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MUNICIPAL YEAR 2016-17**

**CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE**

7th SEPTEMBER 2016

**REPORT OF THE GROUP DIRECTOR,
COMMUNITY & CHILDREN'S SERVICES**

Agenda Item No. 4

**National Transfer Scheme for
Unaccompanied Asylum
Seeking Children**

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide Scrutiny Members with information about the National Transfer Scheme for Unaccompanied Asylum Seeking Children.

2. RECOMMENDATIONS

It is recommended that

- 2.1 Members review the information contained within the report to discuss and identify whether there are any areas that raise specific concerns.

3. BACKGROUND

- 3.1 The crisis in Syria and events in the Middle East, North Africa and beyond has seen an unprecedented number of migrants and asylum seekers arriving in Europe. The UK Government in response to this has committed to resettle up to 3,000 children from the Middle East and North Africa region as part of the 'children at risk' scheme and a specific number of refugee children who are in Europe. The expectation is the majority of these children will arrive with family or carers but there will be some unaccompanied children within this cohort.
- 3.2 The UK has already seen a raise in the number of children entering the UK, as 'unaccompanied asylum seeking children' (UASC) and with this additional commitment made the Governments response was to introduce a National Transfer Scheme. The Scheme is underpinned by powers in the Immigration Act 2016 which will ensure there is a more equitable distribution of UACS across the country. The scheme will include a provision to resettle those unaccompanied refugee children from Europe and vulnerable children who are in the Middle East and North Africa.

3.3 The definition of a person who is UASC:

- Is under 18 years of age when the asylum application is submitted
- Is applying for asylum in their own right and
- Is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so

3.4 The current system for UACS is that children stay in the care of the local authority where they claim asylum. This has resulted, due to their location, in a small number of local authorities looking after the vast majority of the children and many local authorities looking after very few or none. An example of an area which has had to deal with a large influx of UACS is Kent where the number of UASC received for just the month of August 2015 was 928.

4. CURRENT HOME OFFICE DATA:

4.1 The Home office has produced some provisional data based on the financial claims made by Local Authorities in February 2016. They found that:

- Across the UK there were over 3,000 asylum applications from UASC in 2015, a 56% rise compared to the year ending March 2015
- UACS and refugee children can come from a variety of backgrounds and have a range of characteristics. The vast majority of spontaneous UACS are male (around 90%) and aged 16 or 17 (over 61%)
- Nearly all of UACS under 16 are placed with foster carers
- For those aged 16-17 half are placed in semi independent living arrangements and half are fostered.
- In Wales there were 37 UACS, 14 were placed in Cardiff.

5. SUMMARY OF THE NATIONAL TRANSFER SCHEME

5.1 The Interim National Transfer Protocol (see Appendix One) forms the basis of a voluntary agreement made between local authorities to ensure fairer distribution of UACS across all local authorities and all regions across the UK.

5.2 The interim transfer protocol provides guidance on the operation of the National Transfer Scheme and the way in which local authorities in England can transfer UACS into the care of another local authority under Section 69 of Part 5 of the Immigration Act 2016. The Welsh Government is advocating that Welsh authorities also take part in the voluntary arrangement.

5.3 The principle of the scheme is for it to:

- Be fair, equitable and transparent
- Be voluntary and locally led
- Have distribution based on the proportion of the total child population (up to 0.07%)
- Build on existing structures and regional models with a phased introduction
- Pool knowledge and resources, joining up with and recognising existing commitments.

5.4 If a UACS arrives in a local authority area with a low concentration of UACS (below 0.07%) the expectation will be that the child is cared for by that local authority. If the UACS arrives in a local authority area with a high concentration of UACS (over 0.07%) the expectation will be that the child will be transferred to an area with lower numbers.

5.5 There will be a central funding provided for each unaccompanied asylum seeking and refugee children regardless of their route into the UK. From July 2016 the national rates will be:

- £41,610 per child per year for children under the age of 16.
- £33,215 per child per year for children aged 16 and 17
- £200 per child per week for UASC who qualify for leaving care.

6. **CONCLUSION**

6.1 RCT has provided care and support to a number of unaccompanied asylum seeking children over the years. The duty of care to all UASC that turn up in our area will remain regardless of the new Transfer Scheme. Since March 2016 we have been supporting two young men aged 16 and 17. If RCT participate in the National Transfer Protocol then this number could potentially rise to 35 per year.

6.2 The practical difficulties that arise for RCT when supporting unaccompanied asylum seeking children are:

Inadequate infrastructure in place:

6.3 Due to the low numbers there is a heavy reliance on other local authorities for help and support to navigate the complex Immigration Laws and systems. Although there are individual staff that are trained the infrequency and low numbers of UASC result in the skills and knowledge being diluted.

Availability of specialist services:

6.4 UACS are very vulnerable young people who have been through very individual and difficult experiences to arrive in this country. Therefore they have a number

of physical and emotional needs and will need extensive support from the Health Service specifically CAMHS.

Safeguarding concerns:

- 6.5 The experience of these young people often put them at high and immediate risk of trafficking, sexual exploitation and going missing. Therefore these young people can also place additional pressure on partners such as health, police etc.

