
Education and Children's Services Scrutiny Board (2)
Cabinet

10 November 2016
29 November 2016

Name of Cabinet Member:

Cabinet Member for Strategic Finance and Resources - Councillor J Mutton
Cabinet Member for Education – Councillor K Maton
Cabinet Member for Children and Young People – Councillor E Ruane

Director Approving Submission of the report:

Executive Director for People

Ward(s) affected:

All

Title: Unaccompanied Asylum Seeking and Refugee Children

Is this a key decision?

No

Executive Summary:

The City Council has always welcomed and cared for unaccompanied asylum seeking children who have arrived in Coventry and Council has been clear in its commitment to welcome refugees to the City. The need to now welcome and support many more unaccompanied asylum seeking children who have been displaced as a result of events abroad is critical.

The Government has made a number of commitments in relation to supporting and caring for children. A number of local authorities are already engaging in the commitments made across a range of central government initiated schemes. The response of local authorities has been welcomed by Government and close working between central government and local government will continue to find constructive solutions.

Three schemes relating to children have been issued by Central Government for local authorities to consider and adopt.

The first scheme is to request those local authorities that have not already done so to register for the National Transfer Scheme (NTS) which launched at the beginning of July. The Government is proposing an equal distribution of unaccompanied children between local authorities, with the NTS the mechanism to achieve this.

The second scheme is to request that Local Authorities confirm the total number of unaccompanied children that could be placed in the authority for the remainder of this financial year, noting the 0.07 threshold operating under the NTS. (Detailed below)

The third scheme is to consider taking children and their families under the Vulnerable Children's Resettlement Scheme. These are children who have been identified as the most vulnerable and at risk of child labour, forced marriage, child carers and other forms of abuse and exploitation. It is expected that the majority of these children will be accompanied by family or carers.

Recommendations:

Education and Children's Services Scrutiny Board (2) is recommended to:

- (1) Support the recommendations to Cabinet
- (2) Forward any additional recommendations to Cabinet for consideration

Cabinet is recommended to:

- (1) Approve and endorse the three schemes proposed by Central Government to support and care for unaccompanied asylum seeking and refugee children
- (2) Note that the City Council has registered for the National Transfer Scheme (this decision having been made by the Chief Executive in consultation with the Leader as a decision having been required in an emergency)
- (3) Delegate responsibility to the Executive Director People to confirm the total number of unaccompanied children that could be placed in the City for the remainder of this financial year.
- (4) Confirm the City Council's commitment to welcoming children and families identified under the Vulnerable Children's Resettlement Scheme.
- (5) To note the financial implications of resolving to support and care for unaccompanied asylum seeking and refugee children as detailed in this report.

List of Appendices included:

Appendix 1 - Summary Table additional detail on the criteria for the three schemes

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

Yes this will be considered at the Education and Children's Services Scrutiny Board 2 on the 10th November 2016

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Unaccompanied Asylum Seeking and Refugee Children

1. Context (or background)

1.1 Three key schemes relating to children have been issued by Central Government for local authorities to consider and adopt:-

1.2 National Transfer Scheme (NTS)

1.3 The NTS has been in place for over four months. Since the scheme was implemented on 1 July 2016 over 60 unaccompanied asylum seeking children (UASC) have been transferred successfully under the provisions set out in the transfer protocol nationally. A regional event that took place over the summer was positive and highlighted a real commitment- both at the regional level and at individual authority level- in making the scheme work and ensure vulnerable children receive the care and support they need.

1.4 The scheme is designed to ensure that no local authority is required to care for more UASC than it can cope with. To achieve this objective more local authorities need to take on the responsibility of unaccompanied children. As with the Syrian Vulnerable Persons Resettlement Scheme (SVPR), the Government want to encourage a regional approach. On the 6th September 2016 the City Council called upon the Prime Minister to step in and set a quota system for all local authorities to support the resettlement of Syrian Refugees.

