

The background of the slide features the Falkirk Council Coat of Arms. It is a shield divided into four quarters. The top-left quarter shows a saltire (X-shaped cross) on a blue field. The top-right quarter shows a stag's head facing left on a red field. The bottom-left quarter shows a three-masted sailing ship on a blue field. The bottom-right quarter shows a crowned eagle with wings spread on a red field. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'A'NE FOR A' in white capital letters.

Agenda Item 7

Accommodation and Supports for Unaccompanied Children Arriving in Falkirk

Falkirk Council

Title: Accommodation and Supports for Unaccompanied Children Arriving in Falkirk
Meeting: Education, Children and Young People Executive
Date: 13 September 2022
Submitted By: Director of Children's Services

1. Purpose of Report

- 1.1 To provide an update to the Education, Children and Young People Executive on:-
- i. the predicted increased demand on Falkirk Council to provide safe accommodation and care for unaccompanied asylum-seeking children through the National Transfer Scheme (NTS);
 - ii. the commencement of the Home Office scheme offering a safe route for unaccompanied children fleeing the war in Ukraine;
 - iii. the resource implications of fulfilling our duties associated with the above noted schemes.

2. Recommendations

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

- (1) note Falkirk Council's responsibility to provide placements to unaccompanied asylum seeking children through the National Transfer Scheme;**
- (2) note the responsibility to undertake an assessment in accordance with private fostering arrangements for sponsors offering a placement to Ukrainian children through the Homes for Ukraine unaccompanied sponsor scheme; and**
- (3) agree to the Service exploring options for additional supported accommodation which will increase and enhance choice for all care experienced young people in Falkirk.**

3. Climate Change

- 3.1 Having consulted the energy and climate change team, outcomes of this report will have no effect on either the organisational or national climate change targets.

4. Background

- 4.1 The National Transfer Scheme (NTS) has been mandated since 14 December 2021 under Section 72(3) of the Immigration Act 2016 (the 2016 Act) to provide placements for unaccompanied asylum-seeking children.
- 4.2 Currently, Scotland is required to take 45 young people per 650 unaccompanied children needing to be cared for through the National Transfer Scheme. The mandated approach means that local authorities:-
- cannot choose the number of placements they take – they are allocated a number of children they are required to look after based on Home Office calculations that factor in local child population and looked after children data;
 - cannot choose when to take a placement – local authorities must take young people as if they were presenting to their own services, although the rota will allow for a degree of planning;
 - are required to make arrangements for a transfer of the young person to take place within 5 working days of the referral having been made; and
 - will have no choice about the young person that is placed with them – this includes age, gender, nationality, or country of origin.
- 4.3 Falkirk Council is required to offer a placement to 2 young people aged 16-18 per cycle of the rota. How quickly the rota cycles is dependent on the number of children arriving by small boat.
- 4.4 To date, Falkirk Council has offered placements to 6 young people through the NTS, 4 since the scheme became mandated. There is no accurate way to predict the number of young people Scotland and Falkirk Council will be asked to accommodate. Estimates currently fluctuate between an additional 6 to 12 young people over the course of this year but this could be higher given recent changes to the NTS.
- 4.5 In 2021, 28,000 people arrived in Britain by small boat. This figure influenced the estimates by the Home Office, COSLA and Falkirk Council of the number of children that may be seeking a placement in 2022. However, the Home Office has since revised this figure and expects between 60,000 and 70,000 arrivals this year.
- 4.6 In addition to the NTS, the Home Office announced on 22 June 2022 that a safe route will be opened to allow unaccompanied children to travel to Scotland to seek refuge from the war in Ukraine via a sponsor scheme. An outline of the scheme can be found in Appendix 1.

- 4.7 The Home Office has indicated that there are 944 unaccompanied children and young people who have made application under the Homes for Ukraine Scheme for whom there is currently no safe/legal route for them to travel to the UK. The new safe route will allow visas to be granted to these children without the need for an accompanying adult.

5. Considerations

- 5.1 On Wednesday, 24 August 2022 all Councils received a letter from Kevin Foster, Minister for Safe and Legal Migration, about changes being made to the National Transfer Scheme to support a quicker distribution of Unaccompanied Asylum-Seeking Children across the UK, that also reflects the high number of arrivals across the English Channel on small boats.