Appropriate placements:

- 6.6 Due to the vulnerability of UASC in the majority of cases single placements are required. The availability of placements for the 14 plus age group in general is problematic with very few foster carers available for this age group. When looking for single placements with foster carers that are able to meet the specific language and cultural needs of UASC the availability is even more limited.

Age Assessments:

- 6.7 Establishing the correct age of these young people is very problematic and in some incidents age assessments (Merton compliant assessments) are required to establish if the young person is under 18 years old. This is a very difficult process and in a number of cases much older (21-25 years old) have been placed with foster carers because it was believed they were younger, hence the single foster placements.

Appropriate translators:

- 6.8 Translators are very limited and are not easily available. This means that communication with young people can only be accessed through Language Line, over the telephone.

Funding:

- 6.9 The amount of the funding received for each individual young person in the majority of cases will cover the actual cost of their care, but if a young person needs specialist residential care or specialist services that have to be purchased then the cost could be far greater than that what is received. The Home Office at present have also not clarified the long term funding arrangements and therefore the length of time funding will be available is not yet known.
- 6.10 Therefore for RCT to join the National Transfer Scheme thought must be given to ensuring that sufficient appropriate capacity is available to support these vulnerable young people and plans developed with partner agencies to ensure that all services are able to cope with the additional demands that can be expected.

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Department
for Education



Home Office



Department for
Communities and
Local Government

Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17

Version 0.8

Operational from 1 July 2016

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Introduction

This interim national transfer protocol ("the interim transfer protocol") for unaccompanied asylum seeking children (UASC, and mainly referred to in this document as unaccompanied children) has been created to enable the safe transfer of unaccompanied children from one UK local authority (the entry authority from which the unaccompanied child transfers) to another UK local authority (the receiving authority) from 1 July 2016.

The interim transfer protocol forms the basis of a voluntary agreement made between local authorities to ensure a fairer distribution of unaccompanied children across all local authorities and all regions across the UK. It is intended to ensure that any local authority does not face an unmanageable responsibility in accommodating and looking after unaccompanied children pursuant to its duties under parts 3, 4, and 5 of the [Children Act 1989](#) or equivalent legislation in Scotland, Wales and Northern Ireland, simply by virtue of being the point of arrival of a disproportionate number of unaccompanied children, and in doing so to ensure that appropriate services are available to all unaccompanied children.

The interim transfer protocol provides guidance on the operation of the National Transfer Scheme and the way in which local authorities in England can transfer UASC into the care of another local authority under section 69 of Part 5 of the [Immigration Act 2016](#), and local authorities in Scotland, Wales and Northern Ireland can enter into similar voluntary arrangements.

Part 5 of the Immigration Act contains provisions for the transfer of responsibility for unaccompanied asylum seeking and refugee children in England. Key provisions within Part 5 include:

- Section 69 creates a mechanism to transfer responsibility for caring for unaccompanied asylum seeking and refugee children from one local authority to another.
- Section 70 enables the Secretary of State to direct local authorities to provide information about the support and accommodation provided to children in their care. This will inform arrangements made for the transfer of unaccompanied children from one local authority to another.
- Section 71 enables the Secretary of State to direct the provision of written reasons as to why a local authority refuses to comply with a request to accept responsibility for an unaccompanied migrant child from another local authority.
- Section 72 enables the Secretary of State to require local authorities to cooperate in the transfer of unaccompanied migrant children if they are unwilling to do so on a voluntary basis, by creating a scheme for the transfer of the functions of one local authority to another local authority in accordance with arrangements under section 69 and directing the relevant local authorities to comply with the scheme.

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- Section 73 enables the Secretary of State to make regulations to extend any provisions made by sections 69 to 72 to Wales, Scotland and Northern Ireland. These regulations will be subject to the draft affirmative procedure.

The interim transfer protocol sets out the agreed roles and responsibilities of the officials with principal responsibility for its implementation, including:

- Local authorities which have functions under parts 3,4 and 5 of the Children Act 1989;
- The central administration team; and
- Regional administration leads.

It has been drafted by the Department for Education and the Home Office, in cooperation with the Association of Directors of Children's Services and the Local Government Association.

Additional information and advice and frequently asked questions on the UASC National Transfer Scheme are available here

<http://adcs.org.uk/safeguarding/article/national-uasc-transfer-protocol>

This interim protocol is operational from 1 July 2016 and is available at <http://adcs.org.uk/safeguarding/article/national-uasc-transfer-protocol>. During the first few months of transfer the expectation is that the protocol will be subject to minor changes when necessary to ensure the transfer scheme operates effectively. Notification of any updated versions will be communicated by ADCS. In addition to ongoing revisions the protocol will undergo a more comprehensive review on a yearly basis, with the new protocol for 2017/18 scheduled to be introduced with local authority grant agreements in April 2017.

This guidance should be read alongside:

- The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review
- Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children (2015)
- Safeguarding children who may have been trafficked: practice guidance (2011)
- Statutory guidance on children who run away or go missing from home or care (2014)
- Care of unaccompanied and trafficked children: Statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children (2014)
- The current Home Office UASC Funding Instructions

Contacts

Any comments regarding this document and questions about how the protocol should be applied locally should be directed to

UASCcentralAdmin@homeoffice.gsi.gov.uk

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Underpinning principles

This page provides guidance on the underpinning principles of the National Transfer Scheme.

