

The background of the slide features a large, light blue coat of arms of the Scottish Government. It includes a crown at the top with four thistles, a shield divided into four quarters (canting arms) with a saltire in the center, and a motto scroll at the bottom. The text is overlaid on the central part of the shield.

Agenda Item 7

Unaccompanied Asylum-Seeking Children - National Transfer Scheme

Falkirk Council

Title: Unaccompanied Asylum-Seeking Children - National Transfer Scheme
Meeting: Education, Children and Young People Executive
Date: 9 November 2021
Submitted By: Chief Social Work Officer

1. Purpose of Report

- 1.1 This report outlines the current circumstances in relation to changes in arrangements for support to Unaccompanied Asylum-Seeking Children (UASC) across the UK. This report outlines recent changes to the National Transfer Scheme (NTS) announced by the UK Government on 10 June 2021 and its possible implications for Scottish Local Authorities. The NTS voluntary rota scheme was agreed by COSLA leaders in September and the scheme starts in October 2021.

2. Recommendations

2.1 Education, Children and Young People Executive is asked to :-

- (1) agree that Falkirk Council joins the National Transfer Scheme;**
- (2) note the implications for Falkirk and the demand on resources; and**
- (3) acknowledges the benefits for Falkirk's communities from the investment and contribution of the young people.**

3. Background

- 3.1 Over the last few years, unprecedented numbers of children and young people have been entering the UK as unaccompanied asylum seeking children (UASC). Many have fled conflict zones and travelled across Europe before making it to the UK, and the majority of new arrivals become known to immigration services and local authorities in the south east of England. This has placed considerable demand on services there for looked after children, since children come into the care of whichever local authority has responsibility for the point of entry.
- 3.2 Currently, there are circa 5,000 UASC across the UK, with 200 in Scotland. The majority of the young people arriving in the UK as asylum seekers are male, aged 16-17 years. They may have experienced very difficult and

traumatic living circumstances, including time spent in refugee camps, separation from their families, being victims of human trafficking, physical and sexual abuse and their basic needs generally not being met. Supporting these young people is not just about accommodation and catering for their basic needs. The young people need support for learning and education; their general health, mental health and wellbeing needs require immediate and ongoing response. Interventions for the young people need to be trauma informed.

- 3.3 Through the Immigration Act 2016, the UK Government introduced the ability for local authorities to transfer legal responsibility for unaccompanied children in their care to another local authority. This was intended to address the significant pressure faced by a small number of local authorities that had very high numbers of spontaneous arrivals of UASC for whom they became legally responsible under the relevant children's legislation. The Act also gave the UK Government powers to introduce a mandatory transfer scheme
- 3.4 The NTS was established for English councils in 2016 to provide a mechanism for the transfer of UASC from an entry local authority to another in the UK. The scheme has helped to facilitate the transfer of 1,582 children between 2016 and 31 March 2021. It has supported young people to receive the crucial care they need and has facilitated a more equitable distribution of responsibility and alleviating growing pressures felt by some areas; particularly in the south coast of England. Whilst initially the NTS achieved reasonable successes in facilitating transfers to local authorities that agreed to participate in the scheme on a voluntary basis, there have been issues with the design of the scheme which have resulted in transfers ceasing to occur.
- 3.5 It has been widely accepted that the NTS could operate better and would benefit from a more definitive commitment to participation from local authorities across the whole of the United Kingdom.
- 3.6 To address the challenges, the Home Office consulted on changes to the NTS in September 2020. The need for change had become more acute due to the pressures faced by local authorities in the South East of England as a result of the dramatic rise in the number of UASC arriving by small boats.

Updated National Transfer Scheme

- 3.7 The significant difference to the updated NTS is the introduction of a voluntary rota scheme. The rota outlines the numbers of young people to be transferred to all nations and local authority areas.
- 3.8 Joining the scheme is voluntary and allows Scottish local authorities to transfer UASC not only to and from England but also to and from other Scottish local authority areas. Those participating in the NTS may transfer children out as well as in, depending on demand and capacity. The Home Office provide funding to local authorities to provide care and support for UASC.

A formula has been developed to determine the numbers of young people to be supported by each local authority area (**appendix one**).

