London Councils' Leaders' Committee

Unaccompanied Asylum Seeking Children Item 4

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Summary

This report summarises the background to the system for receiving and caring for Unaccompanied Asylum Seeking Children in London and the developments in national arrangements. It sets out the significant pressures – in both service and financial terms – that London is now facing. The report seeks guidance on the possible steps to take to ensure the London arrangements can be sustainable in the short term, summarises steps being taken to develop medium term operational solutions to the current challenges and plans for lobbying to recognise the need for adequate funding and a functioning national transfer scheme for UASC.

Recommendations

The Leaders' Committee is invited to –

- Agree that London Councils take steps to seek urgent additional financial support for London boroughs to ensure that the London rota remains functional during the forthcoming summer pressures.
- In partnership with the professional leadership, including Chief Executives and Directors of Children's Services, support lobbying by London Councils to seek cross-departmental focus, involving MHCLG, the Home Office and Department for Education, to:
    - Press for full funding of costs incurred in the support of UASC and former UASC Care Leavers.
    - Identify reform to the National Transfer Scheme in order to put it on a functional and sustainable footing.

- Comment on the potential for a legal claim in respect of the national arrangements, and any role for London Councils to support, co-ordinate and/or fund raise in respect of such a claim.
- Agree that sustained lobbying, including a significant media campaign, be undertaken by London Councils to:
    - Highlight the crisis facing London boroughs and the UASC and former UASC Care leavers boroughs support.
    - Make the case to Government to fully fund the cost to councils associated with caring for UASC and former UASC Care Leavers in as an essential step in order to reach agreement on any future arrangement for the more equitable distribution of UASC.

Unaccompanied Asylum Seeking Children

Background

1. UASC arrive in the UK through a range of methods, including:

    - Spontaneous arrivals – most UASC arrive in the UK by their own means and are encountered at their port of entry, at the Asylum Intake Unit in Croydon, or are otherwise encountered by police/social services. The local authority in which the child first presents is normally responsible for their care. This group of children represents the substantial majority of UASC arriving in the UK.
    - Dubs amendment – resettlement of UASC already in European refugee camps in France, Greece or Italy. Transfer to the UK must be determined to be in the best interest of the child.
    - Dublin III regulation – children/close family/dependents reuniting to have their asylum claim dealt with together. While the local authority is responsible for undertaking family assessments to ensure the placement is suitable, the local borough has no further duty of care – unless the family relationship breaks down before the child turns 18 years old.

2. Children who arrive as UASC become the legal responsibility of the local authority they present at under Section 17 of the Children Act 1989 as a Child in Need in their area. The Local Authority will then be responsible for accommodating the child under Section 20 of the Children Act. This confers all of the responsibilities that Local Authorities and partner agencies have as corporate parents to all children in care. For most children this will also mean the ongoing responsibilities to them as Care Leavers.

3. The numbers of children presenting in the United Kingdom depend on a wide range of factors that are not within the control of local authorities, including wider geopolitical factors.

UASC – The Current System

4. For a number of years, boroughs have been running a Pan London rota for dealing with UASC in London. This is a collective agreement across London boroughs in recognition of the unique pressures that face the London Borough of Croydon, which hosts the Home Office Screening Unit for asylum registration.

Although the historic and current pressures on Croydon are significant, other London boroughs also act as ports of entry and, therefore, care for very significant number of UASC and UASC Care Leavers. Those other boroughs include Hillingdon, Westminster and Camden.

5. Key aspects of the London rota include –

   - The rota operates for children aged 16 and 17. Children presenting as younger than 16 have remained the responsibility of Croydon.
   - The rota is jointly operated through Croydon and the London Asylum Seeking Consortium. The Consortium is jointly funded through the Home Office and contributions from London Authorities.
   - Children aged 16 and 17 are allocated to participating Local Authorities on a simple rota basis.