1.5 The Government have offered additional funding of up to £60,000 for regions participating in the NTS to bolster their regional structures. This is in addition to the £60,000 the Government have already provided to allow a regional approach to SVPR. This £60,000 however has been paid to the Strategic Migration Partnership and has not been available locally to offset costs. Government officials will continue to work with the Strategic Migration Partnerships to ensure implementation is successful and that those areas with limited experience of caring for unaccompanied asylum seeking children receive the support they need. The 0.07 threshold is a regional threshold, and this report assumes that ultimately there is an agreement across the region for each Local Authority to take their share of the regional threshold.

1.6 As a result of the sudden closure of the “camps” in Calais on the 24th October the City Council need to register with the NTS became urgent. Paragraph 3.8 of Part 2M of the Constitution enables the Chief Executive, in consultation with the Leader to make decisions required in an emergency. The Chief Executive having consulted with the leader, and with the approval of the Cabinet Member for Children, agreed that this was an emergency situation that required an immediate decision. It was agreed that a report will be taken to Cabinet on 29th November that would include information about this decision.

1.7 Unaccompanied refugee children in Europe (“the Dubs amendment”)

1.8 In addition to the VCRS, the Government committed to bring over unaccompanied refugee children from Europe as set out in the Immigration Act 2016 (commonly known as “the Dubs amendment”). The Government have been working closely with three Member States – France, Greece and Italy – as announced by the former Prime Minister David Cameron, to identify suitable cases and introduce processes where necessary to transfer these children to the UK.

1.9 The Immigration Act requires the Government to consult local authorities before arriving at a total number for the scheme. This was also discussed during the regional events. It is recognised that this puts additional pressure on local authorities.

1.10 Vulnerable Children's Resettlement Scheme (VCRS)

1.11 The Government announced in April to complement the Syrian Vulnerable Persons Resettlement Scheme (SVPR) in helping vulnerable people displaced by the migrant crisis. The scheme will involve resettling up to 3,000 people during this Parliament, made up of children at risk and their families from the Middle East and North Africa region. The vast majority of children qualifying under the scheme are expected to be resettled with their families and not as unaccompanied minors. The Government expect a very small number of unaccompanied children to be brought to the UK under this scheme and are working with the United Nations High Commissionaire for Refugees (UNHCR) to identify cases suitable for resettlement, ensuring it is always in the best interest of the child. The first families are expected to arrive in the autumn, it is hoped that several hundred resettle before the end of the financial year.

1.12 The Government continue to need the support of local authorities to provide homes and support for those resettled under this route. The key difference between VCRS and the SVPR is that the scheme is open to all nationalities in the region in need of protection, due to the vulnerability of a child or children. The funding for families will be in line with that provided for SVPR scheme, and for the small number of unaccompanied children funded in line with the national transfer scheme rates.

1.13 Unaccompanied refugee children in Europe ("the Dubs amendment")

1.14 In addition to the VCRS, the Government committed to bring over unaccompanied refugee children from Europe as set out in the Immigration Act 2016 (commonly known as "the Dubs amendment"). The Government have been working closely with three Member States – France, Greece and Italy – as announced by the former Prime Minister David Cameron, to identify suitable cases and introduce processes where necessary to transfer these children to the UK.

1.15 The Immigration Act requires the Government to consult local authorities before arriving at a total number for the scheme. This was also discussed during the regional events. It is recognised that this puts additional pressure on local authorities. As at Quarter 2 Coventry have 25 UASC children, in order to meet its responsibility of 0.07 % of the overall children and young person population of approximately 75,000 this would rise by a further 28 children equating to 53 children in total.

1.16 Placing unaccompanied asylum seeking and refugee children

1.17 The Government have made it clear that unaccompanied children will be treated the same irrespective of their method of entry into the UK, including those arriving clandestinely. It would be unfair to prioritise the placement of unaccompanied children based on arrival method. For this reason, all unaccompanied refugee children who are brought to the UK under a formal scheme, but are not reuniting with family members, will be placed in to local authority care through the NTS. Local Authorities will receive the same daily funding rates for unaccompanied looked after children as they do for all other unaccompanied asylum seeking children through the NTS.

1.18 Unaccompanied children will only be brought to the UK where it is deemed to be in their best interests and the Home Office will share information obtained on individual children with the relevant local authority ahead of transfer. It is crucial that the NTS is fully operational to transfer and properly support unaccompanied refugee children who are brought to the UK, and make a success of this new initiative.

