

Supporting unaccompanied asylum-seeking children

Purpose of report

For direction

Summary

Councils have a responsibility to support unaccompanied asylum-seeking children (UASC) who are identified in their area. As this disproportionately affects port authorities, the National Transfer Scheme (NTS) has been established to move children from the area where they are first identified to care placements around the country.

Exceptionally high numbers of arrivals of unaccompanied asylum-seeking children into the UK via small boats have, in 2021 and 2022 in particular, placed the NTS under enormous strain, with significant numbers of children currently placed in hotels while they await transfer. Changes to the NTS have been announced to try to ensure children can transfer to their new homes more quickly, however councils are clear that these changes fail to address the challenges within the NTS that are hampering their ability to support more children.

This paper outlines those challenges along with a range of proposals for improvement, including both existing and recommended LGA positions. Those that are not current LGA policy, for which members' approval is sought today, are outlined in bold and summarised in the recommendation box below.

Recommendations

Members are recommended to call on the Government to:

- a) work with councils to develop additional reception and safe care services to replace hotels for unaccompanied asylum-seeking children in line with the suggestions in paragraphs 33-36

b) ensure one of the foster carer recruitment pathfinder campaigns already committed to focusses specifically on meeting the needs of UASC (paragraph 37)

c) Explore further options to expand suitable placement capacity as outlined at paragraph 39

d) Re-examine the UASC threshold, in particular to recognise councils' support for former-UASC care leavers. (paragraph 44)

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Background

1. Councils have a responsibility to support unaccompanied asylum-seeking children (UASC) who are identified in their area. As this disproportionately affects port authorities, the National Transfer Scheme (NTS) has been established to move children from the area where they are first identified to care placements around the country. This was first established in 2016 and refreshed in June 2021 to incorporate a UK-wide voluntary rota, to encourage more councils to participate. Funding for councils supporting UASC was also increased at that point.
2. In November 2021, the Government informed all councils in the UK of its intention to temporarily make participation in the NTS mandatory. Since February 2022, all councils have been expected to accommodate UASC on a rota system, with the rota taking into account various issues including numbers of children in care and wider asylum pressures. Councils already at the UASC cap do not have to accommodate more children, but are able to if they wish.
3. There is currently a threshold applied to the numbers of UASC a council is expected to support. While councils are below this threshold, they must participate in the NTS and they cannot refer any UASC who arrive in their area into the NTS. Government changed the threshold from 0.07 per cent of a council's child population to 0.1 per cent on 24 August 2022. Councils receive more funding to support children when they are above the 0.07 per cent threshold.
4. There have been significant increases in the numbers of children arriving in the UK, largely in small boats off the south coast. In July 2021, the Home Office began placing UASC in hotels as children could not be placed quickly enough via the National Transfer Scheme (NTS). The mandate of the NTS was intended to reduce the use of hotels, however while rates of transfer have improved¹, at the start of September 2022 there were still more than 300 children accommodated in 5 hotels, with the fifth opening in Warwickshire days after the changes to NTS were made in response to a period of particularly high numbers of arrivals.
5. 1,606 children have been housed in hotels between July 2021 and June 2022, with the average length of time spent in a hotel [15.5 days](#). The legal framework for this provision remains unclear. Between July 2021 and March 2022, [45](#)

¹ 2021 Q2 - 101 children transferred
2021 Q3 – 66 children transferred
2021 Q4 – 293 children transferred
[2022 Q1 – 304 children transferred](#)

[unaccompanied children have gone missing](#) from hotels, with the whereabouts of some of those children still unknown.

6. On 24 August 2022, in response to growing concerns around the number of children in hotels and the length of time these children were waiting, government implemented changes with immediate effect:
 - 6.1. Increasing the UASC threshold on when a council can refer UASC into the NTS to 0.1% of a council's child population;
 - 6.2. Reduce the number of days a council has to transfer a child referred to them from a hotel from 10 working days to 5 working days.
 - 6.3. Councils transferring a child from a hotel within 5 working days will receive an additional £6,000 to support that child.
7. Many councils have flagged pressures caused by their statutory support for lone children. In October 2020, Portsmouth City Council informed the Government that it could no longer accept responsibility for more UASC until the number it was supporting reduced, due to a lack of placements for those children. In June 2021, Kent County Council notified the Government that it could no longer take responsibility for any more UASC as the pressures on its social workers and placements meant they could not guarantee children's safety any longer. Both councils have since resumed taking children, however significant pressures remain in these and other port authorities.
8. Medway Council is the latest council to inform the Government that it is unable to safely support more UASC, citing pressures on its children's services department, and was given permission in August 2022 to take legal action against the Government with regard to its decision to make participation in the NTS mandatory.