Article 3 of the United Nations Convention on the Rights of the Child provides that in all actions taken concerning children, the best interests of the child shall be a primary consideration. Guidance on best interests assessments within the interim transfer protocol can be found in Annex 1.

The long-term objective of the transfer scheme is to achieve a fairer distribution of unaccompanied children through a scheme which is equitable and transparent, across all local authorities and all regions.

The scheme is intended to build on existing regional structures and enable regional pooling of knowledge and resource.

For the purposes of the National Transfer Scheme “UASC” and “unaccompanied children” are defined as unaccompanied **asylum seeking** children who are eligible for funding in accordance with the current Home Office UASC Funding Instructions as **looked after children**¹.

All asylum seeking individuals who are accepted or temporarily treated as being below 18 years of age during the initial Home Office welfare interview² are eligible to be included in the transfer scheme.

Anyone whose claimed age is disbelieved but who are not assessed as significantly over 18, will be treated as a child until a Merton compliant assessment of their age has been completed. An IS.97M form will be issued by the Home Office in all cases in which an applicant’s claimed age is disbelieved setting out the reasons for this decision.³

The reception and transfer processes

This section provides guidance on the process for the safe transfer of unaccompanied children from one local authority to another local authority.

¹ Unaccompanied refugee children resettled from abroad are included in the 0.07% calculation where they will be looked after children but they will not require transfer from one local authority to another.

² The Home Office Welfare Interview was previously known as the Screening Interview. This interview does not replace any interview or assessment undertaken by a social worker.

³ For further guidance on the Home Office’s assessing age process, refer to the [Assessing Age](#) asylum instruction and the [Age Assessment Joint Working Guidance](#).

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Where an unaccompanied child first presents in a local authority which is over the ceiling of 0.07% UASC to child population^{4,5}, the local authority is expected to arrange for the transfer of the child through the national transfer scheme, unless there are clear reasons why it would not be appropriate to transfer the child.⁶ Key transfer rules:

- a) If the region⁷ in which the child first presents is under the ceiling of 0.07% then the child would be expected to be transferred to a local authority **within** that region.
- b) If the region is over the ceiling of 0.07% then the child would be expected to be transferred **out of** the region using the transfer protocol.
- c) Due to the preponderance of unaccompanied children arriving in Kent, the county of Kent will be treated as a region in itself until further notice. This will allow transfers from Kent to be effected to all other areas where capacity is available, including other parts of the South East. This will be reviewed in advance of 1 April 2017.

The percentage of 0.07% is not a target but will be used to indicate when a local authority has reached the point where they would not be expected to receive any more unaccompanied children. This percentage is agreed for the year 2016-17 and will be reviewed annually. The percentage calculated for each local authority does not include care leavers or looked after children living in a local authority who are not the legal responsibility of that authority i.e. they have been placed out of area.

The central administration team will need to decide which region to allocate to; and the regional administration leads will need to decide which local authority to allocate to. The allocation of unaccompanied children to local authorities by the receiving regional administration lead will be in accordance with a methodology agreed by each region and where unaccompanied children should be placed in their best interests.

The central administration team will, in consultation with regional administration leads, operate a fair system for allocation of unaccompanied children to regions, which will take into account other relevant demands upon them. A central team will

⁴ The number of children per local authority as published by the Office for National Statistics in the Mid-2014 Population Estimates

⁵ At the commencement of the transfer scheme the number of UASC in each local authority will be determined by data from financial claims submitted by local authorities to the Home Office. Data will be updated on an ongoing basis (see page 12). From d1 July 2016 local authorities can contact the national transfer scheme central administration team at UASCcentralAdmin@homeoffice.gsi.gov.uk

⁶ 0.07% was reached through agreement with the Local Government Association and the Association of Directors of Children's Services. The formula is a simple and transparent way of checking whether the responsibility for looking after unaccompanied children is distributed fairly across the country. It is based on analysis of the total child population from the 2014 census and our understanding of UASC numbers.

⁷ The regions are: Kent, South East (excluding Kent), South West, North East, North West, Yorkshire and Humber, East of England, West Midlands, East Midlands, London, Wales, and Scotland.

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also take in to account the following considerations on a case by case basis when allocating unaccompanied children to a region:

- The region must have less than 0.07% UASC to child population
- Number and timing of recent UASC arrivals to the region via the transfer scheme
- Other relevant considerations and recommendations specified within the Unique Unaccompanied Child Record (see annex 2).

Children who are in local authorities which are over the 0.07% ceiling may in some cases be transferred to another local authority, however, where children are settled and established in a local authority area, that local authority may make the decision that it is not in the best interests of the child for them to be moved. In this case the child may stay in that local authority area. This means that some local authorities with high numbers of unaccompanied children will only see a reduction over a number of months or years.

Those outside the scheme

Unaccompanied looked after children who have not made a claim for asylum are not eligible to be included in the transfer scheme.

Anyone claiming to be a child but whose physical appearance and demeanour very strongly suggests that they are significantly over 18 will be treated by the Home Office from that point onwards as an adult, though the decision will be reviewed if relevant new evidence is received. The entry local authority will liaise with the Home Office as appropriate, and if requested, provide its observations regarding the age of anyone claiming to be a child, to help inform the Home Office's initial decision on whether they are significantly over 18.