2. Options considered and recommended proposal

- 2.1 The details of the three schemes have been described above. Doing nothing is not recommended and does not recognise the City Council commitment to refugees and vulnerable children. The secretary of state has the authority to impose the dispersal of UASC on local authorities that have not engaged.
- 2.2 The proposal is that the local authority endorse the commitment made by Government and proceed with this new initiative and implement the three schemes to provide continued support and care to unaccompanied asylum seeking and refugee children.
- 2.3 The criteria for the three schemes is illustrated in Appendix 1.
- 2.4 Presently Coventry have 25 UASC children, and in order to meet its responsibility of 0.07 % of the overall children and young person population of approximately 75,000 this would rise by a further 28 children equating to 53 children in total.

3. Results of consultation undertaken

- 3.1 This is a Government requirement; information will be shared with partners, members, staff and Trade Unions on the new schemes for unaccompanied asylum seeking and refugee children.

4. Timetable for implementing this decision

- 4.1 There is an immediate need to implement this decision. It is unknown how often, or how many vulnerable child refugees or Unaccompanied Asylum Seeking Children are likely to need to come and live in Coventry. Those with family locally will be placed with them through the Dublin treaty regulations whilst UASC will come through the National Transfer Protocol up to a number of 53 which is 0.07% of the current child population.
- 4.2 In order to implement the new schemes, a process will be agreed and implemented Immediately.
- 4.3 The fostering service presently have 6 available bed space to support the NTS, proposal. In order to meet the demand of 28 children in total there are currently 27 households in the process of assessment. Of these, 9 would be able to support this scheme.

5. Comments from Executive Director of Resources

Financial implications

- 5.1 There is £60,000 available from government for regional set up and infrastructure costs. We expect that this will be available to the Strategic Migration Partnership in a similar way to the SVPR, and not available locally to offset costs.
- 5.2 It is hard to be completely accurate in relation to the financial implications, as it will depend on:
 - The individual needs of each of the UASC, which will impact on what type of placement they require; ¹
 - Availability/sufficiency of placements, which will impact on where we are able to place UASC, and corresponding cost;

¹ The cost of placement can range from just over £20K per annum in internal foster care to in excess of £150K per annum in some external residential settings.

- Whether the 53 UASC equates to headcount or full time equivalent, as costs are driven by the number of days and nights in placement rather than headcount numbers; and
- Timing of the additional numbers coming into the city.

5.3 The figures included are therefore an estimate based on the 2015/16 average unit cost of a UASC, compared with the grant received, for a full year.

5.4 The UASC placement costs could increase as a result of pressure on the system, as there tends to be a finite number of lower cost placements (such as internal fostering). This means that we have to purchase placements from external providers at a higher cost. As this adds an additional 28 looked after children into the system, this is inevitable in the short term, but can be managed over the longer term with a clear commissioning and procurement strategy including continuing to increase internal foster care numbers.

5.5 In 2015/16 the majority of UASC were placed in external foster care. The average unit cost is £47K per UASC, and we receive on average £37K of grant per annum. In 2015/16 this means that each UASC cost the local authority just over £10K. This includes placement cost, and the additional costs of these children and young people becoming looked after (e.g. social worker, independent reviewing officer time). The additional unfunded full year cost for 28 full time children and young people is therefore estimated to be approximately £300K per annum, notwithstanding the further financial risk outlined above.

5.6 This will add to the budgetary control pressure in the Children's service and the wider People Directorate, and will largely impact on the placement budget. Work is underway to investigate how we can mitigate against this through underspending or additional grant funding. The implications will also be built into the budget setting process in future years.

Legal implications

5.7 The Council would still have statutory responsibilities for unaccompanied asylum seeking children who present themselves within the city.

5.8 The relevant parts of the Immigration Act 2016 relevant to these Schemes came into force on 31 May 2016 - The relocation and support of unaccompanied refugee children, transfer of responsibility for relevant children and the duties upon local authorities for relevant children. The Act places a duty upon the local authority to provide information to the Secretary of State for the purposes of enabling such transfers to take place.

