

Proposal for Changes to the National Transfer Scheme (NTS) for Unaccompanied Asylum-Seeking Children (UASC)

Key objective of the proposals

- **Ensure the NTS operates in the best interests of the child** –The objective of the NTS has always been that the best interests of children should always be a primary consideration. These proposals seek to increase the speed and certainty of transfers, ensuring that children are cared for in a sustainable placement as quickly as possible and reducing the risk that children establish links in the entry authority or find transfer disruptive.

Principles

- **Increase voluntary participation in the NTS** - The overall objective of these proposals is to increase voluntary participation in the NTS so that there is a more equitable distribution of UASC throughout the UK.
- **Remove operational barriers for local authorities** – Make the transfer operations more efficient and increase predictability allowing for greater planning when extending capability for caring for UASC.
- **Increase transparency** - Establish a comprehensive data package ensuring the effective operation of the scheme and enhancing confidence that the scheme is operating fairly.

The main elements of the proposed changes:

1. A new national rota

Under the current arrangements, when a UASC arrives in a region which already has UASC amounting to over 0.07% of its child population, that child can be referred into the NTS. The NTS team in the Home Office then asks all local authorities if they can offer a placement for that UASC. In contrast, the local authority where the UASC arrives has to find a placement immediately, regardless of capacity.

We are proposing to establish a national rota in which regions will take it in turns as the duty receiving authority. The Home Office will allocate children to the regional coordinator for the region on duty, who will then be responsible for allocating to a local authority within their region under their own local arrangements. Once a participating local authority has been allocated a child through the rota, they will be responsible for identifying a placement so that the child will transfer within a maximum of 10 working days. Responsibility will move to the next region once the indicated number of UASC have been placed.

While we can never be certain how many UASC will arrive over any given period, operating a rota will give regions and local authorities a greater understanding of the number of UASC they will be asked to support, and when such support might be requested. While it would not be possible to predict placement needs precisely, regions will know when their turn on the rota is coming up. This system should increase the predictability of the region's contribution to the NTS and increase the speed of transfers.

We have modelled what this is likely to mean in terms of the number of UASC that each region might be expected to receive through the NTS over a 52-week period as an indication to aid planning. This is not an absolute guide but gives an indication of what the rota would mean for your region.

Regions may of course retain the flexibility to agree transfers outside of the rota where a particular placement is in the best interest of the child, for example where a child may have a family connection.

The operation of the proposed rota is set out within the high-level process flow diagram below. It is recommended that the Home Office continue to co-ordinate and manage the NTS rota supported by Strategic Migration Partnerships. We are considering how to ensure that social work expertise is available to manage issues as they arise.

2. Weighting factors

In order to make a national rota as fair and equitable as possible, it is proposed to apply a weighting system, to take wider pressures into consideration. Each region may apply specific local factors to their intra-regional rota should they wish. This could be on the basis of static factors such as the size of the local authority, or temporary factors affecting a particular local authority's children's services. The following factors have been considered for weighting the national rota.

- ✓ **Child population.** Regional contribution will be nationally weighted according to the regional child population in order to ensure proportionality.
- ✓ **Supported Asylum population.** There is currently a disproportionate regional distribution of asylum seekers who are dispersed and supported under provisions of the Immigration and Asylum Act 1999. See rota methodology below for further details of proposed weighting.
- ✓ **London.** London has offered to take a higher number as an interim arrangement, in recognition of the high numbers currently presenting within the capital.

Other factors have been considered for weighting at national level but have been excluded as set out below. These can still be taken into consideration at an intra-regional level.

- ✗ **Looked After Children numbers.** Although it is recognised that there is regional variance in the population of Looked After Children, it is less pronounced than the figures for supported asylum pressures (see the analysis in within rota methodology below). Given the wide variance in rates within regions, it is recommended that overall Looked After Children numbers should not be used as a method of national weighting.
- ✗ **Numbers of Care Leavers, including whether they are UASC.** Numbers of Care Leavers are published in the SSD 903 return. However, currently figures are only published for Care Leavers aged 19, 20 and 21, which is not the full range of responsibilities. It is not currently possible through the published information to distinguish those Care Leavers who are previously UASC.

