

## National Transfer Scheme consultation questionnaire proforma (local authorities)

This questionnaire should be considered alongside the Ministerial letter of 28 August 2020 with regards to the attached proposal paper. Please expand the boxes to answer.

**Please return your completed questionnaire to: [NTSconsultation@homeoffice.gov.uk](mailto:NTSconsultation@homeoffice.gov.uk) by 30 September**

### 1. What is your feedback on the proposal outlined at Annex A?

We believe that the main barriers to participation in the National Transfer Scheme are associated with the young people being Looked After and that they are almost all older, (90% being aged 16 & 17 year old males) Nottinghamshire, like many local authorities, do not have enough internal foster carers for all our Looked After Children requiring that provision and therefore have to procure external agency carers at significantly higher cost. This is more likely to be the case for older children and young people. Whilst we would wish to recognise that the Home Office has increased its contribution to these costs there is still a gap and since the work done to understand those costs was completed in 2017 the gap has widened. In contrast these young people can readily access more universal services i.e. Schools, colleges and health. We believe therefore that the measure of 0.07% of the universal 0-17 years population being a key indicator of capacity is not the correct metric and would propose that a more appropriate measure to achieve the fairer and more equitable sharing of Unaccompanied Asylum Seeking Children-Looked After Children across the local authority sector would be the number of Looked After Children per 10k population (LAC/10K). This is a nationally recognised measure and would mean greater parity across the UK. The two attached graphs demonstrate number of LAC/10K for Kent and its statistically nearest neighbours of which Nottinghamshire is one and with the East Midlands Local Authorities. For clarity we are not suggesting that Unaccompanied Asylum Seeking Children-Looked After Children should not be transferred from Local Authorities like Kent but that the metric to be used to judge which Local Authorities are best placed to receive and achieve a fairer and more equitable distribution across the UK should be the number of LAC/10K not the universal 0-17 population. If we are truly to treat Unaccompanied Asylum Seeking Children as children in care first, this should be the measure.

We understand that following a regional meeting to be held with the Home Office on 23<sup>rd</sup> September and subject to agreement by the Board there will be an East Midlands wide response to the consultation. We understand it will raise, in addition to the comments made above, issues from Annex A relating to:

- A lack of certainty over number

- The continuing lack of transparent data
- Age assessments
- Proposed weighting
- Unaccompanied Asylum Seeking Children transferred or resettled from overseas
- The logistics of the rota
- The timing of transfers within 10 working days of arrival in UK

Officers from Nottinghamshire have contributed to the initial discussion and will participate in the discussion on 23<sup>rd</sup> September.

**2a. It remains our clear preference that participation in the National Transfer Scheme is on a voluntary basis. How likely is it that your local authority would participate in a rota based National Transfer Scheme as outlined at Annex A?**

We agree with the Home Office and the Department for Education's preference that the scheme remains voluntary. For the reasons identified above and covered in more detail at 2b. we also feel that there remain barriers to Local Authorities participating, they include funding, placement capacity (particularly for older children), that the current metric to distribute Unaccompanied Asylum Seeking Children-Looked After Children across the sector will not achieve a fairer and more equitable share of looked after children across Local Authorities.

**2b. If unlikely, please explain why not and what barriers to participation remain.**

We recognise the following barriers to participation, identified in August by the East Midlands Association of Directors of Children's Services group and reported to the Home Office via the East Midlands Strategic Migration Partnership:

- Funding

Home Office funding for Looked After Children- Unaccompanied Asylum Seeking Children and care leavers was increased in June 2020. Despite this, our research indicates that funding still does not represent full costs recovery, details as follows:

Looked After Children- Unaccompanied Asylum Seeking Children:

The current funding rate for all under-18 UASC is £114 per child per night for LAs below their 0.07% threshold, or £41,610 per child per year. Our research in 2017 found that the average cost to LAs was £55,194 per UASC per year, i.e. Home Office funding covers 75% of LA costs, leaving a shortfall of £13,584 per UASC annum. The average cost in 2017 and that today has grown significantly and therefore this gap will have widened.