Where a child is brought from another signatory state to be reunited with a parent or sibling under Dublin III, and is not going to be a looked after child, the child will not be eligible to be included in the transfer scheme

Point the child comes to the attention of the UK authorities

Unaccompanied children who wish to claim asylum can arrive or be encountered in a variety of ways – for example, at ports, in enforcement operations, as clandestine arrivals or at the Asylum Intake Units in Kent, Croydon and the Midlands. On identification of an unaccompanied child:

- Home Office staff or the police (if identified at a police custody suite) will notify the entry local authority administration lead and the social care team as soon as possible to request the attendance of the duty social worker to transfer the child in to local authority care (if the child is not already a looked after child).
- If the child is identified at a police custody suite, the police will notify the Home Office who will arrange for a welfare interview to be conducted as soon as possible after notification.

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Reception into the entry local authority care

If the child is referred to local authority children's services prior to having registered a claim for asylum, the entry local authority will arrange a welfare interview with the Home Office through the appropriate procedures. Guidance on registering the claim for asylum can be found on the GOV.UK website.

Once the child has had their claim for asylum registered by the Home Office (by way of a welfare interview), the entry local authority will notify the central administration team of the child's reception into their care using Part A (Reception Information) of the **Unique Unaccompanied Child Record**. This form must be completed for all unaccompanied asylum seeking children regardless of whether the child could be considered for transfer or not. See section on UASC database below.

If a child is going to be transferred they will be placed into suitable and safe temporary accommodation by the entry local authority.

The entry local authority duty social work team will accompany the child to temporary accommodation, or arrange for them to be transported there by an approved transport provider

Entry local authority accommodation providers, carers and social workers will identify any immediate risks to the child and will take all safeguarding actions necessary, including following processes required in the first 24 hours described in the Department for Education and Home Office Practice Guidance (2011) Safeguarding Children who may have been Trafficked, Chapter 5: Actions for Services. Providers, carers and social workers will provide appropriate immediate support for the unaccompanied child during their stay and also escort the child for any emergency medical treatment required.

After the child has been accommodated by the entry local authority for 24 hours they become a looked after child.⁸ – in particular, ensuring that the child is accommodated in the most appropriate placement available which meets their needs. In determining the most appropriate placement available the entry local authority may take into account the likelihood that the placement will be for a very short period, along with all other circumstances relevant to the child.⁹

Referral into the transfer scheme by an entry local authority

If the entry local authority has more than 0.07% UASC to child population they will decide whether to request the child's transfer to another local authority. Local authority social workers will need to make a decision whether to request a transfer to

⁸ The entry local authority will therefore need to comply with its obligations under sections 22 and 22C of the [Children Act 1989](#) or equivalent legislation in Scotland and Northern Ireland

⁹ The entry local authority will also need to comply with its obligations under the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) or equivalent legislation in Scotland, Wales and Northern Ireland.

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another local authority; and then if they will be transferred, when to request a transfer (e.g. there may be health or other reasons why the transfer needs to be delayed).

This decision will take in to account the child's best interests alongside other considerations – this may include but not necessarily be limited to: medical treatment, family ties, legal representation and advocacy, education, ethnic group, religion and continuity of care (refer to Annex 1 for further information on taking into account best interests of unaccompanied children within the National Transfer Scheme).

The reasons for the decision on whether to refer the child for transfer will be recorded in writing (or electronically) and kept by the entry local authority.

The entry local authority will make the transfer decision as soon as practicable and suitable - ideally within 48 hours (two working days) of the child's arrival in to the care of the entry local authority. However, in some circumstances it may be in the best interests of the newly arrived unaccompanied child to stay in the entry local authority accommodation for an extended period of time before being transferred. Where a decision is made to defer the transfer decision, the entry local authority will notify the regional administration lead and the central administration team as soon as possible after the deferral decision is made.

If requesting a transfer to another local authority, the entry local authority will complete Part B (Transfer Request) of the Unique Unaccompanied Child Record and submit this to the central administration team. If the request is for a transfer within the region of entry, the entry local authority will also submit Part B (Transfer Request) to the regional administration lead. More information on this process is given below.

Actions undertaken by the receiving authority

The receiving local authority will become legally responsible for the child from the point that they confirm the transfer acceptance from the entry local authority under section 69 of the Immigration Act 2016. As then legally responsible for the child the receiving local authority will then need to comply with its obligations under the Care Planning, Placement and Case Review (England) Regulations 2010 or equivalent legislation in Scotland, Wales and Northern Ireland.¹⁰

Once the child has been allocated to a receiving local authority, a social worker will then make an initial placement decision, again, based on the information available in Part A, B and C of the Unique Unaccompanied Child Record . It may be in the best interest of the child that this is a temporary placement to enable further information gathering and for the child to settle and be confident to talk about their needs, feelings and wishes.

¹⁰ This will include the allocation of a social worker, independent reviewing officer, independent advocate and arrangements being put in place to ensure that a care plan, first review and single assessment will be completed.

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Where the age of a child is disputed (but accepted as being under 18 years of age) a Merton compliant age assessment will be conducted by the entry local authority if the unaccompanied child is not transferred or the receiving local authority if they are transferred. Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a local authority's assessment of unaccompanied or trafficked children.

