

Agenda Item	7
Report No	HCW/07/23

THE HIGHLAND COUNCIL

Committee: Health, Social Care and Wellbeing

Date: 18 May 2023

Report Title: Unaccompanied Asylum Seeking Children in Highland

Report By: Executive Chief Officer Health and Social Care

1. Purpose/Executive Summary

- 1.1 This paper details Highland's humanitarian response to unaccompanied asylum-seeking children, transferred to Highland via the Home Office National Transfer Scheme (NTS). The paper refers to unaccompanied children as separated children and young people, placing emphasis on the recognition of the trauma they have faced and continue to face being separated from their families. Highland is clear that these are children first and foremost.
- 1.2 The paper begins by setting out the broader context and background, including the increasing numbers of children and young people arriving in Kent in small boats noting the dangers they face. Separated children face unprecedented additional risks of trafficking, exploitation, forced labour and going missing. This is in addition to the political and religious persecution, violence and war in their countries of origin in which they are fleeing.
- 1.3 Highland Officers formed part of a delegation that visited Kent to meet with the Small Boats Operational Group to meaningfully understand lived experience to enhance our strategic planning and response. The Highland strategic and operational partnership with our 3rd sector Alliance demonstrates the Highland model and response through a 3 staged approach of - **1. Feeling Safe and Settling In; 2. Support & Integration and 3. Through Care and After Care.**
- 1.4 Supporting separated children remains a major challenge within a political, policy and funding landscape. There are funding and budget pressures given the funding does not actually meet the real term costs of the complex packages of support required, but this is not localised to Highland; this is a national issue that the representative body, COSLA, is making representation on behalf of all local authorities across Scotland.

2. Recommendations

2.1 Members are asked to:

- i. **Note** the context, background, and action by the formation of a strategic partnership, including the 3rd Sector Alliance, in developing an urgent humanitarian response to support the holistic needs of separated children in Highland.
- ii. **Note** the complex and changing policy, procedural and financial arrangements directly linked to ministerial updates.
- iii. **Note** the financial pressures given funding does not cover real time costs of the full provision of services across the broad partnership.
- iv. **Note** COSLA's key role in representation of all local authorities across Scotland.

3. Implications

- 3.1 Resource – Home Office funding remains a pressure as it does not fully cover the real term costs from across the partnership to support holistic needs. This is particularly the case for any young person requiring a fostering, residential care or secure care placement. Funding also stops at 18 despite Highland's responsibilities post 18.
- 3.2 Legal – Under Section 25 of the Children (Scotland) Act 1995, local authorities are legally obliged to provide separated children with accommodation and safeguarding, at which point they become looked after children and sit within the broader statutory and regulatory care system.
- 3.3 Community (Equality, Poverty, Rural and Island) – Some separated young people do not agree with being placed in some of the more rural local authorities such as Highland. This has resulted in some young people going missing, as they gravitate towards the bigger urban cities e.g., London.
- 3.4 Climate Change / Carbon Clever – No implications for this report.
- 3.5 Risk – This report details the significant risks of children and young people travelling in small boats and going missing. It highlights additional exploitation and trafficking risks.
- 3.6 Gaelic – No implications for this report.

4. Background

- 4.1 Separated children and young people on the move are defined as children up to the age of **18** who have arrived in the UK without a parent or legal guardian, seeking safety and asylum, having been separated from their families. They are often fleeing political and religious persecution, violence, war, famine and abuse. Young people are received by the National Asylum Intake Unit (NAIU - Home Office) into the western Jet Foil in Dover and transferred to us by the National Transfer Service (NTS – Home Office).
- 4.2 Separated children have faced considerable threats. Their journey into the UK - more frequently now in small boats landing in Kent - is perilous, traumatic and life threatening. Tragically, some do not survive the journey. There are additional risks to children moving through travel routes. This includes an increased risk of child

trafficking and criminal/sexual exploitation. Children are also regularly trafficked into the UK to be forced into domestic servitude, and other forms of forced labour. This is a local, national and global child protection issue.