6. Through the rota, between April 2018 and April 2019, 486 children were transferred. However, as boroughs have increasingly reached their 0.07% threshold and come off the rota, there have been periods when there has been no capacity at all.

7. Children aged 16 and 17 are allocated to participating Local Authorities on a simple rota basis. Since the implementation of the National Transfer Scheme (see below) only those authorities with a UASC population less than 0.07% of their overall child population have been on the rota. This rate changes (mainly due to children reaching the age of 18) and the system has consequently become more complex.

The National Transfer Scheme

8. In more recent years, the Home Office has introduced a National Transfer Scheme (NTS). The introduction of the NTS was intended to ensure that the responsibility for accommodating UASC was shared nationally as part of new system. This was a positive step forward and, in the initial period of operation helped to disperse several hundred UASC across the country.

9. There are, however, currently significant problems with the NTS. Just four children are known to have been transferred from London under the NTS in Q4 2018, according to Home Office figures. This was down from 25 in Q3 2018. No

referrals are currently being distributed for inter-regional transfers through the Home Office.

10. The failure of the NTS to fulfil its purpose has meant that the number of UASC cared for by London boroughs has steadily increased, with nearly all authorities now over the 0.07% threshold. The only capacity being created is as a consequence of children reaching the age of 18 years and ceasing to be a looked after UASC by becoming a former UASC Care Leaver.

11. The delay in dispersing UASC through the NTS is exacerbated by the significant delay in assessments which are provided by the Home Office following the arrival of UASC in Local Authorities other than Croydon.

12. The issues destabilising the National Transfer Scheme are, in some cases, complex. However, a very significant issue is the lack of adequate funding provided to meet the costs to local authorities in other parts of the country. Concerns about the financial settlement have reduced the numbers of authorities willing to participate. Although the findings of the Home Office's Financial Review have now been published and do give an uplift for 16 and 17 year old UASC - this still does not represent full cost recovery and made no change to the funding arrangements for former UASC Care Leavers.

13. Other reasons for the failure of the NTS include:

- In many regions, some authorities have made 'in principle' pledges for a particular number of placements but not at any specified time, so each placement has to be negotiated. This causes delay.
- Delays in identifying placements have led to young people and their representatives objecting to moves as the young person has become settled.
- Such delays have led to some difficult experiences for receiving authorities, further impacting on their motivation to participate.
- The fact that regions must be over 0.07% before inter-regional transfers can take place restricts this process to London, which potentially reduces the national commitment.
- There have been concerns about the ability of some authorities with less experience of caring for unaccompanied children to meet their needs.
- The inclusion and prioritisation of children transferring into the United Kingdom through Section 67 (i.e. the 'Dubs amendment') of the Immigration Act 2016 and the VCRS.

- Some regions have raised the context of varying rates of adult asylum seekers – where numbers may well be higher than London - and the need to take this into account as part of any overall picture.

14. The current breakdown of UASC cases in London – along with the proportion of total child population that this represents – is shown at Appendix 1.

15. There are around 140 children currently awaiting transfers from entry local authorities. As of February 2019, all but 3 London local authorities reported that they were caring for more UASCs than 0.07% of their total child population.

Financial Gap Analysis

16. Currently, boroughs make a substantial collective contribution:

- London boroughs spent £53.7 million in support of an estimated 2,881 households with NRPF (No Recourse to Public Funds) in 2016/17. It is estimated that they supported around 3000 children from NRPF households.
- London Councils' research found that there were 1,502 UASC Looked After Children (LAC) across 26 London boroughs in 2018-19 (this is the total year-end UASC population). It is estimated that there were approximately 1,827 UASC LAC across all 33 London boroughs in 2018-19, representing at least one third or more of all UASC in England (comparable data is not available for councils outside of London).
- Across the 26 boroughs, the total number of UASC has increased by 17% from 2016-17 to 2018-19 (from 1,280 to 1,502).
- Total spend on UASC was £55.9 million in 2018-19 (based on 26 boroughs). Estimated total spend across all 33 boroughs is approximately £68.1m.
- There were 2,405 former UASC Care Leavers across 26 London boroughs in 2018-19 (start of year population). It is estimated that there were approximately 2,917 former UASC Care Leavers across all 33 London boroughs in 2018-19. Spend on former UASC Care Leavers was £24.5 million in 2018-19, an increase of 39% since 2016-17 (based on 26 boroughs).