Challenges in the system

Placement capacity

9. There are [significant challenges](#) across children's social care with regard to the sufficiency of placements for all children in care. While there are more approved places than children deemed to be in need of placements, this is not translating into sufficient *appropriate* places for a number of reasons including:
 - 9.1. Not all approved placements are available at any one time. Around 20 per cent of approved fostering places were 'not available' at [31 March 2021](#), while on the same date around 9 per cent of places in secure children's homes [were unavailable](#). Children's homes are currently reporting that workforce challenges are leading them not to fill all approved placed as there are not enough staff to support children.
 - 9.2. Homes need to meet children's needs, including mental and physical health, behavioural, educational and cultural.

9.3. For most children, being placed near to their friends and family is important, however placement availability does not always correlate with where children live. For UASC, children may wish to be placed close to friends they have travelled with or within communities that speak their language or practice similar customs.

10. Councils also highlight the importance of acting in a child's best interests when agreeing a placement. A child needs to be placed in a home that meets their needs and where can they feel safe and settled. Some councils report that UASC have run away from placements where these are not in areas they wish to be.

Workforce capacity

11. Councils are reporting increasing difficulties recruiting and retaining children's social workers, with these problems being exacerbated in recent months by the dual impact of the pandemic and the cost-of-living crisis.

12. These challenges are diminishing capacity within children's services departments, making it more difficult to provide support to additional children.

13. Supporting UASC can also require specialist skills, including an understanding of the tensions between immigration legislation and child welfare legislation and a recognition of the likely trauma suffered by children on their way to the UK. These skills may not always be available in social work teams, particularly in areas with less experience in supporting UASC.

Funding

14. Councils are concerned that current funding rates do not fully cover council's cost supporting these children and young people; particularly care leavers. The LGA and local government have been calling for shared understanding of the true cost of care, building on existing sector led work including:

14.1. A [study by East Midlands councils](#) in 2017 found that the average cost to councils of supporting UASC was £55,194 (this is prior to the significant rises councils have since seen in placement costs). Even if this cost was still accurate, this would leave councils above 0.07% with a shortfall of £2,999 per year, and councils below 0.07% with a shortfall of £13,584 per year.

14.2. A [study by East Midlands councils](#) in 2020 found that the average cost to councils of providing leaving care services to UASC care leavers aged 18-24 was £16,602 per care leaver per year. At current rates, this leaves councils with a shortfall of £2,562 per year.

15. Following lobbying by the LGA and national partners, funding to support UASC has increased significantly in recent years.² The [funding rates](#) paid to councils for 2022/23 are:

15.1. £143 per person per night (councils at or above 0.07%) - £52,195 per year

15.2. £114 per person per night (councils below 0.07%) - £41,610 per year

15.3. Where a council below 0.07% accepts a child from a council above 0.07%, the higher rate follows the child. [this funding arrangement remains in place despite the increase in the threshold to 0.1 per cent outlined at paragraph 3]

16. [Funding for UASC care leavers](#) has also increased, with councils receiving £270 per week³ (£14,040 per year) per UASC care leaver until the young person reaches 21, or until 25 if they are in education or training. This funding is subject to the young person having [eligible immigration status](#) (for example, they have indefinite leave to remain, refugee status or they have an outstanding asylum claim). Councils continue to highlight the additional costs of supporting care leavers with no recourse to public funds.

17. The following table outlines the number of UASC supported by councils for the past four years alongside council expenditure on supporting these children. The table also includes the number of former UASC care leavers being supported (spend on these young people is incorporated into reporting on spend for all care leavers, rather than being reported separately).

Year	UASC ⁴	Expenditure ⁵ (£000s)	Former UASC care leavers ⁶
2020-21	4,070	181,151	11,290
2019-20	5,060	191,570	10,200
2018-19	5,140	175,950	8,550
2017-18	4,560	152,440	7,100

Asylum decisions

18. Children and young people can wait for a significant period of time for a decision on their asylum claim. A [report](#) by the Independent Chief Inspector of Borders and Immigration in 2021 found that the length of time claimants wait for an initial decision has increased year-on-year since 2011. UASC who received a decision in 2020 had waited on average 550 days.

