

**Response of UASC Reform Steering Group to
*Planning Better Outcomes and Support for Unaccompanied Asylum Seeking
Children***

1 Introduction

- 1.1 This document sets out the initial response of UASC Reform Steering Group, to the Home Office's consultation paper *Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children*. The Steering Group consists of the following agencies:

ADCS
ADASS
ADSS Cymru
LGA
London Councils
WLGA
COSLA

The response also has been informed by contributions from the:

Refugee Council
Office for the Children's Commissioner

- 1.2 We welcome the publication by the Home Office of the consultation paper. The need for a fundamental review of services for Unaccompanied Asylum Seeking Children (UASC) has been evident for a long time. Local Government recognises and supports the decision to seek to reform the current system, which is outdated and under-resourced.
- 1.3 It is imperative that the Home Office maximises the current consensus across agencies in seeking reform to the UASC 'system' and ensures, with the Department for Education and Skills (DfES), that this is linked to improvements for children in care generally. A service framework needs to be established that is applied consistently and which recognises that UASC are children first and foremost but that they may have particular needs that differ from those of other looked after children (LAC).
- 1.4 The Home Office needs to work with local, regional and national agencies to turn the proposals outlined in the document into a workable reality and learn appropriate lessons and difficulties from the 'dispersal' of adults and families.
- 1.5 However, until a resolution is found to the current conflict with local authorities bearing the cost of post 18 care, local authorities are unlikely to be in a position to co operate with any pilot schemes.

1.6 The response to the consultation questions are given below in section 6 below. However, there are significant issues of policy and practice that lie outside of the consultation questions which also need to be addressed if any changes to support are to be effective:

- The link to the *Every Child Matters* agenda, including the DfES Green Paper *Care Matters*, which was concerned with improving outcomes for children in care.
- The impact of the New Asylum Model / Approach (hereafter NAA)
- Funding, including support and funding arrangements for those over the age of 18 including eligibility for leaving care services
- The effectiveness of enforcement and removals and the relationship of UASC to the Enforcement Strategy
- Trafficking and missing children
- The differences in legislation across UK

1.7 The key points of the response can be summarised as:

- ***That the issues that lie outside the consultation questions need further exploration and full resolution, developed in partnership with all key stakeholders.***
- ***The current conflict between immigration legislation and children's rights legislation needs to be reconciled to focus on the needs of the child.***
- ***There needs to be further detail and clarity about how the proposed system would work in practice.***
- ***If then agreed, this approach would need further discussion and piloting with local authority practitioners.***
- ***Fundamentally, given the lack of incentives, particularly around funding, for local authorities to participate in this scheme, there is a question as to whether the proposals will work in practice.***
- ***Destitution should not be used as a pressure to ensure UASC are returned to their country of origin when it is against the best interests of the child.***

Other Issues

2. Links with *Every Child Matters* and *Care Matters*

2.1 It was unfortunate that *Care Matters* was not more explicit about the circumstances of UASC and, in particular, did not discuss the similarities and differences between UASC and other 'looked after children'. Like most other 'looked after children', UASC have experienced disadvantages that have led to them becoming 'looked after'; equally, the majority are seeking to benefit from the opportunities available to them and are unlikely to become involved in the criminal justice system (Professor Mike Stein, York University, November 2006). The key principles outlined in the Green Paper are as applicable to those children who have entered the UK as UASC as they are to those children normally resident in the UK who have had to enter the care system. We believe that provision should be based on the needs of the child rather than immigration status, in line with good childcare principles and practice.