Figures in Scotland reflect the significantly different legal arrangements there. No figures are published in Wales.

- × **Numbers of Looked After Children and Care Leavers placed Out of Area, including whether they are UASC.** These figures are not currently available.

3. Access to the National Transfer Scheme

To support the predictability of the National Rota, it is proposed that the threshold to make referrals into the National Transfer Scheme should be that a local authority is supporting UASC at over 0.07% of their general child population, irrespective of whether their region is. In the current arrangements, local authorities above the 0.07% but within a region that is overall underneath the 0.07% can only make transfer requests within their own region.

4. Transport costs and practicalities

The current NTS Protocol stipulates that the receiving authority should be responsible for the transport costs unless there is a mutual agreement for a different arrangement. The introduction of a National Rota will mean that the potential journeys are going to be longer and more complex in some cases.

It is recommended that the entry authority would be better placed to enable the journey as it will be their staff who will have any relationship with the child and that this section is amended to state that transport costs and arrangements should be the responsibility of the entry authority. Planning and communication between the local authorities vital and this will need to take place in a timely fashion to avoid delays.

5. Age Assessment

We do not propose any changes to where responsibility for undertaking age assessments lies. For clarity, the existing protocol sets out that 'where the age of a child is disputed – but accepted as being under 18 years of age or treated as being under 18 years of age until further assessment of their age has been completed – the receiving local authority will normally conduct the Merton and further case law compliant age assessment. In some cases, the entry local authority may agree to conduct the case law compliant age assessment before transfer has been agreed.'

6. Escalation procedure

In order to ensure confidence in the system, a robust escalation procedure is required that addresses issues both prior to any transfer as well as any issues that may emerge after the transfer has taken place. Such a system will also allow learning to be shared across all participating authorities and agencies.

A Cases of Concern protocol exists but it is acknowledged that this primarily addresses concerns that arise prior to transfer.

There may be cases where a transfer has taken place and concerns arise that:

- a. The information provided by the entry authority was incorrect and that this would have affected the basis for the transfer – e.g. that they had family members living in the entry authority; or

- b. The safety and welfare of the child has been seriously affected and that this is attributable to the decision to transfer, including concerns regarding their physical or mental health.

In such situations there will be a mechanism to review and potentially reverse the transfer.

7. Sharing expertise, building experience and developing capacity

Ensuring that receiving areas are in a position to meet the needs of UASC is an issue for all authorities both in terms of the availability of placements and the capability to meet the needs of UASC, including cultural and religious needs.

The Government is committed to sharing learning and offering support to all regions to develop additional skills and expertise, including those with smaller UASC populations. The Controlling Migration Fund has been used in some regions to develop placement resources and offer training to staff and carers. We are currently considering what the best strategic approach would be to ensure that resources continue to support such developments and that any funding is directed to where it is most needed to support the NTS.

Appropriate commissioning of placements is required to address issues of quality and availability of placements. Some areas have found that engagement with rotas has aided them in commissioning as providers are encouraged to develop services. There is greater predictability that can aid planning. In turn this has driven down costs as well as improving quality and stability.

8. Children transferred or resettled from overseas

Previously, placements available through the NTS have been prioritised for children arriving from overseas under both Section 67 of the Immigration Act (Dubs Amendment) and the Vulnerable Children's Resettlement Scheme. Should there be a future need for placements from children from overseas, these needs will be fed into the National Rota alongside those arriving spontaneously.

9. Data management and governance

It is recommended that governance of the National Transfer Scheme remains with the UASC Governance Board, which is jointly chaired by the Department for Education and the Home Office and includes local government representation.

Transparent and regular data sharing is important to reassure all participating authorities that the National Rota is being managed effectively and fairly, as well as demonstrating progress towards the aims of the NTS. Once ratified by the Governance Board, this would be circulated to local authorities and regional Strategic Migration Partnerships.