The extremely high intake of unaccompanied asylum-seeking children means it remains critical the Government takes steps to ensure these young people receive the care placements they are entitled to and end the use of hotels for accommodating arrivals. More than 3,700 unaccompanied children sought asylum in the UK in 2021, a significant increase on the previous year, and for 2022 those pressures on the NTS will increase. The letter emphasised the importance for local authorities to plan and prepare for the young people now, given we are now in our peak arrival months.

- 5.2 The letter formally notifies us of immediate changes to our approach on the NTS.

To end the use of hotels to accommodate children and to ensure transfers are concluded efficiently; the ten-day transfer deadline, as set out in the Protocol, is now reduced to five working days for all transfers of UASC not currently in the care of a local authority. This change is considered essential to increase the speed of transfers for these emergency placements for UASC in hotels and ensure young people are placed in local authority care at the earliest opportunity. The target will remain 10 working days for NTS transfers between local authorities. This impact of this change means there is less time to plan and source a suitable placement for the young person.

The sustained higher rate of intake has resulted in an increase to the overall UASC population such that it is now also necessary to adjust the operating threshold above which a local authority is no longer expected to receive UASC under the NTS and may instead refer new arrivals for transfer. The threshold has changed with immediate effect from the current level of 0.07% to 0.1% of a local authority's general child population. The impact of this change is that referrals for transfer will also now be allocated to local authorities between the 0.07% and 0.1% level and these authorities will no longer be able to refer new arrivals for transfer. Overall, numbers of UASC in all local authority areas will increase.

Additional short-term funding will be provided to local authorities with an additional £2,000 per month for each child who is transferred from a hotel within 5 working days to local authority care. This funding will be provided for 3 months.

- 5.3 Falkirk Council has a legal and moral duty and desire to provide safety and nurture to children who are seeking asylum and refuge through the National Transfer Scheme. The same will apply for unaccompanied children from Ukraine where sponsor arrangements have broken down and the onus reverts to the local authority to provide alternative care arrangement. The following considerations apply to both the NTS and unaccompanied Ukrainian children.
- 5.4 Falkirk Council's internal fostering service is currently operating over capacity. This has meant that of 6 young people we care for through the NTS, 5 have had to be placed with an independent fostering agency out with Falkirk.
 - i. There is a national shortage of foster carers. The Fostering Network (TFN), estimated in The State of the Nation Report (2021) that Scotland requires an additional 500 fostering families to meet current need. This did not include the now predicted doubling of the need to find safe homes for unaccompanied children.
- 5.5 TFN also note that there is a particular shortage of households coming forward to care for teenagers including unaccompanied asylum-seeking young people.
- 5.6 Children's Services has an active foster carer recruitment strategy. To date, the number of new fostering families recruited by Falkirk Council has been between 6-8 annually. Every year however, a number of foster carers retire or are de-registered for various reasons.
- 5.7 In line with our Closer to Home strategy, additional resource has been directed to the recruitment of fostering families and during 2022/23 we project the recruitment of 18. There is a further opportunity to consider a specific recruitment strategy for fostering families specifically for young people accommodated through the NTS, this has proven successful in other local authority areas.
- 5.8 The young people who arrive under the NTS are regarded as Looked After and Accommodated Children for which the local authority has Corporate Parenting responsibilities. This will also be the case for unaccompanied Ukrainian children whose sponsor arrangements have broken down and the local authority takes over the care arrangements.

6. Implications

National Transfer Scheme

- 6.1 With the doubling of the expected number of children via the NTS, all Scottish local authorities will be required to find safe and suitable placements. This will result in increased “competition” for the placements that are available across Scotland. There is already evidence of a national shortage of fostering families, with local authorities exhausting their internal resources and placing an increased demand on external fostering agencies who are also struggling to keep up with demand.

There is already unprecedented pressure within the system with children waiting longer for the right match or being placed with carers on an emergency basis while another placement is found. This means further placement moves for the children and young people.