- 2.2 In addition, *Care Matters* and *Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children* also vary in emphasis. This leads to tensions between the two which need to be acknowledged and addressed. The consultation paper does not fully explain or justify the difference in treatment between UASC and other looked after children for whom Local Authorities are a corporate parent.
- 2.3 For example, *Care Matters* suggested that LAC should be able to remain in foster care until the age of 21, whilst the consultation document suggests that the majority of UASC will be expected to live independently from the age of 16 or 17. This apparent commitment to the provision of foster care for looked after children, so long as they want it, is in the context of a funding regime that does not meet the costs of such a placement.
- 2.4 The consultation paper also does not reflect or address the policy complexity and conflict of the government's own immigration and childcare legislative which local authorities currently operate within. Support for UASC needs to be driven by the needs of the child and child welfare considerations. It is disappointing that despite its title, the Home Office consultation has not explicitly outlined what outcomes for UASC it is aiming for. The consultation makes brief mention early on that outcomes for UASC must be those of *Every Child Matters* (ECM), applying to all other children. We agree with this completely but it is disappointing that, despite the title of the consultation paper, ECM principles and outcomes do not receive greater prominence, for example, by highlighting the outcomes and aims particularly relevant to UASC.
- 2.5 The other crucial element in ECM principles is that the ethos of approach must be child-centred and focused on their welfare, well-being and outcomes as the first concern. We feel that the consultation does not acknowledge that the child or young person's needs must be central to service provision suitably enough in its proposals. For example, there is barely any mention of the requisite mechanisms, not simply to gain information from children and young people about their backgrounds or to inform them of what is happening to them but to genuinely gain their views about what their aspirations are what they want to do and achieve. In this regard we note that Article 3.1 of the UN Convention on the Rights of the Child (UNCRC) states that "the best interests of the child shall be a primary consideration". We would want to see clear regard given to the views of individual UASC, clear mechanisms for how these views are elicited in the context of wider children in care and that those views are genuinely taken into account in the way outcomes and services are framed for them (UNCRC Article 12).

3. New Asylum Approach

- 3.1 Broadly speaking, we welcome the key principles of NAA that should lead to a faster and fairer system, superior quality of decision making and much needed clarity of ownership and individual case responsibility to the processing of asylum applications from UASC.
- 3.2 Unfortunately, the significance of the impact of and the interrelationship between the minors' segment of the NAA and UASC Reform is not as clearly set out as it could have been. It is essential that the NAA as applied to UASC fits into child care

planning and the role of the Local Authority as corporate parent. The speed at which the development of the NAA and more specifically of the Minors Segment has been progressed by BIA has meant that the alignment and synergy of the two projects has not been adequately reflected. We remain concerned at how future alignment may be managed, pending the outcomes of this consultation and any subsequent changes in the process of supporting UASC.

- 3.3 We have a number of concerns about the implications of the timescales for immigration issues on UASC, particularly on those who have experienced significant trauma in their country of origin. We are also concerned about the speed with which the new approach has been implemented, the extent to which immigration staff have been properly prepared for their new role and the lack of consultation with partner agencies on the wider implications of these changes. The need to ensure that UASC cared for by local authorities see their case-owner in a timely manner and are aged assessed as quickly as possible, is likely to impact on staff resources. This will be an additional task for specialist authorities, yet it is not referred to in the consultation. We also have concerns about that health services have not been worked into screening arrangements.
- 3.4 NAA will require that UASC have ready access to specialist legal advisors who may not readily be available in the specialist authorities. We have significant concerns about the ability of UASC to access appropriate legal advice both in the context of their immigration and care status. The Legal Service Commission published its *final immigration and asylum fee schemes* in March 2007 in which it states that an update on developing services for UASC can only be given to stakeholders once UASC Reform proposals have progressed sufficiently; it is not clear therefore, who is leading on the development of legal aid for UASC and what happens to UASC that are currently in the NAA system.

4. Funding Arrangements

General

- 4.1 The assertion that the £140 million per year is spent to support 6,000 UASC (given in Chapter 4 para 65) seems a very high spend and would require further explanation. This equates to approx £23k per child per year or approx £450 per child per week.
- 4.2 The assumption that the transfer of large numbers of UASC to other areas of the country should deliver significant cost savings (as outlined in Chapter 4 para 66) also requires further explanation. It would be helpful to have access to the information that supports the table of average weekly payments. Whilst it is accepted that housing and related costs are higher in London and the South East, the table does not appear to take account of the needs of the individual UASCs being supported, which will have potentially significant implications for the level of payments made. We accept that some savings would be likely. However, it is not clear what is meant by substantial and over what time period. On the basis that authorities would continue to support the UASC they currently support, it is difficult to envisage a situation where cost savings will be realised quickly. It would also be useful to clarify whether any new funding arrangements assume any level of savings and if so, what that level is.