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 conduct the Merton and further case law compliant age assessment. Where the child is not being transferred, the Merton compliant and further case law compliant will be conducted by the entry local authority.

If the receiving local authority concludes from their own age assessment that the individual is an adult, they will cease to be eligible for support from the local authority under section 17 and 20 of the Children Act 1989 or equivalent legislation in Scotland and Northern Ireland. The local authority should immediately notify the Home Office of anyone assessed as an adult who is in need of asylum support accommodation by submitting a request to AccommodationGatekeeperTeam@homeoffice.gsi.gov.uk. The Accommodation Gatekeeper Team handles referrals on a same day basis and will arrange initial accommodation and transport to that accommodation as appropriate.

Transport arrangements from entry local authority temporary accommodation to the receiving local authority temporary accommodation¹¹ will be coordinated between the two local authorities. Unless mutually agreed otherwise, the receiving local authority will be responsible for payment of transport costs.

The receiving local authority will notify the entry local administration lead, regional administration lead and central administration lead of the safe arrival of the child as soon as is practicable. If the child does not arrive at the time expected the receiving local authority will make contact with the entry local authority to investigate. If the child has gone missing, the local authority which has legal responsibility for the child (the receiving local authority) will follow due process as set out in DfE Statutory guidance on children who run away or go missing from home or care January 2014

There may be some circumstances in which a unaccompanied child is transferred from one local authority to another without the direct involvement of the central administration team in the transfer process, such as when an authority is seeking to reduce its out of area placements by transferring legal responsibility to the authority the child is currently accommodated in. The receiving local authority will use part D (Transfer Acceptance) to notify the central administration team promptly of the transfer.

¹¹ Temporary accommodation is likely to be most suitable option to that the unaccompanied child's needs and best interests are understood and therefore inform the choice of a suitable permanent placement.

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The central administration team will update the national UASC database to take in to account the transfer.¹²

Details of the funding the receiving authority will receive and the process to claim the funding can be found in the Grant Instructions.

Actions undertaken by the central and regional administration leads, entry and receiving administration leads on the UASC database

On receipt of a Part A (Reception Information) of the Unique Unaccompanied Child Record the central administration team will update the national UASC database.

On receipt of Part B (Transfer Request) of the Unique Unaccompanied Child Record from an entry local authority in a region which has over 0.07% UASC to child population, or otherwise where there are specific reasons why a transfer out of region has been requested. The central administration team will review the national database and consider to which region to allocate the child.

Following the identification of an appropriate region, the central administration team will contact the relevant receiving regional administration lead to notify them of the allocation and forward the Unique Unaccompanied Child Record.

The receiving regional administration lead in the new (or the same) region will review which local authority within their region should receive the child, and will then notify the relevant receiving local authority administration lead using Part C (Transfer Allocation) of the Unique Unaccompanied Child Record.

In the event the regional administration lead in the receiving region is not in operation, as a contingency the central administration team will nominate a local authority in the region to receive the child, and will notify the relevant receiving local authority administration lead.

The receiving local authority administration lead will as soon as possible (ideally within 1 working day of receiving Part C):

- Acknowledge allocation by email to the receiving regional administration lead.
- Confirm transfer acceptance to the entry local authority, entry regional administration lead, and central admin team using Part D (Transfer Acceptance) of the Unique Unaccompanied Child Record.

The central administration team will update the national UASC database to take in to account the transfer. All information shared between local authorities, regional administration teams and central administration teams will be via secure email addresses in accordance with good practice in data protection. E-fax may be used as a short term contingency in situations where secure e-mail is not available.

¹² Process to share UASC database still tbc.

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Notifications to the central administration team will be via the UASCCentralAdmin@homeoffice.gsi.gov.uk inbox.

Central record keeping – the UASC database

From 1 July 2016, in addition to notifying of new unaccompanied asylum seeking child into their care, each local authority will use Part E (Looked after status update) promptly to notify the central administration team of the following events occurring in relation to any of the unaccompanied child in their care to whom the current UASC Funding Instructions apply:

- a) The unaccompanied child ceases to be looked after by that local authority (whether this was because the child went missing, their age was determined as being 18 or over, they reached 18 years old, they were reunited with an appropriate adult, or other reason) including the date and reason that provision ended.
- b) The unaccompanied child resumes status as a looked after child of that local authority, subsequent to notification that they had ceased to be looked after, including the date that they resumed status as a looked after child.
- c) Responsibility for looking after the child had passed to a local authority other than that which is recorded by the central administration team, including the date that responsibility changed.

If an unaccompanied child is transferred from one local authority to another without the involvement of the central administration team, the receiving local authority will use part D (Transfer Acceptance) to notify the central administration team promptly of the transfer.

The central administration team will maintain the UASC database up to date and use it to support fair allocation of unaccompanied children to local authorities in accordance with this protocol, and to support timely and accurate remuneration to local authorities for the service provided in accordance with the current UASC Funding Instructions. Additionally the data provided by local authorities to claim funding will be used to identify and correct any errors which arise in the database.

From 1 July 2016 the central administration team will operate on the assumption that the numbers of UASC already supported by each local authority are in accordance with the most recent figures that have been returned by that authority and reconciled. When local authorities' returns for June 2016 are received and reconciled these will be used to ensure the UASC population as at 30 June is updated correctly in the UASC database.