17. The Home Office grant income that boroughs receive to care for UASC Looked After Children (including former UASC care leavers) does not cover the total costs. Imputing figures for the seven boroughs which did not complete the survey (based on their start of year UASC numbers) provides a total estimated funding gap across London for UASC of £14.1 million, and of £17.8 million for former

UASC care leavers. The total estimated funding gap in 2018-19 was therefore £31.9 million.

Summary of Lobbying Activity

18. At the meeting of Leaders' Committee on 19 March, members reaffirmed London Councils' position in respect of Unaccompanied Asylum Seeking Children. This position states that –

    - Future financial support from Government must fully fund the costs of caring for all UASC.
    - That there must be a single, consistent national response to this issue which is equitable, proportionate and ensures no council remains above its 0.07% threshold of their total child population - the threshold above which central government considers the pressure upon local authorities to be unreasonable.
    - That the Home Office should engage with London boroughs to reform the current processing arrangements in the Capital in order to ensure the more efficient assessment and transfer of UASC.

19. Since the Leaders' Committee in March, the Chair of London Councils and the Executive Member for Children's Services have approached the LGA to seek a joint meeting with Home Office ministers. On 18 June, London Councils' Executive met with Nick Hurd MP in his capacity as London Minister.

20. London Councils' Spending Review (SR) publication 'London's Local Services: Investing in the Future' included an emphasis on the financial pressures associated with caring for UASC. This was circulated to all London MPs, as well as being sent to Government Ministers.

21. London Councils' recently published Pledges also includes a focus on UASC issues, specifically stating that London Councils will "*Press for government recognition of the unique cost demands on Britain's cities which in London include 34% of all unaccompanied asylum seeking children, two thirds of all people in temporary accommodation and £54 million on those with no recourse to public funds*".

22. Work is going on to seek additional support to highlight the issue with ministers. Media work is also being undertaken in order to escalate this issue.

23. ALDCS has also lobbied Government officials, in writing and in meetings. That lobbying has been focused on:

- Insufficient funding to cover local authority costs and ongoing delays in announcing the result of the UASC funding review. This not only increases the cost of looking after UASCs in London, it undermines the participation of receiving local authorities.
- Substantial delays in the provision of screening interviews, which are required before local authorities can refer young people onto the NTS. It is not uncommon for it to take three weeks, meaning that children become settled in London, substantially reducing the chances of a successful transfer.
- The inclusion of Dubs and Vulnerable Children Resettlement Scheme cases in the NTS, as well as the prioritisation of these cases by the Home Office over UASC from local authorities over the 0.07% threshold.

Medium Term Approaches

24. It is recognised that reliance upon the current model of the NTS will not currently realise London's objectives.

25. The Association of London Directors of Children's Services is working with colleagues through the national Association of Directors of Children's Services (ADCS) to develop an alternative model, in particular working with colleagues in other regions where effective rota arrangements are also in place, to develop an alternative model based upon these successful examples.

26. This emerging model has been discussed by ADCS at its Council of Reference on 5th June, attended by Directors of Children's Services from across England. The Council of Reference responded to the proposals positively as a fairer and more practical approach. It has asked for additional factors to be considered, which officers will continue to work on. However, there was a recognition that operational improvements to the dispersal arrangements will remain subject to political agreement from across local government, especially in the absence of a full cost recovery model funding model.