² [Funding rates](#) introduced with the National Transfer Scheme on July 2016 were £114 per night per child under 16 for all councils, and £91 per child aged 16 or 17. Rates increased in 2020.

³ Up from a maximum of £200 per week prior to 2020

⁴ <https://explore-education-statistics.service.gov.uk/data-tables/permalink/99eb74ac-c37c-49d1-bc15-c5eb4a2d12db>

⁵ <https://www.gov.uk/government/collections/local-authority-revenue-expenditure-and-financing>

⁶ <https://explore-education-statistics.service.gov.uk/data-tables/permalink/4630614c-eab2-4209-a726-5f29661fae1a>

19. Lengthy delays mean that many children turn 18 while waiting for a decision. This means that they [no longer automatically receive the same protections](#) and support as children, such as a legal representative, responsible adult and interpreter. They can also have a significant emotional impact on children and young people whose futures are uncertain, while children's social workers and personal advisers face additional challenges in developing plans for children's futures.
20. Furthermore, while young people aged over 18 are waiting for their decision, they have no recourse to public funds and subsequently require additional support from their local authority.

Age assessment

21. The age assessment of UASC is a challenging and controversial issue. It is an inexact process, with even "scientific methods" such as dental checks or x-rays only offering an estimated age with a significant margin of error. However, when those seeking asylum arrive in the UK, it is important to complete an age assessment to ensure so far as possible that people receive the most appropriate support. This includes ensuring that children are appropriately safeguarded, and that adults are not placed in accommodation with unrelated children.
22. [Home Office guidance](#) states that all asylum seekers and migrants who claim to be children must be asked for documentary evidence to help establish their age when they are first encountered. Where this is not possible, the principle of "the benefit of the doubt" is applied; where there is uncertainty about whether the individual is an adult or a child, they should be treated as a child and referred to a local authority with a request for a "Merton compliant age assessment".⁷ Individuals should be treated as adults if their physical appearance and demeanour "very strongly suggests they are significantly over 18 years of age and there is little or no supporting evidence for their claimed age".
23. Age assessment is a challenge to local authorities, both from a child protection perspective of ensuring that children are appropriately safeguarded (either as children, or ensuring that adults are not placed with children inappropriately) and from a legal perspective. Challenges to age assessments can be lengthy and expensive for councils, drawing on significant financial and human resource.
24. The Nationality and Borders Act 2022 introduced a new system for age assessments, which will be overseen by a National Age Assessment Board (NAAB). The NAAB is a Home Office body which will eventually carry out a significant proportion of age assessments currently conducted by councils. It is hoped that applying a national approach will help to ensure expertise in social workers carrying out age assessments while also protecting councils from costs of potential challenges.

⁷ Much of the guidance and minimum standards for age assessments was set out in a High Court case involving Merton Council

System capacity

25. The broader asylum and immigration system has been under significant pressure for some time, with these pressures increasing as a result of high numbers of asylum-seekers arriving on small boats, the Afghan evacuation, Syrian resettlement and the dedicated visa scheme for those leaving Hong Kong. Further challenges caused by limited join up across central government on different schemes and limited consideration of the cumulative impact of high numbers of new arrivals across the whole system.
26. There are also issues are causing local challenges in relation to sufficiency of support services, long waiting lists for health services including mental health services, availability of housing and in some areas and community cohesion issues, including far right activity centred around hotels.
27. Pressures across the system, from financial and capacity pressures in children's services through to long waiting lists for NHS support, have also been cited in the [cases of unaccompanied asylum-seeking children](#) who have died by suicide, highlighting the risks to children as a result of failures in the current system.

Cohort

28. At 31 March 2021, councils were caring for [4,070 UASC](#). 92 per cent (3,740) were male, and 87 per cent (3,560) were 16 and over.
29. On the same date, councils were supporting 11,290 former UASC care leavers aged 17-21. 91 per cent of these were male.