The central team will complete and circulate quarterly reports detailing the number and location of all UASC across the country¹³.

¹³ Circulation list tbc

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Supporting processes

This page provides guidance on other processes relevant to the operation of the transfer scheme.

If a child goes missing

If a child goes missing before entering the entry local authority care, the agency who held the child should take immediate action. The child should be reported missing to the police of the local area and the local authority. All available information (including biometric information) should be shared with the police and the local authority without delay.

If a child goes missing from either the entry or receiving local authority care, the local authority should follow DfE **Statutory guidance on children who run away or go missing from home or care January 2014**.

Family reunification

Further guidance will be made available outside the scope of this protocol.

Where a child arrives unaccompanied in the UK but they declare the presence of a responsible adult in another local authority, the responsible adult is willing and able to care for them and it is assessed as being in the best interests of the child to be reunited with them, the local authority will make arrangements to move the child to live with the adult.

At the point where children are reunited with family members and cease to be a looked after and the local authority will use Part E (Looked after Transfer Status Update) of the Unique Unaccompanied Child Record to notify the central administration team.

Where a child is brought from another signatory state to be reunited with a parent or sibling under Dublin III, and is not going to be a looked after child, the child will not be eligible to be included in the transfer scheme.

Annexes

Annex 1 - Best interests of the child

Article 3 of the United Nations Convention on the Rights of the Child provides that in all actions taken concerning children, the best interests of the child shall be a primary consideration.

Guidance on taking into account the wishes and feelings of the child, and how the child's best interests should be included in all decisions regarding their welfare are embedded in the following legislation, regulations and guidance:

Section 1(3) of the Children's Act 1989

The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review; and

Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children March 2015

As stated in the protocol, the receiving local authority will need to comply with its obligations under the Care Planning, Placement and Case Review (England) Regulations 2010 or equivalent legislation in Scotland, Wales and Northern Ireland.¹⁴ The best interest of the child and their welfare will be central as with any other looked after child.

International perspective.

The guidance on best interests assessment is elaborated in the General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) published by the UN Committee on the Rights of the Child.

Article 3, paragraph 1, of the Convention on the Rights of the Child, ratified by the UK Government, gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere.

The UN Committee has drawn up a non-exhaustive and non-hierarchical list of elements that could be included in a best-interests assessment by any decision-maker having to determine a child's best interests. The non-exhaustive nature of the elements in the list implies that it is possible to go beyond those and consider other factors relevant in the specific circumstances of the individual child or group of

¹⁴ This will include the allocation of a social worker, independent reviewing officer, independent advocate and arrangements being put in place to ensure that a care plan, first review and single assessment will be completed.

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children. All the elements of the list must be taken into consideration and balanced in light of each situation. The list should provide concrete guidance, yet flexibility.

Elements to be taken into account when assessing the child's best interests

(a) The child's views

(b) The child's identity

The identity of the child includes their current needs and capabilities, characteristics such as sex, sexual orientation, national origin, religion and beliefs, cultural identity, personality. Although children and young people share basic universal needs, the expression of those needs depends on a wide range of personal, physical, social and cultural aspects, including their evolving capacities.

(c) Care, protection and safety of the child

Children's well-being, in a broad sense includes their basic material, physical, educational, and emotional needs, as well as needs for affection and safety, and the possibility of future risk and harm, or other consequences of the decision.

(d) Situation of vulnerability

An important element to consider is the child's situation of vulnerability, such as physical and emotional need, disability, belonging to a minority group, specific protection needs such as being a victim of trafficking, prior experience of trauma, need for continuity, safety and security.

(f) The child's right to health

The child's right to health (including mental health) and his or her health condition are central in assessing the child's best interest. However, if there is more than one possible treatment for a health condition or if the outcome of a treatment is uncertain, the advantages of all possible treatments must be weighed against all possible risks and side effects, and the views of the child must also be given due weight based on his or her age and maturity. In this respect, children should be provided with adequate and appropriate information in order to understand the situation and all the relevant aspects in relation to their interests, and be allowed, when possible, to give their consent in an informed manner.

(g) The child's right to education

With the above legislation, regulations and guidance providing the framework for this protocol, there are a number of points in the national transfer scheme where in the decisions relating to the welfare of the child, their best interests and their wishes and feelings will need to be included, but the decision will need to be balanced with the pragmatic need to implement a scheme which is equitable and transparent, across all local authorities and all regions. Ultimately it will frequently be in the best interest of all unaccompanied asylum seeking children to be placed in regions able to their needs and not rely on a few overcrowded local authorities.

At the beginning of the transfer process local authority social worker will need to make a decision based on the child's best interests:

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- Whether to request a transfer to another local authority; and
- When to request a transfer if it is deemed a transfer is in the child's best interests.

The entry social worker will not know which local authority the child will be transferred to and so will not have any information about the resources in that destination local authority. Their decision will therefore be restricted to the resource which is available to meet the best interests of the child in the entry local authority.