27. In parallel, the UASC Governance Board, which is jointly chaired by the Home Office and the Department for Education, agreed to establish a Working Party in March 2019 to look at new arrangements for the NTS. This was an

acknowledgement that the current Scheme is not functioning as intended, particularly in terms of inter-Regional transfers.

28. The proposals in development by Directors of Children's Services were discussed at the UASC Governance Board on 12th June. The Board broadly welcomed the work and agreed that the Working Party should now focus on further developing the suggestions, including giving additional capacity in the form of access to data and data analysis in order to develop the new scheme in more detail.

29. In the event that alternative proposals for the NTS do not gain the wider agreement that is required to enable the numbers of children to move required to alleviate demand on entry authorities, London boroughs will need to consider other steps to ensuring there is an equitable arrangement for the dispersal of UASC.

Matters for Consideration

30. The number of UASC arriving in London has increased steadily over the past few years. London's share of UASC remains stubbornly fixed at around 1 in 3. The declining functionality of the NTS is placing over greater service and financial pressure on London local government. The financial shortfall for caring for UASC and UASC Care Leavers is substantial, in the region of £32 million per year

31. London Councils has taken, and will continue to take, steps to lobby Government to seek a more sustainable funding arrangement, which it is believed would make a significant contribution to putting national dispersal arrangements back on a functional footing. Joint work with LGA will also be pursued.

32. Discussions are also continuing within London and with the Home Office and Department for Education about potential medium-term approaches to resolving the challenges faced in the operation of the NTS.

33. However, in the meantime, there remain significant short-term challenges in London, notably the very sharp pressures being faced by port of entry councils. While not the only short term consideration, an injection of funding might assist in maintaining London rota arrangements in the short-term while discussions continue with national partners to reach a conclusion on solutions to resolving the medium and long term challenges. In parallel, London Councils is taking steps to raise the profile of the difficulties faced by London boroughs and UASC as a result of the deficiencies in the national system, including through the media.

Recommendations:-

The Leaders' Committee is invited to –

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    - Make the case to Government to fully fund the cost to councils associated with caring for UASC and former UASC Care Leavers in as an essential step in order to reach agreement on any future arrangement for the more equitable distribution of UASC.

Financial Implications for London Councils

There are no financial implications for London Councils resulting from this report.

Legal Implications for London Councils

There are no legal implications for London Councils resulting from this report.

Equalities implications for London Councils

There are no equalities implications for London Councils.

Item 4 - Appendix 1

UASC Data at 31st May 2019

Authority	0.07% threshold*	The number of UASC children based on June 2019 returns to LASC	0.07% Threshold +/-
Barnet	64	66	+2
Barking and Dagenham	44	44	At Threshold
Bexley	40	35	-5
Brent	54	55	+1
Bromley	52	47	-5
Camden	34	64	+30
City of London	1	22	+21
Croydon	66	276	+210
Ealing	57	57	At Threshold
Enfield	59	74	+15
Greenwich	48	45	-3
Hackney	44	44	At Threshold
Hammersmith and Fulham	25	36	+11
Haringey	42	54	+12
Harrow	40	38	-2
Havering	40	43	+3
Hillingdon	51	98	+47
Hounslow	45	50	+5
Islington	29	38	+9
Kensington & Chelsea	20	31	+11
Kingston Upon Thames	27	23	-4
Lambeth	44	43	-1
Lewisham	48	47	-1

Merton	33	29	-4
Newham	60	49	-11
Redbridge	53	55	+2
Richmond Upon Thames	32	34	+2
Sutton	33	29	-4
Southwark	45	50	+5
Tower Hamlets	48	46	-2
Waltham Forest	47	45	-2
Wandsworth	44	43	-1
Westminster	32	177	+145

*0.07% Figures from Home Office April 2019

NB: The Home Office does not regularly publish the number of UASC per borough, so official statistics are out of date. In the absence of an official statistical release, new arrivals and age changes among the existing UASC cohort, any data circulated in respect of UASC numbers per borough are, therefore, inevitably prone to becoming out of date.