Proposals for improvement

30. The LGA has always been clear that placing children in hotels is unacceptable, and needs to be a driver of system change. However, we want to continue to work with government to look at the impact and deliverability of the recent announcements on councils, children and Strategic Migration Partnerships.
31. We would welcome further engagement with government on how best to collectively respond to what is likely to remain high numbers of arrivals until the weather worsens. There also needs to be a less reactive and more planned, long term and sustainably funded approach that is in place well before next summer, and one that also recognises parallel asks for councils in other asylum and resettlement schemes.
32. As part of these discussions, there needs to be a clearer recognition from and understanding by government that while it is important for children to be moved swiftly from hotels, councils also have clear statutory responsibilities to ensure that children transferred to their care are moved to placements that best meet their needs. These duties ensure children are not only safe but receiving the support they need, and careful placement planning allows councils to

appropriately manage the inherent risks that are transferred to them when they take on corporate parenting duties for a child.

Post arrival support and reception

33. While hotels are plainly unsuitable for unaccompanied children, we are currently in a situation where a range of factors – in particular, a lack of suitable placements and an underfunded system – mean that we are unable to place every child as soon as they arrive in England. We must therefore find an alternative to hotel use to ensure children are safe and receiving appropriate care as soon as they arrive, while they wait for their long-term placement. Such an alternative should be used only as long as is required to develop sufficient new placements and to overcome challenges within the current system; we would expect a clear action plan detailing work that would lead to alternatives being stood down and all UASC being immediately transferred to their new homes.
34. **Members are asked to consider whether we should call on the Government to learn from the experiences of Kent County Council (see Appendix A) in providing temporary support to new arrivals, as well as expertise from organisations such as [Save the Children](#), and develops a series of reception and safe care services to replace hotels.** These should be staffed by those appropriately trained in child safeguarding and support, including social workers. Children should remain in these services for as limited time as possible, which should be spent providing initial support such as mental and physical health services, assessing their needs to ensure that appropriate services are in place at their long-term placement, and identifying the best possible long-term home.
35. **Members are further asked to consider whether, to recognise the additional pressure that hosting a reception service will place upon the local area, those councils should be exempt from mandatory participation in the National Transfer Scheme, or be asked to provide permanent accommodation to a smaller number of UASC.**
36. Finally, **members are asked whether the Government should explore options for primary legislation allowing the Government or a charity to act as the corporate parent** to children in these reception services as a longer-term solution where reception services need to be stood up quickly in response to high numbers of arrivals.

Placements

37. Much of the focus of the response from government has been focused on increasing the pool of foster carers. The DfE has [already committed](#) to working with councils to recruit more foster carers, utilising pathfinder local recruitment campaigns to build towards a national programme. **Members are asked whether we should request that one of these pathfinder campaigns focuses specifically on recruiting foster carers able to meet the needs of UASC**, to develop good practice in this space, and that work begins on this immediately.

38. We also recommend that the Government adopts the recommendations of the Independent Review of Children's Social Care to improve support for foster carers through the rollout of foster carer support based on the principles of the Mockingbird programme. This will help both to retain our existing foster carers and encourage more people to come forward. The Review identified that this would cost £82 million over five years.
39. Given the majority of the cohort are males aged 16-17, many of whom do not wish to live in a family setting, we need to work together with government to look at rapidly expanding other forms of accommodation and support that can best meet children's needs including children's homes, supported lodgings and semi-independent accommodation. **Members are asked whether we would support options to:**
- 39.1. **work with providers of supported lodgings and semi-independent accommodation to scale up provision, including the potential to build on support for the Homes for Ukraine scheme by encouraging people to consider if they could provide supported lodgings (subject to assessment and approval);**
 - 39.2. **the potential for Government to block book, or support councils to block book, provision to enable swift transfers from reception authorities; and**
 - 39.3. **investigate where planning regulations may be preventing councils and providers from using property to provide homes to children, including issues raised by the Independent Review of Children's Social Care.**
40. It also would be helpful for the DfE and the Home Office to work together with councils to better understand the needs of UASC. A strong understanding of children's needs, from the kind of education and language support they require, to the types of accommodation where they thrive to their health and wellbeing needs, will better enable councils to develop appropriate provision.

Workforce

41. Options are being considered to identify where the wider workforce can be used to support UASC, within regulations and ensuring children still receive the help they need and are entitled to, to help create capacity in the face of social worker shortages.