Where a local authority is over the 0.07% ceiling there will be a concern that the local authority has an unmanageable responsibility in accommodating and looking after unaccompanied children and so the welfare needs of the child as listed in section 1(3) of the children's Act 1989 may not be met and one or more of the elements listed Article 3, paragraph 1, of the Convention on the Rights of the Child may be denied them if they were not to be transferred. For example, the right to education may be breached if no school places are available, or they may not have access to legal representation. **For this reason it is expected that, in the best interests of the child, the transfer scheme will prevent more unaccompanied children being looked after by a local authority which is over the 0.07% ceiling.**

In addition:

- The central administration team will need to decide which region to allocate to; and
- The regional administration leads will need to decide which local authority to allocate to.

The information available in Part A and Part B of the Unique Unaccompanied Child Record will be used to make the decision, and as the transfer scheme progresses, there is an expectation that as information about regional and local authority resources increases, the scheme will become progressively nuanced and sophisticated to be able to increasingly meet any specific needs which present.

The regional approach of the scheme is intended to build on regional knowledge and mapping of knowledge, support and resources which is already available via other existing schemes, and so regions will increasingly be able to identify where UASC may be placed in their best interest.

Once the child has been allocated to a receiving local authority, a social worker will then make an initial placement decision, again, based on the information available in Part A, B and C of the Unique Unaccompanied Child Record. It may be in the best interest of the child that this is a temporary placement to enable further information gathering and for the child to settle and be confident to talk about their needs, feelings and wishes.

Annex 2 – Unique Unaccompanied Child Record

PART A: RECEPTION INFORMATION

This part to be completed in respect of each unaccompanied child who begins to be looked after, and submitted promptly by the local authority to

UASCcentralAdmin@homeoffice.gsi.gov.uk.

Entry local authority:		
Social worker:	Date:	
Interpreter:	ID No:	
Port/HO Ref:	Location of entry to UK:	
Family/Tribal name:		
First name:	Middle names:	
Any other names known by:	Any other names used:	
(Claimed) DOB:	(Claimed) age:	Gender:
Nationality:	Language:	
	Dialect:	
Does the young person have any documents to support their stated age and nationality?		
Does this young person require an age assessment?		
If so, what is your observation of his/her likely age?		
Background (which country were they living in prior to their journey?):		
Are there any indications that the child may have been trafficked?		
Are there any physical marks, scars or identifying features that would enable this person to be identified if necessary?		
HEALTH		
Allergies:	Medication:	
Any long term health concerns?		
Smoke?	Alcohol?	Drugs?
Any sustained injuries on the way to the UK?		
Any problems sleeping, have bad dreams or nightmares?		

Reason		
Any other health issues?		
FAMILY		
Mother	Age	location
Father	Age	location
Brothers		
Sisters		
Any family in the UK?		
Location and numbers:		
What was the reason they left their home country:		
How long ago did they leave their home country		
Route and journey to UK:		
Any obvious signs of trauma / vulnerability?		
What was the cost of the journey and who paid?		
Who arranged their travel?		
Do they have a mobile phone?		
Do they have any money?		
Do they have any belongings?		
Education history:		
Have they attended school?	Age started school:	
Number of years attended:	Date last attended:	
Any school years repeated:	Grades completed:	
Work history:		
RELIGION		
Religion	Practicing?	
Any dietary considerations?		

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INITIAL PLACEMENT
Date initial placement commenced
Type of first / temporary placement (foster care / reception centre)
Address of first / temporary placement
Transport method

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PART B: TRANSFER REQUEST

This part to be completed in respect of each unaccompanied child for whom a transfer is requested, and submitted by the local authority to UASCAdmin@homeoffice.gsi.gov.uk. If an in-region transfer is requested then it must also be submitted to the regional admin lead.

Local authority requesting transfer:	
Type of transfer requested:	
In-region	Out of region
Any specific requests:	

This authority has reviewed the best interests of the child and considers it most appropriate for the child to be transferred to another local authority area

Responsible social worker:		
Details for person to be contacted for a transfer to be arranged:		
Name	Secure e-mail	Telephone
Date/time of request:		

PART C: TRANSFER ALLOCATION

C1 – To be completed by the UKVI central admin team where an out of region transfer is appropriate, and submitted to the regional admin lead.

Allocated region:
Date/time of allocation:

C2 – To be completed by the regional admin team, where an in-region transfer is appropriate, or a transfer into the region has been identified at C1 above, and submitted to the local authority to which a transfer is requested.

Allocated LA:
Date/time of allocation:

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PART D: TRANSFER ACCEPTANCE

This part to be completed by the local authority agreeing to accept a transfer, and sent to (a) the entry local authority (b) the regional admin lead, and (c)

UASCentralAdmin@homeoffice.gsi.gov.uk.

This authority confirms its acceptance of legal responsibility for assessing and looking after the aforementioned child, by way of transfer between local authorities by mutual agreement under section 69 of the Immigration Act 2016.

Receiving LA:		
Contact details for person to arrange transfer:		
Name	Secure e-mail	Telephone
Date of acceptance of legal responsibility:		

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PART E: LOOKED AFTER STATUS UPDATE

This part to be completed by local authority and sent to UASCAdmin@homeoffice.gsi.gov.uk to notify of changes in circumstances of the unaccompanied child as set out in page 12 of the UASC transfer protocol and para 6.2 of the UASC funding instructions.

