

17 July 2017

Agenda Item: 6

REPORT OF THE CORPORATE DIRECTOR OF CHILDREN, FAMILIES & CULTURAL SERVICES

UNACCOMPANIED ASYLUM SEEKING CHILDREN AND THE NATIONAL TRANSFER SCHEME IN NOTTINGHAMSHIRE

Purpose of the Report

1. The purpose of this report is to provide an update on Unaccompanied Asylum Seeking Children (UASC) who become Looked After Children (LAC) in Nottinghamshire.
2. The report also seeks approval of the following:
 - a. that Nottinghamshire's involvement in voluntary transfer schemes, namely the National Transfer Scheme, Regional Transfer Scheme and Dubs Scheme, be suspended in light of the funding shortfall. The County Council will continue to meet its statutory responsibility in relation to "spontaneous arrivals" in Nottinghamshire
 - b. that the Children & Young People's Committee resolve to contact the Minister of State for Immigration, requesting that funding be made available to the Authority to cover the outstanding costs incurred.

Information and Advice

Context and Background

3. Where a child or young person believed to be under the age of 18 years old enters the UK, unaccompanied by a parent or guardian and seeking asylum, then the young person falls within the scope of Section 20 Children Act 2004 and therefore becomes a 'looked after child' (LAC); they therefore acquire all the same statutory rights as any other child in care, including support from Leaving Care services.
4. For many years UASC have arrived "spontaneously" in Nottinghamshire, claiming asylum having already arrived in the County. Nottinghamshire County Council Children's Social Care is statutorily required to "look after" these children and young people. Over the last five years, the Council has "looked after" about 40 LAC-UASC on average.
5. Over the past 12 months, there has been increased central government focus on UASC entering the UK. The crisis in Syria and events in the Middle East, North Africa and beyond have seen an unprecedented number of migrants and asylum seekers arriving in Europe. Some have gone on to reach the UK via Northern France, including many UASC; in turn, this international crisis has resulted in national (France, Italy and Greece) and regional (Kent, Croydon and Northamptonshire) concentration. Other children are

still in the Middle East, North Africa or are in mainland Europe, and the UK Government has committed to resettle a number of these children deemed to be vulnerable in the UK.

6. In close consultation with the Local Government Association and Association of Directors of Children's Services, the Home Office introduced a *National Transfer Scheme* (NTS) in June 2016, underpinned by the powers of the Immigration Act 2016 (formerly identified as the Immigration Bill). The Home Office released an Interim National Transfer Protocol for UASC 2016-2017; this protocol identifies the transfer process for local authorities receiving UASC via transfer or redistribution. These powers are permissive, not mandatory (i.e. local authorities can participate rather than being compelled to do so. In effect, the NTS is currently a voluntary scheme).
7. Co-ordinated by the East Midlands Strategic Partnership, Nottinghamshire, Nottingham City, Derbyshire, Derby City, Leicestershire, Leicester City, Lincolnshire, Northamptonshire and Rutland have been considering the acceptance of UASC. These are made up of:
 - a. UASC that currently reside in the region having arrived "spontaneously" (statutory requirement, as per paragraph 4)
 - b. A redistribution of the high proportion of UASC that are currently accommodated by Kent Social Care or other regional local authorities that have already reached their notional ceiling capacity of 0.07% of their total child population; or National Transfer Scheme (NTS) (voluntary participation)
 - c. UASC transferred from camps in Europe or other countries that have been identified by the Home Office as being particularly vulnerable, known as *Dubs* cases (voluntary participation).
8. There is a commitment by the UK Government that 450 UASC from Europe, Syria, North Africa or other European Countries will be resettled in the UK within the course of this current government term (originally identified as May 2020). This has been identified as voluntary participation by local authorities within England. The resettlement and redistribution of UASC under this scheme commenced from 1 July 2016. Nottinghamshire had been participating within the Voluntary National Transfer and Dubs Schemes in respect of accepting the County's "fair share" of UASC in need of support. Since July 2016, the East Midlands region has accepted 39 UASC within the National Transfer Scheme.
9. Nottinghamshire has accepted 7 LAC-UASC on the National Transfer Scheme and 3 LAC-UASC from the Dubs arrivals. A breakdown of Nottinghamshire's UASC population can be found in the background paper¹.

Regional Situation

10. All of the upper tier local authorities within the East Midlands region² have LAC-UASC in their care, by virtue of their statutory duties to "spontaneous arrivals", with six of those

¹ 1 young person from the National Transfer Scheme and 1 young person from the Dubs arrivals have since turned 18 years old and access support from our Leaving Care Service

² Derby City Council, Derbyshire County Council, Leicester City Council, Leicestershire County Council, Lincolnshire County Council, Northamptonshire County Council, Nottingham City Council, Nottinghamshire County Council, Rutland County Council

nine authorities volunteering to participate in the National Transfer Scheme. Those not participating are Derby City, Leicestershire and Lincolnshire.

11. **Figure 1** shows the numbers of UASC in the East Midlands region and the notional number that would take the region and its local authorities to the ceiling capacity of 0.07%.