- 4.3 The consultation is based on the premise that that the number of UASC claiming asylum is static. We need to know on what grounds this is assumed, and if the process for UASC is flexible enough to adapt to changing levels of claims, either in increasing or decreasing numbers. This will be vital in order to encourage volunteers to become Specialist Authorities.
- 4.4 Although the Consultation states that, "unlike many other countries, UASC are supported under the same legislative arrangements as indigenous children," (Chapter 2 para 11) the same is not true for the funding arrangements which are fundamentally different. Whilst it is not necessarily appropriate for the same assumptions to be used in arriving at the funding formula for UASC, there does need to be a fundamental review of the current arrangements, given that unit costs are based on historic recorded expenditure.
- 4.5 The consultation provides an opportunity to address the current range of mechanisms that have to be used in order to recover costs incurred. Any new funding formula and its associated payment arrangements need to resolve the current situation local authorities are presented with, whereby the grant regime has to be supplemented with the special representations process.
- 4.6 The consultation paper does not specify what alternative mechanisms might be used for the provision of funding for UASC under the age of 18. The current assumptions are extremely crude when determining costs relating to those UASC who are under 16 and those who are 16/17. The assumptions take little if any account of care needs that may not necessarily change on the UASC's 16th birthday. This is therefore out of line with the ECM and *Care Matters* agendas.
- 4.7 This dialogue must be in the context of continued full funding for the level of service provided within best value principles and not an attempt to shunt a part of the cost onto local government. We would not support a proposal that sought to separate the funding arrangements from the actual volume of service provided by any authority. The grant settlement also needs to have regards to variations in regional costs, volume and availability of foster placements.
- 4.8 We also feel it is important for the review to consider the impact of UASC upon other areas of service, particularly health, education and translation services. We are not aware of any significant funding for these services to meet specific needs of UASC, particularly language and mental health issues, which place significant burdens on already overstretched resources. We would strongly advocate a holistic analysis of need, capacity and cost prior to any recommendations are made.
- 4.9 We support better joint working principles between central and local government as outlined in the consultation. However, we firmly would recommend consideration also is given to better co-ordination across government departments as a necessary outcome of this review. This is a cross-government issue that requires a joined up response. This could entail consideration being given to placing the responsibilities for the grant mechanisms for all UASC/former UASC within a single government department, to avoid the current separation/inconsistencies. However, overall, what is most important is that there are sufficient resources available to cover the costs of the services provided and that the resulting provision meets the needs of children.

- 4.10 Funding for asylum support should not be rolled into the general grant settlement. Separate identifiable funding streams can be used to recognise the actual costs of supporting UASC and ensure local authorities are fully funded for a central government policy.

Funding arrangements for those post 18

Issues with current arrangements

- 4.11 The judicial review of the London Borough of Hillingdon (2003) led to an increase in the numbers of UASC receiving leaving care support. These proposals do nothing to resolve the current funding short falls for the support of existing UASC care leavers aged 18 plus.
- 4.12 The need for sufficient funding arrangements to cover the costs incurred by local authorities for the provision of services to UASC post 18 (as care leavers) is a matter of considerable importance because of the funding shortfalls experienced by many authorities. We believe that the numbers eligible will continue to increase until 2008, although not at the same rate as they have done previously. In 2005/06, the authorities included in the LGA/ALG the survey forecast a total expenditure of £40.3 million. Using the current allocation formula, £15.8 million will be required from DfES, giving a shortfall of £24.5 million. However, if the DfES uses current guidance and caps funding at a maximum of £11 million nationally, there will be a total shortfall of £29.3 million for those surveyed. It is expected that total spend is expected to increase to nearly £50 million in 2006/07.
- 4.13 We welcome the continuation of cross-government Ministerial-level discussion on this issue.

Issues with future arrangements

- 4.14 We note that one of the objectives of the NAA is to ensure that all asylum applications from young people will have been dealt with by their 18th birthday. The effect, therefore, would be that by their 18th birthday, all UASC would either have been successful in their asylum applications, returned or been removed. Otherwise, they would have exhausted all appeals and technically be illegally in the country. As the consultation paper points out, they should then have no recourse to public funds and specifically, to leaving care support.

However, it should also be noted that local authorities are supporting increasing numbers of individuals who have no recourse to public funds and that as part of this, that there are already a number of former UASC in this position that local authorities have continued to support within the leaving care legislation, post 18. The current proposals may serve to magnify this problem. If it is the intention of the NAA and the consultation paper to resolve the funding of post 18 support by confirming removal of entitlement, then it is essential that Local Authorities are not left open to judicial challenge. Local Authorities should be **fully funded** for the support they will no doubt continue to provide for those who are no longer entitled to support.

There must be absolute clarity as to the nature of the Section 4 support to be provided to “failed asylum seekers” and mechanisms put in place to deliver that support, pending any arrangements for a return to the country of origin. As noted above, the resolution of this matter should not be left to individual authorities becoming the subject of judicial reviews in pursuit of clarity.