An annual review of weighting arrangements should also be undertaken and agreed at the UASC Governance Board.

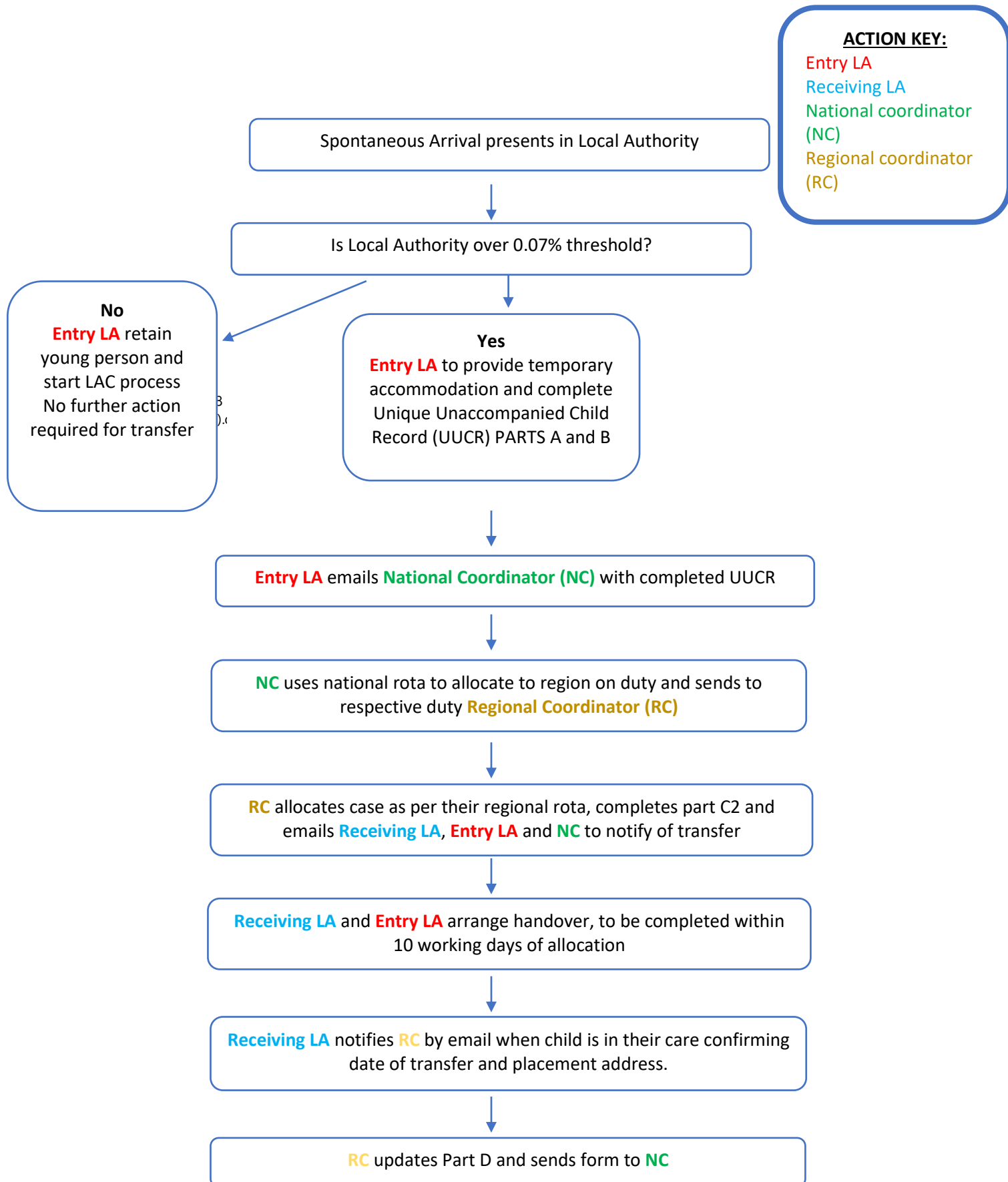
It is recommended that an operational group meet remotely on a monthly basis to ensure good communication and enable any issues to be addressed as soon as possible. This will include a discussion of any cases of concern that have arisen through the Escalation Procedure.