5. Visit to Kent by Highland Officers

- 5.1 On 19 April 2022, officers from Highland Council formed part of a delegation that visited Kent to meet with leaders of the Small Boats Operation Group, and the Kent Intake Unit – KIU, which is a ‘holding’ and detention facility. The purpose of this visit was to raise awareness of the children’s experience on those boats and understand their experiences once placed in the KIU. Officers found this deeply harrowing and moving detailing that:

The dangers associated with this crossing are sobering, the absolute substandard quality of the equipment used, the level of overcrowding on these boats, allied with the low levels of skills and abilities of the pilots, putting the lives of families and children at risk.

The dangers are made more serious due to the strong currents and hazardous weather conditions in one of the busiest shipping lanes in the world during a journey that can take up to 36 hours.

6. The National Transfer Scheme Protocol for Unaccompanied Asylum-Seeking Children

- 6.1 As directed by the Home Office the policy supporting separated children is detailed in the **National Transfer Scheme** (NTS, updated September 2022). When the NTS first began operating in 2016, it formed the basis of a voluntary agreement made between local authorities in England to ensure a fairer, more equitable distribution of children across local authorities. Legislation was amended in 2018 to extend the scheme to include local authorities in Scotland, Wales, and Northern Ireland. The NTS sets out the legislative framework, details responsibilities for devolved nations, and provides guidance on the operation of the NTS in which local authorities must implement to secure the safe transfer of children, in accordance with the **Immigration Act 2016**. This is a complex shifting area of policy with frequent ministerial updates in response to the significant increasing numbers, which has resulted in too many young people being placed in unsuitable hotel accommodation.

7. NTS – Rota & Timeframes

- 7.1 From 26 July 2021, the NTS operated initially on a national voluntary rota, into which local authorities, agreed to accept separated children from the rota based on a quota/calculation of 0.07% of the child population. From 15 February 2022, following the required representations process (COSLA in Scotland) all local authorities in the UK have now been directed or **mandated** to participate in the NTS. Of significance a further ministerial update, on 24 August 2022, increased the threshold of numbers from the quota from **0.07% to 0.1%**. We are advised this will equate to Highland having **43** children transferred. Significantly, the changes announced, also included reducing the NTS transfer timeline from moving young people out of hotels from **10** working days to **5** days given the growing concerns about the increasing numbers of children being placed in hotels.

8. Highland Demographic

- 8.1 As stated, Highland is expected to take **43** children as part of the 0.1% quota based on the child population of Highland. As of April 2023, we have **33** young people who have transferred through the NTS. All are male, all aged 17-18 bar one who is 15. Young people originate from Afghanistan (12), Iran (7), Albania (5), Sudan (3), Iraq (2), Kuwait (2) and Turkey (2). **Five** are missing, aged between 17-18. **Three** young people have been located by Police in Belfast, Sheffield and London. **Two** are now in supported fostering lodgings in London Borough Councils.

9. Missing Young People

- 9.1 Nationally, a high number of young people go missing directly from hotels and go missing when transferred to other local authority areas across the UK. This is a local and national concern. Missing young people can be at risk of significant harm and exploitation. Some young people do not want to be transferred into local authorities across Scotland, particularly those more remote authorities, such as Highland. These young people are adamant they want to stay in the larger urban areas out with Scotland. Missing Persons Protocols are followed with Police Scotland. Police Scotland are part of the partnership steering group and key leads give regular updates of actions taken, including identifying when young people are found. Highland remains responsible, including financially, for those young people. This is a complex area in which local authorities across Scotland are facing major pressures, which has been raised with COSLA as the representative body.

10. Legal Status

- 10.1 Separated children and young people who arrive in Scotland in need of refuge and protection must be treated as children and young people first and foremost. Under Section 25 of the Children (Scotland) Act 1995, local authorities are legally obliged to provide separated children with accommodation and safeguarding, at which point they become looked after children and sit within the broader statutory and regulatory care system. This includes all associated corporate parenting duties linked to being in care, leaving care (Through Care and After Care) and continuing care from 18 to 21 and in some situations up to 26. As for any child and young person in Scotland, separated children's holistic wellbeing needs must be fully understood and supported within the national practice model of GIRFEC. All the aspirations of the Promise apply equally to separated children.