4.15 *The failure to resolve these funding issues would be a major impediment to the proposed creation of specialist authorities.*

4.16 It should also be noted that large numbers of destitute young people are likely to have a deleterious effect on community cohesion within local areas and this must be taken into account. It is also feared that without receiving any support, there will be no incentive for previous UASC to remain in contact and they will simply ‘disappear’.

4.17 However, if the Home Office are considering changes in primary legislation to resolve these issues, then there must be strong justification for this. Any new guidance or legislation must be in line with Children’s rights and safeguarding legislation. We would welcome further discussion with the Home Office on this issue.

5. Other Issues

5.1 The effectiveness of enforcement and removals

The ability of enforcement and removals to encourage - or to forcibly return - UASC to return to their country of origin has historically been a weakness throughout the entire asylum process. We remain unconvinced that this situation has been improved significantly enough to safeguard children and ensure they do not disappear prior to return or indeed that they return to a safe and secure environment.

The outcome of decision making on asylum applications is beyond the scope of the consultation paper. We also recognise that some asylum applications will not be successful and that those applicants may be returned to their country of origin. However, we are concerned that UASC should have an adequate opportunity to make representation in support of their applications and, should they be unsuccessful, are treated in a humane and considerate manner in which safeguarding considerations are to the fore. These processes must be underpinned by the principles of children’s rights legislation such as the UNCRC, the Children Act 2004 and the Children (Scotland) Act 2005. The Home Office must apply appropriate tracking and monitoring mechanisms to support children returning to a country of origin to ensure they are not placed in any form of danger and are transported safely (see Q11.2- 5 below on safeguarding).

5.2 Trafficking and missing children

There is a need for greater clarity about how many children enter the UK through what routes to differentiate between children who are smuggled in with no ulterior motives and those who are trafficked in with the intention of exploitation. The Home Office also need to be in a position to track children who are returned to ensure they do not re-enter the trafficked cycle once again, either within the UK or elsewhere.

Sources of information and intelligence need to be improved in order to identify children should they try to re-enter the UK.

Whilst a great deal of expertise around trafficking has built up in authorities with high numbers of UASC, we recognise that not all trafficked children enter the UK as UASC and not all UASC are trafficked. It is feared that there may be a loss of current professional expertise and knowledge in this area with the move to 'specialist authorities'. Those authorities undertaking initial assessments of UASC should be encouraged to establish specialist teams in order that expertise around trafficking can be developed. All Local Safeguarding Children's Board (LSCBs) will need to build expertise around this so may need link to the 'specialist' authorities/regions. Local authorities who aren't specialists will still need dialogue with specialist team/authorities so that they can gain expertise, especially around issues like trafficking and missing children, especially now that the UK has signed the EU protocol, which can link in to the wider multi-agency response to this issue.

5.3 Devolved Nations: The legislative context

The main the main strategic policies that cover Children's services in Wales and Scotland are detailed in Annexe 1 and 2 respectively.

5.3.1 Wales

It is important that in responding to the consultation document the Home Office take into account the Welsh policy agenda post devolution, through open dialogue with the Welsh Assembly Government (WAG) and the Welsh Local Government Association (WLGA)

We re emphasise earlier comments that any programme of reform must be based on the principle that UASC are children foremost and are protected in law by relevant children's legislation. In Wales, all policy relevant to children is based on the principles of the UNCRC and underpinned by the 7 core aims adopted in 'Rights to Action' which is the policy framework for children living in Wales.

The WLGA are keen to work in partnership with the Welsh Assembly Government and the Home Office to find a resolution to outstanding issues and provide a better package of support for UASC. There also may be opportunities in Wales to strengthen the regional agenda via collaboration and this is something we are keen to explore.

The legislative process

In Wales, the Welsh Assembly Government has devolved responsibility for Local Government, Education and the Health Service, which cover the majority of key services which Unaccompanied Asylum Seeking Children would need to access.

Following the Government of Wales Act 2006, the Welsh Assembly has gained significantly increased powers and is able to pass primary legislation via Framework Powers over matters within their legislative competence. These new powers will mark a significant change to lawmaking in Wales and it is essential that any proposed reforms take account of these important changes to the legislative process in Wales and the increased powers of the Assembly Government.