Next steps

Once consultation responses have been received and analysed, we will share high level findings with the UASC Governance Board. Ministers will then consider final recommendations.

It is our aim to encourage all authorities to engage and participate in the NTS through the proposed rota. Should this not be initially possible, we would not expect those authorities who do participate to take on all eligible children and will seek to develop models that achieve a proportionate number of transfers.

High Level Process Flow Diagram



Rota Methodology

Summary

Due to the nature of UASC arrivals, no modelling can provide complete certainty to the flow of UASC placements via the NTS.

For **illustrative purposes** a weighted average has been calculated to demonstrate to regions of what their participation on the new rota **could** look like.

The input data contains the general population, child population¹ and total supported asylum² populations at a regional level.

Weighting

The primary weighting factor is the region's **child population** set against the national average. Regions with greater child populations will be asked to place a greater number of UASC.

The secondary factor is an inverse weighting of **supported asylum population**. Regions with larger proportions of asylum seekers supported under s95 and s4 of the Immigration Act 1999 will be asked to place fewer UASC.

In order to support the development of the new rota scheme, **London** has helpfully offered to temporarily suspend the lower weighting it would otherwise have received as a result of its large supported asylum population and this is reflected in the model.

Model inputs

The model is programmed to be flexible and input values can be amended. The model will routinely be reviewed by the operational team responsible for managing the rota.

The following variable values have been entered into the model to provide indicative figures for the purpose of demonstrating regional commitment:

- **720 referrals per year/60 per month** – based on expected referral rates.
- **70% of referrals leading to a transfer** – based on experience with the existing NTS and anticipated impact of broader operational changes.

Using these input values and weighting factors, we can determine how many children we might expect to transfer through the proposed rota in any given period and/or cycle.

¹General population and child population taken from ONS Mid-2019 Population estimate - <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

²Supported asylum population taken from RASI Place Based Report, March 2020

Model output

The table below provides an indication of what the commitment under a regional rota would look like based on the weightings described above. It illustrates the impact of the weighting factors for each region and shows the expected number of placements that would need to be found over a year, and also per quarter. It is proposed that the quarterly breakdown is the version used to determine whose turn is next on the rota. For example, the East Midlands would take 8 children referred into the rota before passing to the East of England, who would take the next 15 children referred into the rota and so on. Of course, given that precise UASC intake is difficult to predict, the rota might cycle through these volumes in more or less than three months. Final values will be calculated ahead of implementation and updated as new data becomes available.

| Indicative NTS Rota Operation | | | | | |
|--------------------------------------|--|--|---|--|---|
| Region | Weighting contribution (total child population) [Weighting factor 1.0] | Weighting contribution (supported asylum proportion inc. London waiver) [Weighting factor 0.5] | Overall weighting [total child population contribution + supported asylum proportion contribution] | Indicative UASC placements per year | Indicative UASC placements over 3 months – to be repeated 4 times annually |
| East Midlands | 7.1% | 5.1% | 6.4% | 32 | 8 |
| East of England | 9.5% | 17.7% | 12.3% | 62 | 15 |
| London | 14.4% | 10.0% | 12.9% | 65 | 16 |
| North East | 3.8% | 2.0% | 3.2% | 16 | 4 |
| North West | 11.1% | 2.2% | 8.1% | 41 | 10 |
| Northern Ireland | 3.1% | 5.9% | 4.0% | 20 | 5 |
| Scotland | 7.3% | 3.7% | 6.1% | 31 | 8 |
| South East | 13.9% | 30.1% | 19.3% | 97 | 24 |
| South West | 7.8% | 14.6% | 10.1% | 51 | 13 |
| Wales | 4.5% | 3.0% | 4.0% | 20 | 5 |
| West Midlands | 9.2% | 3.0% | 7.1% | 36 | 9 |
| Yorkshire and The Humber | 8.3% | 2.7% | 6.4% | 32 | 8 |