UASC Care Leavers:

East Midlands Strategic Migration Board research earlier this year found that the regional average cost is £16,602 per care leaver per annum and funding is now

£12,480 per care leaver per year. Home Office funding now covers 75% of LA costs (it was 37% under the previous rules), leaving an average shortfall of £4,112 per care leaver per year. Whilst UASC-LAC (<18yrs) represent only 2% of looked after children, they approximately 30% of care leavers. The current regional combined funding shortfall for LAC UASC and care leavers is £6.2 million per annum, which will be reported to the Board on 23rd September.

- Placement sufficiency

The foster care and wider placements market is under enormous strain and demand outstrips supply particularly for older children, placements are extremely expensive and difficult to source.

- Policy

Children's Services are required to provide the same level of support to under-18 Unaccompanied Asylum Seeking Children and former Unaccompanied Asylum Seeking Children care leavers, where their needs are very different to those of citizen Looked After Children and care leavers. The view expressed at the East Midlands Association of Directors of Children's Services group was that this should be considered as part of the Care Review, and that the long promised Care Review should commence as a matter of urgency. Unaccompanied Asylum Seeking Children should not be looked at in isolation from the wider pressures in Children's Services.

**3. Should efforts to increase participation on a voluntary basis fail, it may be necessary to exercise the provisions of the Immigration Act 2016 to mandate transfers under the National Transfer Scheme.**

**This could operate either as a permanent replacement to the voluntary National Transfer Scheme as the primary mechanism for transfers or deployed only when required by exceptional circumstances.**

**While a mandatory scheme is not our preference, we would be grateful for your views on a potential mandatory approach to transfers if participation in the voluntary scheme does not achieve a more equal distribution of Unaccompanied Asylum Seeking Children?**

The letter from Ministers makes it clear that their preference is for the National Transfer Scheme to continue to be voluntary, but if that fails, it remains an option under the provisions of the Immigration Act 2016 to mandate transfers under the National Transfer Scheme. If the National Transfer Scheme were to be mandated, this would presumably benefit entry authorities, but might deepen the financial difficulties of receiving authorities and make the lack of placement sufficiency even more acute.

The question suggests three options, firstly "as is", secondly a permanent mandated scheme or thirdly a temporary mandated scheme at times of need. We would suggest a fourth option; that at times of greatest need more Local

Authorities are asked to participate and indeed that is what Nottinghamshire and many Local Authorities across the UK have done over the summer.

**4. The threshold at which a Local Authority can make referrals to the National Transfer Scheme is currently reached when it is supporting Unaccompanied Asylum Seeking Children at, or above, 0.07% of their general child population. This threshold is also used to determine the rate for additional Home Office funding to Local Authorities for Unaccompanied Asylum Seeking Children in their care.**

**What are your views on the current threshold? For example, should the 0.07% also include the number of former Unaccompanied Asylum Seeking Children care leavers within a local authority or be adjusted in some other way?**

We believe that the 0.07% metric may be right for the “transferring” Local Authorities i.e. although Kent has a lower LAC/10K than six of the nine East Midlands Local Authorities it is recognised that their capacity to find local placements for more than 500 16 & 17 year old is not possible and explains why many Unaccompanied Asylum Seeking Children-Looked After Children for which Kent already has responsibility are in reality placed outside of the County and indeed the SE region. However, of those six East Midlands Local Authorities with higher LAC/10K than Kent (47/10K), two have double Kent’s rate but under the current proposal would be expected/required to take part because their 0-17 pop/UASC is below 0.07%.

In summary of Kent’s 10 Statutory Neighbours (which includes Notts, Northants and Derbyshire)

- Only Essex (34) has fewer
- With the other 9 Local Authorities ranging from 52/10k (Derbyshire & Notts) to 85/10k (Lancashire)

**5. Who do you think is best placed to run a voluntary rota based National Transfer Scheme? The Home Office (as now) or someone else? Please give details.**

We believe that the effective and efficient running of a voluntary rota based National Transfer Scheme is intrinsically linked with the funding/sponsoring and that to separate these two things would further risk what is already an underfunded scheme

**6. Do you have any other suggestions on how the National Transfer Scheme could be improved?**

No further comments at this stage (21/09/20), pending further discussions with the East Midlands Strategic Migration Board, the Home Office and the Minister, all scheduled for the 23<sup>rd</sup> September.