The planning process

From 2008 all 22 local authorities in Wales, will be required to produce four statutory plans - the Children & Young peoples plan, the Health Social Care, the Wellbeing Plan. the Community Strategy and the Local Development Plan. Each of these plans will have an impact on the planning and delivery of children's services. Councils are currently in the early stages of development of these four plans and it is essential that any new reforms that will significantly affect groups of children residing in Wales are used to inform the planning process. The plans will be guided to an extent by the content of the main strategic policies in Wales that cover Children's services, as detailed in Annexe 1.

The policy context

The principles of the policy context in Wales are broadly similar to that in England with the Children Act 2004 and the Children & Young People's NSF (for Wales) acting as the main policy drivers.

However, the Children's agenda in Wales is guided by a different legislative arrangement, by different departmental structures and ultimately by differing policy to England and Scotland. Having assessed the reform proposals against relevant policy in Wales, it is important for local government that the following core policies are taken into account should the Home Office take forward proposals to reform the service frameworks for unaccompanied asylum seeing children:

1. Rights to Action
2. The Children Act 2004 (Wales clauses sections 25-43)
3. Making the Connections –'Delivering Beyond Boundaries'
4. The Children and Young Peoples NSF
5. The Children and Young Peoples Single plan
6. The role of the Children & Young peoples framework partnerships
7. Child Poverty Implementation plan
8. Everybody's Business
9. Designed for Life
10. Fulfilled Lives & Supportive Communities
11. The Foundation Phase
12. Learning Pathways 14-19
13. Extending Entitlement

Any proposals will have to fit in with 'Rights to Action', which is the Assembly Government's overarching policy for ensuring that all children in Wales have the best opportunity in life. Underpinning the UN Convention on the Rights of the Child, which has been formally adopted by the Assembly, 'Rights to Action' sets out seven core aims for children and young people in Wales, which span the service delivery structures of local government and the health service.

Other differences which will need to be addressed if any reforms are to be taken forward in relation to structures in Wales under sections 25-27 of the Children Act. The Act makes separate provision in Wales recognising the different paths travelled in Westminster and the Welsh Assembly Government since devolution in 1999. One of the major differences in Wales is that the Act does not make it a requirement to establish Children's Trusts in Wales and retains both a Chief Education Officer and Director of Social Services. Every local authority has retained a Children and Young Peoples Framework Partnership, which continues to act as the planning and

commissioning body for children's services. Guidance in Wales has been issued by the Assembly Government to support the implementation of the Act and is entitled Stronger Partnerships for Better Outcomes.

5.3.2 Scotland:

It is important that in responding to the consultation document the Home Office take into account the Scottish Policy agenda post devolution, through open dialogue with the Scottish Executive and Cosla.

We re emphasise earlier comments that any programme of reform must be based on the principle that UASC's are children first and foremost and are protected in law by relevant children's legislation and policy. In Scotland, all policy relevant to children is based on the principles of UNCRC and underpinned by *Getting it Right for Every Child*.

COSLA are keen to work in partnership with the Scottish Executive and the Home Office to find a resolution to a range of outstanding issues and provide a better package of support for UASC's. The position of the Scottish Executive requires clarification and this has been delayed and made more difficult due to the political situation here post election. This needs to be taken in context of the recent HMIE/SWIA inspection on services to asylum seeking families and UASC's which was commissioned by the Scottish Executive. Early indications are that the Scottish Executive expect the standards outlined in the Ministerial vision for Scotland's children to be applied in full. A UK context for delivering services to UASC's needs to be developed and agreed between devolved governments and Westminster.

In addition we would want to be explicit about the need for a holistic approach to funding for services (including a range of devolved services) is an absolute requirement in order that the true costs of a proposed specialist authority are borne by the responsible governments and not passed on to Council tax payers.

6. Response to consultation questions:

Chapter 2: Why improvements need to be made

Q1. How might a system of placing young people with a limited number of authorities help to ensure consistency of service provision and aid specialist services?

