

EAST RENFREWSHIRE COUNCIL31 October 2018Report by Chief Social Work OfficerUNACCOMPANIED ASYLUM SEEKING CHILDREN – NATIONAL TRANSFER SCHEME**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval from East Renfrewshire Council to participate in the National Transfer Scheme of unaccompanied asylum seeking children (UASC).

RECOMMENDATIONS

2. The Council is asked to comment on the report and approve East Renfrewshire Council's participation in the National Transfer Scheme for UASC.

BACKGROUND

3. In recent years there has been a significant increase in the number of unaccompanied children reaching the UK and claiming asylum. These young people become the responsibility of the local authority in which they present, meaning that many local authorities in the South of England are supporting disproportionate numbers of UASC.
4. In order to ease pressure on these local authorities the Immigration Act 2016 has introduced a National Transfer Scheme to disperse unaccompanied asylum seeking children around the UK so that no local authority will be responsible for UASC over 0.07% of their child population. This legislation was extended to Scotland on 7 February 2018, making it possible for Scottish local authorities to participate in this scheme.
5. Whilst local authorities' participation in the National Transfer Scheme is voluntary, it should be noted that the Immigration Act 2016 makes provision for the Home Office to compel local authorities to participate.
6. Unaccompanied children and young people who make their own way to the UK must submit a claim for asylum before they are recognised as refugees or granted humanitarian protection. Most will be granted discretionary leave until they turn eighteen, at which point their case will be reviewed and their leave to remain in the UK may be withdrawn.
7. It should be noted that UK immigration law requires that young asylum seekers be treated as children until they reach the age of 18. The majority of unaccompanied young people who arrive in the UK are males, aged 16-17 years old, although a significant number have more recently been females, aged 14-15 years old. Should the young person not be granted asylum/leave to remain and if their appeal rights are exhausted after the age of 18, the Immigration Act 2016 requires local authorities to withdraw any support as the young person will have no recourse to public funds.

8. East Renfrewshire already participates in the Syrian Refugee Resettlement Scheme. This is separate to the National Transfer Scheme.

REPORT

9. The East Renfrewshire Integration Joint Board, held on 26 September 2018, supports the proposal to participate in the National Transfer Scheme and has remitted to the matter to the Council for consideration and approval.
10. For East Renfrewshire Council, 0.07% of our child population would equate to approximately 14 young people. However, the Home Office are clear that the 0.07% is not a target, but a maximum number of young people that any single local authority would be expected to look after.
11. The current agreement with the Home Office is that local authorities can make offers of placements within their current capacity.
12. Unaccompanied asylum seeking children are considered to be looked after children under the Children (Scotland) Act 1995, which means that any placement options with carers would be subject to full assessment, including necessary checks and registration. This process of assessment and approval is broadly similar to the established process to approve foster or supported carers. It also means that unaccompanied children and young people will be entitled to continuing care and after care support through the Children and Young People (Scotland) Act 2014, again similar to indigenous care-experienced young people being supported into independent adulthood.
13. Should the young person not be granted asylum/leave to remain and if their appeal rights are exhausted after the age of 18, the Immigration Act 2016 requires local authorities to withdraw any support as the young person will have no recourse to public funds.
14. Services to looked after children and young people in East Renfrewshire and across Scotland are already under significant pressure due to the needs of our existing population, however information from other local authorities in Scotland suggests that the presentation of need within the unaccompanied asylum child population is usually at a lower level than the indigenous population.
15. East Renfrewshire will need to recruit, assess and approve supported carers with a specific remit of looking after unaccompanied children and young people.
16. The current national funding rates provided to local authorities for UASC since 1st July 2016 are as follows:

Under 16 years old	£41,610 per year
16 – 17 years old	£33,215 per year
Over 18 years old, qualifying for leaving carer support	£10,400 per year

17. The needs of eligible unaccompanied children/young people are likely to be different to the indigenous looked after population and services will need to reflect these needs such as English language support and additional integration support within schools, further and higher education.

18. The Scottish Guardianship Service, funded by the Scottish Government, currently provide support to UASC and work in partnership with social work services to ensure that the young people's needs are being met, as well as supporting them through the asylum claim process.

CONSULTATION AND PARTNERSHIP WORKING

19. Social work services have been working closely with our partners in Health, Education and Housing to discuss the capacity and support they would be able to provide to UASC.
20. We have also met with leaders of faith communities within East Renfrewshire who have indicated offers of support to UASC, both formally and informally.

IMPLICATIONS OF THE PROPOSALS

Finance and Efficiency

21. Any voluntary acceptance of UASC would be expected to be absorbed within our current capacity, supplemented by the Home Office funding outlined in paragraph 13.
22. The table below shows the Home Office funding as well as the financial implications for the different placement provisions:

Age	Home Office Funding	East Renfrewshire		Purchased Foster Placement	
		Rates	Shortfall	Rates	Shortfall
Under 16	£41,610	£23,061.48 (foster care)	£0	£38,948 - £52,048	£0 - £10,438 (1 young person) £0 - £31,314 (3 young people)
16 – 17	£33,215	£23,061.48 (foster care) £16,620.24 (supported care)	£0	£40,768 - £56,264	Foster & supported care: £7,553 - £23,049 (1 young person) £22,659 - £69,147 (3 young people)
Over 18 qualifying for leaving care support	£10,400	£16,620.24 (supported care) £40,000 (Connor Road - based on actual funding and not unit cost as this is currently being worked on by Housing)	Supported care: £6,220 - £18,660 (1 young person – 3 young people) Supported accommodation: £29,600 – £88,800 (1 young person – 3 young people)	£40,768 - £56,264 (if registered for 18+)	£30,368 - £45,864 (1 young person) £91,104 - £137,592 (3 young people)

Risk

23. No immediate risk implications have been identified

Policy

24. An Equalities Impact Assessment or a Children's Rights Impact Assessment will be undertaken if approved by the Council.

Staffing

25. No additional staffing will be required.

Legal

26. No immediate legal implications have been identified.

Property/capital

27. No immediate property/capital implications have been identified.

Equalities

28. No immediate equalities implications have been identified.

CONCLUSIONS

29. Participation in the National Transfer Scheme is currently voluntary, however the Home Office do have the statutory powers to compel local authorities to participate.

30. Under the voluntary participation of the scheme, local authorities would make offers of placements for UASC, within current capacity, therefore negating the need to create specific placements or capacity.

RECOMMENDATIONS

31. The Council is asked to comment on the report and approve East Renfrewshire Council's participation in the National Transfer Scheme for UASC.

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BACKGROUND PAPERS

None

KEY WORDS

National Transfer Scheme; UASC; social work