- 3.9 For the purposes of the NTS, the UK is divided into 12 regions, with Scotland comprising a single region. Each region has a co-ordinating body to manage requests for placement and in Scotland this role is carried out by COSLA. The NTS is built into a quota system based on the current child population in each region; within each region the quota will be applied to each local authority when requesting transfers. The quota works out the number of UASC and unaccompanied refugee children that each local authority area should have capacity to support and this is set at 0.07% of the local child population. For Falkirk Council, that quota would currently be 22 based on a 0-18 population of 31, 291 according to the latest NRS population estimates.
- 3.10 A benefit of the new scheme is that it allows for planning to accept young people into Falkirk's care. At present, we respond to adhoc requests to provide accommodation and social work support for UASC via COSLA. We also on occasion, accommodate and support UASC who arrive in our area spontaneously.
- 3.11 Local authorities will immediately be asked to identify placements as the first 11/12 young people will be required in October, with the next 11/12 young people anticipated very quickly after that. It is expected that the rate of requests will gradually slow through autumn and winter as the UK reaches a steadier state. Where local authorities choose to offer more than their allocated number of placements, this will be taken into account in future cycles.
- 3.12 Young people who are given the right to remain as UASC become looked after by the local authority in which they present (or transfer to), with their status as adults determined by the Home Office when they reach 18 years.
- 3.13 The new scheme will involve between 45–60 young people transferring into Scotland every 12 months. It sits alongside existing methods of foreign nationals entering the country and receiving support:-
- (i) National Transfer Scheme – subject of this report.
 - (ii) Vulnerable Children's Resettlement Scheme – this relates to the 'Children at Risk' scheme for Syrian, Middle Eastern or North African unaccompanied young people. It requires family members to be identified and willing to offer the young person a home, subject to an assessment of whether the care arrangements are suitable by a local authority.
 - (iii) European Refugee Camps Resettlement Scheme – the Immigration Act 2016 includes provisions which require the UK Government to resettle UASC from camps within Europe, specifically France, Greece and Italy. The UK Government has not specified how many children will be resettled to the UK on this basis and has instead said that they will be

guided by local capacity, considering the wider demands to support unaccompanied asylum-seeking children. Dundee has not taken any children through this scheme.

- 3.14 Further to this, in response to the growing emergency in Afghanistan around half of Councils in Scotland have agreed to participate in accommodating Locally Engaged Staff (LES) who worked for the UK Government. Some areas have been receiving families since the end of June but as more are anticipated in the coming weeks and existing offers of support likely to be insufficient, the UK Government is asking all Councils to consider if there is any further accommodation they can identify.

4. Considerations

4.1 Working in Partnership

A partnership response is required to respond to the implications from the NTS and a working group involving key partners from the Council and other key partners has been established to plan and coordinate a local approach. Falkirk has gained a great deal of experience from the work done with the Syrian re-settlement scheme and from the care we have provided to small numbers of UASC we have supported over the last 6 years.

A Forth Valley group has been developed with Chief Social Work Officers and housing partners to consider new approaches and to share learning in order to meet the challenges of the NTS across Forth Valley. Additionally, we are working with our own housing colleagues to ensure appropriate transition arrangements are in place for young people who may require longer term housing options if they remain resident in the Falkirk area until adulthood.

4.2 Accommodation

The experience of other local authorities shows that UASC tend to have some different needs to care experienced children and young people, so the type of placement they are likely to need will differ. Local placement capacity in foster care and residential care is typically fully utilised. The working group is therefore seeking to identify best practice from across the UK from other local authorities more experienced in supporting these young people, to identify best accommodation options. Some areas, for instance, have developed separate schemes by recruiting dedicated carers with a particular interest in supporting asylum seekers.

4.3 Closer To Home Impact

The aim and ambition the Children's Services Closer To Home Strategy is to reduce the numbers of children in care settings and to improve outcomes. The young people being supported by Falkirk Council under the NTS must be considered looked after. Whilst the strategy intentions are being achieved and our number of children and young people coming into our care as a new

episode is reducing; the small influx on new care episodes required relating to UASC will impact on our overall position.

Falkirk has not currently met the minimum requirement set out in the NTS rota but arrangements are in place to ensure we do so.

4.4 Availability of Placements

Placement availability is limited and young people will require to be provided with suitable support for a looked after child. We will develop within our carer recruitment campaigns local supported carer placement options for UASC aged 16 and over to meet future demand and requirements under the NTS going forward.