- 6.2 There is a risk that the Service may not be able to access a foster placement due to lack of availability. Nevertheless, the Service will still be expected to provide accommodation for the young person, in which case an external residential care placement may be the only option, the costs of which are nearly fourfold in comparison to the Home Office fee.

There is an increased likelihood that the placements that are available for unaccompanied (asylum seeking) young people may be a significant distance from Falkirk. This has implications for the young person as they will be distanced from the support Falkirk Council will provide. There is a high likelihood of the need to place the children outwith Falkirk which will require an increase in resource (e.g. time and travel) from staff to support the young person’s needs.

- 6.3 In respect to the NTS, failure to adhere to the 5 days transfer requirement could lead Falkirk Council being sanctioned by the Home Office. Letters of Concern have been issued to some local authorities. It has not been established by CoSLA what range of sanctions the Home Office has at its disposal.

- 6.4 Each young person is required to be supported by a registered social worker and has a right to education. The doubling of expected numbers will increase demand on available social worker capacity, this is coupled with the service struggling to recruit to current social worker vacancies.

- 6.5 The young people via the NTS are likely to have high support needs both through the process of seeking asylum and because of the trauma they will have experienced. From the level of input that the current 6 young people need, in order to support 12 young people, the service will require additional resource.

Resources

- 6.6 It is prudent for Children's Services to consider opportunities to add to our current offer of supported accommodation. Steps to Success opened in 2019 as part of the overarching aim of Closer To Home to shift the balance of care. This key development demonstrated a highly successful partnership approach within the Council and the third sector and was co-designed with young people.
- 6.7 The supported accommodation project was developed to meet the needs of care leavers, improve their outcomes and transitions into adulthood, whilst delivering financial efficiencies. The development and refurbishment of 9 Scottish Short Secured Tenancies (SSST) was implemented within the Falkirk area, with communal areas and small offices for support staff in addition to individual flats. A specification was developed to commission 24-hour housing support, and a contract award was made in the same year. Young people have benefitted greatly from this development and given the wide ranging, sometimes very different needs of UASC, considering additional options to add to our current offer for young people would support our ambition for good outcomes and financial sustainability.
- 6.8 Additionally, there is a lack of supported carer/lodging service for young people who wish to move on to more independent living from residential/foster care. To help create capacity in the system, there is an opportunity through the Closer to Home Strategy to focus attention on both of these development areas as a priority.

Ukrainian Unaccompanied Minors

- 6.9 Falkirk Council will be required to assess Sponsors using a private fostering assessment. The assessment must be undertaken by a registered social worker. Where children go to stay with sponsors they are not related to, or where they are not travelling with a relative, Falkirk Council will be expected to carry out 6-weekly visits to the family and child(ren) as with private fostering arrangements.
- 6.10 Where there is a breakdown in arrangement for minors travelling with or joining an adult relative to stay with a sponsor in the UK (Cohort 1), Falkirk Council may source another sponsor or provide alternative accommodation for both the close relative and child.

Where the child is minor has not travelled with or joined an adult relative but is travelled alone to stay with a sponsor in the UK (Cohort 2) and the arrangement breaks down, Falkirk Council will be required to accept responsibility for the child and this may include the child becoming looked after.

In both instances, it is the requirement of the local authority to contact the child's parents.

- 6.11 The Scottish Government will be publishing guidance taking account of the Scottish context and legal system.
- 6.12 Like all children seeking refuge, the unaccompanied Ukrainian children are likely to have experienced trauma. The impact will be exacerbated by being separated from their parent(s). Therefore, the children will need psychological support. The Scottish Government's initial proposal is that the CAMHS and the school counselling service offer this.

7. Financial

7.1 National Transfer Scheme

The Home Office provides a fee of £143 per child per night. This covers the cost of foster placements but does not cover the cost of providing other statutory services to the young person.

With the recently announced changes to the NTS an additional £2,000 per month for each child transferred from a hotel within 5 working days to local authority care has been announced. This funding will be provided for 3 months.

There will be an increased expected cost borne by Falkirk Council beyond the placement costs to ensure that the young person is safe, has their needs met and their rights upheld.