Funding

42. Councils must be fully funded for the support they provide to UASC and former UASC care leavers. We recommend that the Home Office commissions an independent analysis of costs to a range of councils of supporting these young people and revises the funding rates to councils on this basis. This needs to include the costs of any support to care leavers who have not obtained a form of

settled status by the time they turn 18 and who may subsequently have no recourse to public funds.

43. We also call for the reinstatement of the funding for exceptional costs that was available for councils from 2021/22. This funding is particularly important where councils are supporting children with particularly complex needs or who need, for example, a special school placement which can be very costly.
44. **Members are asked whether the Government should re-examine the UASC threshold** to ensure that this fully considers those factors impacting upon councils' ability to support UASC, including consideration of including former UASC care leavers in the threshold.
45. We also remain keen to explore with government including lone children from Ukraine as part of threshold in recognition of the capacity and workforce pressures.

Sharing the learning – holistic support

46. There is good practice to be learned from those councils around the country who have worked to welcome UASC, including in areas not traditionally associated with supporting those seeking asylum such as more rural areas.
47. We are in discussion with the Government about the potential for the LGA to utilise its extensive experience in delivering sector-led improvement to implement an improvement support package to support councils to develop the capacity and holistic support to provide more homes to UASC. While this will not tackle the existing issues in the NTS, there is significant value in supporting councils to work together to identify solutions and make best use of existing resources while work continues at a national level to address the structural challenges.

Asylum decisions

48. Young people should not be waiting significant periods of time for decisions to be taken that will affect the rest of their lives. The Government should have clear targets to process most asylum decisions where children are involved.

A cross-system approach

49. It would be helpful to see regular datasets outlining the numbers and proportion of UASC, UASC care leavers, asylum seekers and refugees being supported by each council. This transparency would help to illustrate and support understanding of the collective pressure on each area, and inform discussions across partners and regions around how to provide effective support.
50. We continue to emphasise to the Government the importance of all departments working together to ensure suitable support, including the provision of health and education services.

Implications for Wales

51. While children's social care is devolved, all of the devolved nations participate in the NTS. The devolved administrations and the LGA's counterparts in the devolved nations are engaged in discussions with the Government on this issue.

Financial Implications

52. There are no financial implications to the LGA.

Equalities implications

53. There has been significant discussion within and between councils and central government around how we support children seeking safety from all countries, including those seeking asylum, those who have arrived as part of the Afghan resettlement programme and those who are fleeing the war in Ukraine. Ensuring all children are treated equitably, including access to the support they are entitled to as swiftly as possible, is a key aim of these discussions, and the proposals for improvement outlined in this paper are part of our approach to ensuring this is possible.

54. Our call on the Government to reinstate access to additional funding for exceptional costs will support councils to provide homes to children with additional needs, including disabilities and health needs.

Next steps

55. Any additional asks agreed by the Board will be incorporated into our ongoing discussions with and lobbying of the Government in relation to support for UASC.

Appendix A

Kent Reception and Safe Care Service

In September 2021, Kent County Council (KCC) signed an agreement with the Home Office to provide up to 120 care places at any one time for unaccompanied asylum-seeking children (UASC) while they waited for their transfer via the National Transfer Scheme (NTS). This service is called the Reception and Safe Care Service (RSCS).

KCC remains the corporate parent for all UASC in the RSCS, and also supports UASC in its permanent care at the 0.07 per cent threshold (now increasing to 0.1 per cent). KCC receives funding per child to operate the centre.

The RSCS is supported by two social work teams responsible for placing the children and undertaking statutory social work tasks and includes a variety of provision:

- Two reception centres with capacity for up to 90 16-17 year old boys.
- Semi-independent provision with tailored support for 16-17 year old girls.
- Foster placements (often with independent fostering providers) for children under 16.

For all children, placement planning will identify needs to be addressed as part of care planning. A dedicated Independent Reviewing Officer supports the arrangements.

Reception Centres offer each child their own bedroom and food is provided. Both centres are overseen by an operational manager who is responsible for day-to-day management and developing the centre programme. The offer for children includes daily education activities focussing on English language learning, alongside sports, cooking, orientation to living in the UK and other activities guided by young people's wishes. Each child has an allocated key worker who offers individual sessions, and there is a weekly residents' meeting to seek young people's views.