5. Consultation

5.1 None

6. Implications

Financial

- 6.1 There is an increase in funding for local authorities under the new scheme. Funding is provided at a rate of £143 per child per night for all UASC under 18 who are transferred from a local authority over the 0.07% of child population threshold, which in effect will be all young people eligible for transfer. For young people that arrive spontaneously in local authorities that are under the 0.07% threshold, the funding is £114 per child per night. Funding for 18+ is £270 per week. While the increased funding is welcomed, it does not cover the full cost of supporting UASC, particularly after they turn 18.
- 6.2 The current financial remuneration to local authorities covers the cost of care only and does not take into account the cost of other services and support requirements for example additional support within an education setting or therapeutic services in relation to mental health. Each young person requires the support of an allocated social worker and creates further stretch to a challenged workforce. These issues will continue to be raised within the working group in place in relation to the national implementation of the NTS.
- 6.3 No funding is currently provided to any other public body which might provide a service to young people. UASC living within Falkirk will require access to primary care services such as GPs and may need specialist services for example, mental health; speech and language; physiotherapy etc. Discussions are taking place with the Falkirk Health and Social Care Partnership and NHS Forth Valley to ensure suitable and appropriate access to support.

- 6.4 A £3m exceptional costs fund is being introduced. Further details on the parameters of this funding have been sought but we have had confirmation that it will be accessible for local authorities across the UK.

Resources

- 6.5 There are resource implications from the NTS; residential and foster care placements are in short supply due to demand. COSLA has based its consent for Scotland to join the scheme on the basis of young people aged between 16-18 being transferred to this country's authorities. Local authorities can specify the type of placements they are able to offer at any given time so there is no compulsion to accept a young person for whom a suitable placement is not available.

Legal

- 6.6 Joining the National Transfer Scheme provides a legal basis to allow unaccompanied asylum seeking children to be cared for in a local authority other than the one in which they first become known to public services.

Risk

- 6.7 In addition to the additional pressure on resources to look after young people coming to Falkirk via the NTS, we continue to have the legal obligation of looking after any UASC who arrive in our area spontaneously. Spontaneous arrivals do happen in Falkirk, as they do in most other areas but to date, they are small in number albeit unpredictable to plan for.

There is a risk that in some circumstances that the funding offered by the Home Office will not cover the full care costs incurred by the council in caring for an unaccompanied asylum seeking child. These circumstances would only be where the authority was required to purchase external resources or possibly place a large sibling group together. Actions will be taken by the service to mitigate these risks.

Equalities

- 6.8 There is no distinction between UASC and any other child in the care of the local authority; all rights and entitlements are the same but for UASC have the added dimension of navigating the immigration system. There may be a requirement for a Merton-compliant age assessment as part of this process in cases where there is some uncertainty about the age of a UASC; funding assumes that a person is a child in these circumstances unless an assessment determines otherwise.

- . Providing support to unaccompanied asylum seeking children can have a positive impact in terms of equality issues and human rights for a group who experience significant disadvantage.

Sustainability/Environmental Impact

6.8 None

7. Conclusions

7.1 The young people who will be coming to live in Falkirk under this scheme will be valuable contributors to our communities and will bring with them unique attributes that will benefit our economy. The challenges the NTS poses in relation to Falkirk Council and partners across Forth Valley are being scoped out and plans are being made to harness our resources and create additional capacity to manage growing numbers of young people coming to live, learn and work in our area.

Chief Social Work Officer

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Appendix

Appendix 1 UASC Scotland Rota – LA Placements

List of Background Papers:

None

UASC Scotland Rota – LA Placements Required

	UASC per 45 to Scotland
Aberdeen City	2
Aberdeenshire	4
Angus	2
Argyll and Bute	1
City of Edinburgh	0
Clackmannanshire	1
Dumfries and Galloway	0
Dundee City	2
East Ayrshire	1
East Dunbartonshire	2
East Lothian	1
East Renfrewshire	2
Falkirk	2
Fife	4
Glasgow City	0
Highland	3
Inverclyde	1
Midlothian	1
Moray	1
Na h-Eileanan Siar	0
North Ayrshire	1
North Lanarkshire	3
Orkney Islands	0
Perth and Kinross	1
Renfrewshire	1
Scottish Borders	2
Shetland Islands	0
South Ayrshire	1
South Lanarkshire	2
Stirling	1
West Dunbartonshire	1
West Lothian	2
Scotland	45