11. The Highland Model

- 11.1 An UASC Steering Group was initiated with a broad representation of partners from Education, Health, Housing, Social Work, Police, High Life Highland, and a 3rd Sector Alliance of partners from Aberlour, Barnardo's and Action for Children (Right There). This partnership working has been critical to meet the holistic needs of each young person from arrival and throughout their care experience journey. All partners required to be part of the strategic and operational planning to ensure Highland developed an urgent humanitarian response to the increasing numbers of separated children transferred from the rota from hotels. Young people are arriving at high frequency and high volume requiring intensive activity at pace from key members across the partnership. The Steering Group continue to meet monthly working together reporting actions and accountabilities. This work has resulted in Highland now having in place a

3-stage model of support that is tailored to the individual needs of each young person: **1. Feeling Safe & Settling In; 2. Support & Integration and 3. Through Care & After Care.** (Appendix 1 details the process map of the intensive activity). This is further illustrated, as below:

- Supported accommodation with daily support provided by the third sector Alliance - Aberlour, Barnardo's, Right There and Gateway (previously known as Highland Homeless Trust).
- Individual core and cluster properties with a support team from Right There, Aberlour, Barnardo's and Gateway.
- A developing new model of carefully matched foster care for under 16s. (Currently there is only one U16 placed in Highland and plans to foster are at an advanced stage).
- Aberlour Scottish Guardianship Services, which provides support around the legal asylum process and ensures that everyone is provided with a solicitor.
- Education, career, skills, employability, and ESOL with strong links to the Care Experienced Education Team.
- Discussions are also ongoing with Highland's mainstream education provision.
- Individual and group sporting activity, hobbies, and interests.
- Health and wellbeing needs, including mental health services. Pathways into these services are currently being devised on our behalf by NHS Highland.
- Money management. Our separated children are currently receiving £63 per week Basic Living Allowance (BLA).
- Networking and supporting religious needs e.g. connections with the local Mosque. We are holding an event on 22nd of April 2023 to celebrate the end of Ramadan, with members of the local mosque invited. Staff from the team now spend time at the Mosque to better understand how we can better support cultural and religious need.
- Interpreting services – available face to face or via phone. There is some work ongoing around the translation of documents, where required, for example around Childs Plans, Education Plans etc.

12. Funding

- 12.1 As of the 31 March 2022, the core funding for under 18s is **£143** per child, per day. Over 18s is **£270 per week** until leave to remain is granted. At which point funding ceases.
- 12.2 The funding from the NTS has been a complex and changing area in response to increasing numbers and pressures on national infrastructure. Previously if local authorities successfully took transfer within the mandated 5 days, an additional **£6,000** followed each child. This funding was temporarily increased as of **16th of December 2022 until 28th of February** to **£15,000** for each young person. This was to allow local authorities to inject additional funds into more services and supported housing options. By achieving the transfer target, for an additional cohort within the 5 days, Highland secured additional funding of **£255,000** through this route to further invest in our model. Although, some of this funding may have to be returned linked to missing young people. While this additional funding was much welcomed, this funding has now **ceased**. Currently, apart from the basic funding, the additional funding position remains unclear.

13. Pressures/Challenges

- 13.1 Highland's financial modelling has highlighted that the funding provided, including the additional funding previously granted, does not actually cover the full costs of the partnership services necessary to meet separated children's complex needs. This is particularly the case if a young person requires a placement in Highland foster care or residential care. This budget pressure will increase significantly if a placement is required in independent purchased foster care, residential care, or secure care. These annual costs for each child can range from over £45,000 - £149,000 (foster care) and over £300,000 to £450,00 (residential care). Secure care is higher again. We will also incur the cost of such provision when children go missing and are placed in other local authorities' care placements. Highland anticipates being in this position with those children who have gone missing and are now in local authority care in England. We do currently have one young person in Highland Residential Care with a plan to transition to a Highland Foster Carer. Planning indicates that other under 16s are anticipated to transfer to Highland as part of the NTS. Budget pressures and challenges remain a factor with representation through COSLA highlighting these issues for local authorities across Scotland.

Designation: Executive Chief Officer Health and Social Care

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Background Papers: Separated Children - The Highland Model