As noted above, if a foster placement is unable to be sourced then a residential placement will be required. This is a real risk as both our internal and contracted residential children's houses are at or near capacity. An external residential placement costs circa £4,500 per week against a Home Office fee of £1,001 per week.

The increase in looked after and accommodated children will impact negatively on the savings targets of the Closer to Home strategy. There are ongoing funding considerations via COSLA with regard to funding arrangements.

We estimate that an additional WTE Social Worker will be required due to the increased workload and the limited capacity within the existing service. The Service is considering options with Council colleagues to consider how funding received by the Council can be best utilised to target resource to a range of needs.

7.2 Ukrainian Unaccompanied Minors

Falkirk Council will receive £10,500 for each sponsor accepted. Whilst the sponsor will receive £350 per month from central government this is unlikely to cover cost of meeting all the needs of the child. There may therefore be a need for Falkirk Council to provide financial assistance for the child, for example using Section 22 budgets.

The undertaking of private fostering assessments and minimum of 6 weekly visits for 5 children with support to sponsors and children will require a 0.5 WTE registered social worker. There is no capacity within the existing Fostering Service to meet the outlined workload and options are currently being explored to ensure we can meet our duties.

Where a hosting arrangement breaks down and Falkirk Council is required to accommodate the child, there will be the same challenges and financial implications noted for children requiring accommodation. However, this number is likely to be smaller and whilst there will be a one of payment of £64,000 paid there will be no ongoing financial provision from central government.

8. Conclusions

- 8.1 The developments outlined above will require Falkirk Council to allocate sufficient resources to Children's Services to meet its legal obligations and to ensure the children and young people are provide with safe care and their rights are upheld. The responsibilities extend beyond Social Work and will also impact on the Education provision.
- 8.2 To help create capacity in the system, there is an opportunity through the Closer to Home Strategy to focus attention on additional supported accommodation developments as a priority. This activity will support our ambition to ensure care experienced young people have good outcomes, healthy transitions and that risks to budget are mitigated.

Director of Children's Services

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Appendices

Appendix 1: Homes for Ukraine: proposed process for minors neither travelling with nor joining their parent or legal guardian.

List of Background Papers

None.

Homes for Ukraine: proposed process for minors neither travelling with nor joining their parent or legal guardian.

1 Background

- 1.1 The Home Office is proposing that a safe route will be opened to allow unaccompanied children to travel to Scotland to seek refuge from the war in Ukraine. The home office has indicated that there are 944 unaccompanied children and young people who have made application under the Homes for Ukraine for whom there is currently no safe/legal route for them to travel to the UK.
- 1.2 Sponsors will be required to commit to care for the child for three years or until their 18th birthday.

| | |
|--|-----|
| Cohort 1 - minor is travelling with or joining an adult relative to stay with a sponsor in the UK | 723 |
| Cohort 2 – minor is <u>not</u> travelling with or joining an adult relative but is travelling alone to stay with a sponsor in the UK | 221 |

- 1.3 There are 80 children who have indicated that they wish to seek refuge in Scotland 48 through the Homes for Ukraine scheme and 32 noted by Local Authorities.

Age breakdown:-

- 11 aged 10-14 years
- 57 aged 15-18 years
- 8 aged 18 plus

- 1.4 There is no lower age limit. There are no children identified for Falkirk at this time. The working figure of the Scottish Government is 5 children per local authority area. However, it is expected that if a safe route is opened up for unaccompanied children there will be Falkirk citizens who wish to be sponsors.

2 Process

- 2.1 All the local authority checks will be done ahead of any visa form being submitted. However, to minimise the burden on local authorities, the UK Government rather than the local authority would provide the entry point for sponsors to initiate the upfront checks required.
- 2.2 PNC/WI checks which will be carried out:-
- a) The sponsor will be required to obtain a notarised parental consent form. There is a lighter touch arrangement whereby both local authorities and UKVI will check that a form has been provided.

- b) Local authorities will have discretion to decide whether the sponsor arrangement is suitable, in line with existing private fostering arrangements. If the relationship breaks down, likewise the local authority will have the discretion to decide on alternative sponsor arrangements, with care as a last resort.