group which is quite popular with our UASC and apart from playing football it also gives individuals the opportunity to socialise with their peers. The Brent Care Journeys (BCJ) is one of Barnardo's Core Priority Programmes as part of their 10-year strategy focusing on outcomes for care experienced young people and will continue until 2025. BCJ has continued to deliver a wide range of activities, from one-off events, to training, and ongoing workshops. Some of the workshops have focused on using Art to engage with UASC. It is led by a care experienced young person with the assistance of a qualified worker from Barnardo's. UASC have also participated in co-production of an idea which has had a direct impact on how we deliver our service to UASC when placing them in supported accommodation.

## **12. Legal Implications**

- 12.1 Unaccompanied asylum-seeking children will almost always be 'children in need' pursuant to section 17 of the Children Act 1989 and therefore entitled to be provided with various services by the local authority usually including accommodation. Where there is a need for accommodation, section 20 of the Children Act 1989 also imposes such a duty to accommodate.
- 12.2 The National Transfer Scheme is mandated by central government pursuant to the National Transfer Scheme Protocol for UASC. The council is under a statutory obligation to participate in the NTS Scheme.

### **13. Financial Implications**

- 13.1 The Council receives Home Office grant funding for unaccompanied asylum seeking children £114 a day for each child. This level of reduces to £34 a day at 18 years of age. Payment is dependent on the completion of age assessments where age is disputed. If age assessments are delayed beyond 3 months the Home Office will make any payments for this period. If the age assessment is not completed by the end of the financial year the Home Office will not accept any claim for that young person retrospectively for that calendar year, assuming the age of under 18 is established. This requirement has caused significant challenge as the service has had to identify and recruit expert age assessment practitioners who are in high demand from other local authorities.

**Report sign-off:**

*Nigel Chapman*

Corporate Director Children and Young People