Local authority:		
Contact in case of query:		
Name	Secure e-mail	Telephone

Details of child/young person (if part E is being submitted without a completed part A)

Port/HO Ref:	LA ref:
Family/Tribal name:	Nationality:
First name:	Middle names:
Any other names known by:	Any other names used:
DoB:	Gender:

E1 – to be completed if the child/young person has ceased to be looked after

Reason for child or young person ceasing to be looked after:
<ul style="list-style-type: none"> a. Missing: Police authority to which reported b. Age determined as over 18 c. Client has reached 18 years of age d. Reunified with responsible adult (name and address) e. Other (please specify)
Date on which child/young person ceased to be looked after by this authority:

E2 – to be completed if the child/young person has resumed being looked after

Reason for resumption of child being looked after (please state):
Date on which authority resumed looking after the child:

E3 – to be completed by a local authority if responsibility for looking after the child has passed to a local authority other than as recorded by the central administration team

Reason for looking after in this LA (please state):
Date responsibility commenced:

Annex 3 - First 72 hours trafficking good practice

Protecting children effectively in the first 72 hours (this text is from the draft Modern Slavery Act 2015 statutory guidance)

1. Child victims of modern slavery are particularly vulnerable in the first 72 hours after identification. It is important that all areas should have effective multi-agency plans in place to cover this critical period. This includes appropriate out of hours and in particular at weekends when some services might not be available for some time and other statutory agencies may therefore need to provide cover.
2. Where there is an imminent threat to the child, the child is believed to still be in contact with their traffickers or there is no 'case history' e.g. for a newly arrived migrant child, it is particularly important that whichever public authority identifies the child finds out as much as possible about the child and their history and puts in place effective safeguarding processes. This should include for all children:
 - Getting key personal information such as their name, address and where they are from, taking a child's photograph, and speaking to them in a known language and format appropriate to their age to understand their 'case history'; and
 - Searching any belongings, including mobile phones and other digital devices for telephone numbers, contact details etc of traffickers.
3. In addition, for children 5-18 taking their fingerprints and if, the child or their parent/guardian agrees, their DNA. This bio-metric data will help with both establishing their identify and re-finding them if they go missing.
4. It is important that this is done sensitively and that public authorities explain to children why this is being done. It may also be beneficial, and especially if the search has identified potential imminent threats, that certain belongings e.g. mobile phone or other digital devices are not returned to the child and that the child has restricted access to the internet or to going outside unaccompanied. The reasons why this is necessary should be clearly explained to the child and preferably public authorities should get agreement from the child. However this may not always be possible and it may be deemed necessary in the interests of child protection.
5. In transferring the child to local authority care, there should be an effective and practical handover from one public agency to another, with the relevant information shared. The child should not be left unattended e.g. sent in a private hire vehicle unaccompanied from either immigration or law enforcement. The local safeguarding plan should set out clearly the responsibilities of the different agencies including whose responsibility it is to contact the police if a child goes missing. This should happen within 6 hours of the child going missing.
6. Provision may need to be made for the child to be in a safe (temporary) place before any assessment takes place and before a permanent accommodation decision is made. There is a strong possibility that the child may not be able to disclose full information about their circumstances immediately. The location of the

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child should not be divulged to any enquirers until their identity and relationship with the child has been established, if necessary, with the help of police and immigration services.

7. Placement decisions should take particular account of protecting the child from any continued risk from suspected traffickers or modern slavery facilitators, and from a heightened risk of going missing. An out of area placement might in some cases be appropriate to put distance between the child and where the suspected traffickers expect them to be. Specialist accommodation should be considered, for example, in settings which specialise in dealing with victims of trafficking or with foster carers who have received specialist training. It may be desirable to place a child 'out of area' to disrupt contact.

Stopping children going missing and having contact with traffickers

8. Where a child is a potential victim of modern slavery, it is important that all necessary safeguarding procedures are put in place as quickly as possible. There is a strong risk that the child will go missing, potentially being re-trafficked, in the first 72 hours post identification. Certain nationalities of children appear particularly at risk of going missing.
9. Local safeguarding arrangements should include adequate plans for the prevention of victims of modern slavery going missing, reducing the harm that comes to them if they do go missing and finding them as quickly as possible if they do. This includes talking with the child and within 72 hours undertaking a thorough multi-agency risk assessment.
10. Statutory guidance on children who run away or go missing from home or care (2014) is available to support local authorities consider the risks of going missing and how to prevent this from taking place. This guidance is also relevant to other professionals.

Finding missing children

11. If a potential victim of modern slavery goes missing, the police must be notified as soon as possible and within 6 hours. It is the responsibility of the public authority with responsibility for the child at the point they go missing to notify the police and share all information they have available on the child.
12. Unless there is good evidence to give a different risk assessment, the police should assess all missing children who have been determined to be victims of modern slavery or potential victims to be high risk. The case should remain open until the child has been found and the police should meet regularly with other public authorities to review progress in finding the missing child.
13. For non UK national children a 'nominated person' from the local authority or other public authority should be identified who will coordinate information sharing and ensure that activity to find the missing child is coordinated.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

7th SEPTEMBER 2016

REPORT OF THE GROUP DIRECTOR, COMMUNITY & CHILDREN'S SERVICES

**NATIONAL TRANSFER SCHEME FOR UNACCOMPANIED
ASYLUM SEEKING CHILDREN**

**Officer to contact: Ann Batley, Service Director Children's Services
Tel No. 01443 495118**