Figure 1

Local Authority	Number of Children (Aug 2016)	Number of LAC-UASC (as of 31/3/17)	0.07% Population (Aug 2016)	Number of UASC to reach 0.07%
East Midlands	965,734	301	676	375
Derby City	58,350	7	41	34
Derbyshire	154,022	28	108	80
Leicester City	80,750	17	57	40
Leicestershire	134,800	32	94	62
Lincolnshire	141,379	39	99	60
Northamptonshire	160,692	99	112	13
Nottingham City	64,978	34	45	11
Nottinghamshire	163,078	40	114	74
Rutland	7,685	5	5	0

East Midlands Strategic Partnership Data - above figures are correct as of 31 March 2017

12. The 0.07% figure is the “trigger point” where the Home Office would deem a local authority to be able to transfer UASC to other local authorities. In the first instance this would be within the region, unless the region as a whole is above the 0.07% figure. In practice this means that if and when Northamptonshire exceeds 0.07%, then the eight other East Midlands local authorities would be requested to receive transferred children.
13. It is identified that under the guidance of the Immigration Act 2016, Nottinghamshire will be able to accept the transfer of responsibility of UASC placed in the Nottinghamshire area by other local authorities. These UASC will be included within the total figures of the 0.07% child population. Any ‘spontaneous’ presentations by UASC in the Nottinghamshire area will also be included within the 0.07% child population figures, but this is an unpredictable number. As of end of March 2017, there were 15 UASC placed in Nottinghamshire by other East Midlands local authorities, with Nottinghamshire placing 13 in other East Midlands authority areas.
14. The Home Office has identified that there will be a further arrival of UASC between May and July 2017, and that the East Midlands has been identified as a region for accepting some of these.

Local Authority costs incurred in support of Unaccompanied Asylum Seeking Children in Nottinghamshire

15. Research was undertaken by the East Midlands Strategic Migration Partnership³ to collect individual LAC-UASC cost data under the following service areas:
- Social Work costs
 - Placements costs

³ *Analysis of Local Authority costs incurred in support of Unaccompanied Asylum Seeking Children in the East Midlands - East Midlands Strategic Migration Partnership, May 2017*

- Education
- Health
- Legal costs
- Miscellaneous costs

16. Detailed financial data submitted by Nottinghamshire County Council is contained within the background paper, but in summary the average cost for UASC is estimated to be circa £44,000.

• Social Work	£3,600
• Placement	£37,000
• LA Education Costs	<u>£3,400</u>
Total	£44,000

17. For former UASC who are accessing support through Nottinghamshire’s Leaving Care Service, the average cost per annum is circa £7,500. This does not include university fees which have been funded by the County Council to date, amounting to £24,781 for fees and accommodation for 2 UASC care leavers⁴. These costs supported one UASC care leaver to complete a 3-year BA (Hons) degree in Accounting & Finance, and a second UASC care leaver to complete their first year of a BEng (Hons) Civil and Infrastructure Engineering degree. A third UASC care leaver is due to start their university course from September 2017, undertaking a BSc (Hons) Maths degree. The financial support provided to UASC Care Leavers is in line with the offer provided to all Nottinghamshire Care Leavers.

Home Office UASC Funding

18. The Home Office funds local authorities with LAC-UASC in their care at the rates⁵ given in **Figure 2**, with those children arriving before 1 July 2016 being funded significantly lower than those since. Regionally, this represents two of every three LAC-UASC. By calculating the percentage distribution of the current regional UASC cohort across the four funding categories, the weighted average Home Office reimbursement per UASC per annum can be calculated as £30,231.

Figure 2: Home Office Funding Rates 2016/17 against regional UASC demographics giving the average reimbursement to local authorities per UASC per annum.⁶

UASC Funding Category		Home Office Funding Rates 2016/17		Current regional UASC cohort demographics	Weighted Home Office funding contribution
		Per day	Per annum		
Legacy Cases	Under 16	£95.00	£34,675	14.9%	£5,167
	16-17	£71.00	£25,915	54.1%	£14,020
National Rate/	Under 16	£114.00	£41,610	8.9%	£3,703
	16-17	£91.00	£33,215	22.1%	£7,341

⁴ These costs were incurred between the 2013/14 - 2015/16 academic years. Nationally, tuition fees for 2017/2018 now stand at £9250, of which the County Council contributes £3465 directly to the individual University, with the learner applying for a tuition fee loan of £5785 (repayable) as Home Students

⁵ [“Funding to local authorities: Financial year 2016/17 \(Unaccompanied Asylum Seeking Children \(UASC\)\)” Home Office \(Oct 2016\)](#)

⁶ *Analysis of Local Authority costs incurred in support of Unaccompanied Asylum Seeking Children in the East Midlands - East Midlands Strategic Migration Partnership, May 2017*

Kent Referrals					
Weighted average Home Office funding per UASC per annum					£30,231

Conclusion

19. The results of the UASC financial analysis above give an average cost to Nottinghamshire County Council supporting UASC in care as £44,000 per UASC per annum. This is significantly lower than the regional calculation of £55,000. By comparison with the 'weighted average Home Office reimbursement per UASC per annum' of £30,231, a current average funding shortfall in Nottinghamshire of £14,000 per UASC per annum can be approximated.

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

That:

- 1) the update on Unaccompanied Asylum Seeking Children in Nottinghamshire be noted
- 2) Nottinghamshire's involvement in voluntary transfer schemes, namely the National Transfer Scheme, Regional Transfer Scheme and Dubs Scheme, be suspended in light of the funding shortfall. The County Council will continue to meet its statutory responsibility in relation to "spontaneous arrivals" in Nottinghamshire;
- 3) the Children & Young People's Committee resolve to contact the Minister of State for Immigration, requesting that funding be made available to the Authority to cover the outstanding costs incurred.

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Constitutional Comments (LM 05/07/17)

21. The recommendations in the report fall with the Terms of Reference of the Children and Young People's Committee.

Financial Comments (SAS 05/07/17)

22. The financial implications of the report are contained within paragraph 19 above.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

"Unaccompanied Asylum Seeking Children in Nottinghamshire".

Electoral Division(s) and Member(s) Affected

All.

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