5.9 If a Local Authority refuses to engage in the voluntary programme then the Secretary of State has been awarded new powers under the Immigration Act 2016 that will allow for the dispersal of unaccompanied asylum seeking children to be imposed on local authorities.

5.10 The Council needs to make sure that it complies with the public sector equality duty set out in S149 Equality Act 2010 when coming to a decision on the proposals.

6. Other implications

The increase of UASC for the council, has wider implications for services as a whole. Although the financial reimbursement may cover the placement. The extra cost associated With the increase equates to a 1.5 social work equivalent case load and approximately a third of a caseload for an IRO.

Alongside is the requirement to increase the sufficiency strategy to account for 28 further potential fostering beds. Recruiting Foster Carers from the beginning of marketing to the

date the first placement is made would take a minimum of 6 months. The recruitment of foster carers is active and ongoing as part of the medium term financial strategy to increase the number of looked after children placed with in house foster carers. The current marketing campaign includes a component which is closely connected to providing care for unaccompanied minors. However, there has not previously been specific targeted marketing for applicants who are interested in caring for unaccompanied minors. This has been due to the plan to ensure that foster carers can approve as broad a range of children as possible.

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

This decision is consistent with the Council's aim to support vulnerable people.

6.2 How is risk being managed?

Financial risk needs to be managed by:

- maximising the use of the existing Looked After Children (LAC) placements available to us to minimise vacancies in lower cost provision
- a thorough needs analysis of the LAC population including demand mapping to ensure we have the correct commissioning and procurement strategy in place (including internally)
- a clear and safe move on strategy to enable move on to independence of all LAC at the first appropriate point

6.3 What is the impact on the organisation?

The impact of this strategy in isolation will increase the number of LAC and increase the costs of the service. Where we cannot mitigate against this through corresponding underspends or additional funding this could result in funding reductions in non-statutory services.

Responsibility for the provision of sufficient school places currently rests with the City Council – it has a statutory responsibility under section 14 of the 1996 Education Act. It is anticipated that an additional 28 pupils would be able to be accommodated within existing provision without a need to create additional school places.

For admissions to schools, UASC have the same rights as other children coming to this country. They have equal access to the full curriculum, appropriate to their age, ability and aptitude and any special educational needs they may have. They are admitted to school/academies using the same local authority criteria as apply to any other child seeking a school place. Admissions will be through the normal admissions process. The School Admissions Code requires the Local Authority to have an In-Year Fair Access Protocol to ensure that access to a suitable school place is secured quickly for children who have no school place.

6.4 Equalities / EIA

Public authority decision makers are under a non – delegable on-going duty to have due regard to the need to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

The implications of additional UASC in the city will impact on school places and is likely to have impact on additional health needs.

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Appendix 1

Summary Table Criteria for three Schemes

	Unaccompanied asylum seeking children transferred through the NTS	Unaccompanied Refugee Children in Europe ('Dubs amendment')	Vulnerable Children Resettlement Scheme (VCRS)
Government Commitment	Government committed to considering claims lodged in the UK 3,043 claims made in 2015	To be confirmed	Up to 3,000 people this Parliament
Summary Eligibility Criteria	<ul style="list-style-type: none"> Children who arrive in UK and lodge a claim for asylum <p><u>Additional information</u> Most UASC are male aged 15-17</p>	<ul style="list-style-type: none"> Aged under 18 In Europe before 20 March 2016 Will or are likely to qualify for refugee status The transfer to the UK is determined to be in the best interests of the child Priority will be given to cases with a UK family link <p><u>Additional Information</u> Cases will be a mixture of family reunion cases and unaccompanied children</p>	<ul style="list-style-type: none"> Those deemed to be 'Children at risk' as identified by UNHCR <p><u>Additional Information</u> In the majority of cases, children will be accompanied by their families or carers. We expect low numbers of unaccompanied children to be resettled</p>
Nationality	All	All	All
Referral Countries	N/A	<ul style="list-style-type: none"> France Greece Italy 	<ul style="list-style-type: none"> Turkey Lebanon Jordon Iraq Egypt
Leave granted	To be determined on a case-by case basis	To be determined on a case-by-case basis	5 years' Humanitarian Protection