- Q1.1 We recognise that there are currently variations in the quality of services provided and in the degree of specialisation offered by different authorities, particularly in relation to social worker allocation, standards of accommodation, access to legal advisors, health and education. We understand there remains considerable variation in the way in which legislation has been interpreted, for example in some areas UASC aged 16 and 17 are still being supported under S17 CA 1989 and 'Leaving Care' support. We are also aware of variations in the amounts paid to UASC as subsistence payments as this often can depend upon local financial policies. We welcome any opportunity to standardise an approach - but feel this also needs to be flexible enough to take into account the individual needs of the child.
- Q1.2 Whilst we recognise that those providing a higher volume of service are more likely to be able to establish the specialist support services needed to support UASC. However, there are also difficulties for those authorities supporting very large numbers of UASC in being able to properly meet the needs of all of the UASC that they support - difficulties in the recruitment of staff, the provision of placements/accommodation and in the availability of sufficient support services. At the same time we recognise the significant pressures a small number of UASC can place upon authorities with little experience and specialist knowledge in this area of work, both in terms of staff experience, service capacity and cost.
- Q1.3 We agree that it could be sensible to establish a smaller number of provider authorities, working to similar specifications and dealing with reasonable volumes of UASC which would enable a degree of specialisation and specialist support services to be provided. There will always be local variations but this should ensure a greater consistency of standards and support across the UK. The potential advantages of this approach may include:
- Helping to achieve economies of scale
 - Aiding Local Authority planning through consistent numbers
 - Enabling development of specialist regional training
 - Building capacity across all stakeholders
 - Improving regional links with BIA and other essential services, for example access to legal advice, third sector support etc
 - Providing a degree of specialisation and specialist support services.
 - Improving outcomes for UASC through, for example, offering a wider variety of suitable placements

Best practice example: Safe Case Transfer

The Safe Case Transfer (SCT) was initiated by Kent County Council and supported by the Association of Greater Manchester Authorities (AGMA) because of concern about 'out of county' placements made in the NW region. By 'volunteering' to be involved they were able to 'control' where the UASC were placed and to build capacity for an agreed number. The independent evaluation acknowledges that the UASC had a better service after transfer to AGMA because of the stretched resources in Kent. Kent were able to assess the UASC with the knowledge that they had placements available. NB - the pilot of SCT was not extended due to the financial risks associated with 'leaving care' services.

Q1.4 However, all these standards of the 'agreed models' would need to be acceptable to professional associations, local government representatives and other key local stakeholders. It is important that discussions around the standard and structures of service models continue.

Q1.5 Any new approach to the support for asylum seekers needs further discussion and piloting with local authorities. It will only be effective if it is implemented well and in genuine partnership with stakeholders, both locally and nationally. The Home Office needs to commit to developing pilot sites to assess progress before full implementation. A clear set of measurable outcomes need to be piloted to determine if the proposals are leading to better planning and outcomes for UASC. Initial concerns about the proposals are detailed below.

Q2. What other factors need to be put in place to achieve improved delivery of services for unaccompanied asylum seeking children?

Q2.1 It should be remembered that these are first and foremost children and young people and should be supported with regard to childcare legislation and practice. There need to be minimum standards to ensure a baseline of consistency. There needs to be clarity around the primacy of legislation, currently these proposals may be perceived to be at odds with some of the fundamental principles of the Children Act 2004 and the United Nations Convention on the Rights of the Child.

Q2.2 Local authorities that accept transfers of UASC will have to be reassured that they will receive sufficient resources. Adequate and secure levels of funding should be provided centrally and should not be based solely on a cost-saving approach. It needs to be recognised that existing levels of funding currently do not meet local authority costs, so any attempt by central Government to reduce their own costs is likely to lead to cost shunting onto local authorities, reducing the incentive for specialist authorities to come forward. Clearly agreed and secure levels of funding that reflect actual costs and reflect the legal obligations authorities are under to support children from a childcare rather than asylum perspective would also be required.

Q2.3 There needs to be further discussion to ensure that the minors segment of the NAA meets the needs of UASC and that it is closely aligned to the care/pathway planning processes used by Local Authorities, especially in relation to timescales and decision making. It is suggested that whilst the asylum claim could be lodged while

the child is in the initial assessment authority, the NAA process should only begin once the UASC has been transferred to the specialist authority. This would require flexibility with the NAA timings.

- Q2.4 Local Authorities and regions must have the flexibility to decide what they see as the most appropriate vehicle for taking forward the reform programme in their area, building on existing partnership working and recognising local circumstances. There are already a range of effective local partnerships that provide a comprehensive service for UASC. Changed to support for UASC should not lead to a collapse of such partnerships but should build on them. Some examples are contained within this document.
- Q2.5 Any form of transfer must be equitable both in numbers and in assessed need. There needs to be a balanced and proportionate response that is graduated to allow those authorities that choose to engage in this process to build up appropriate capacity. Consideration should also be given to each authorities' current LAC population and proportions and UASC numbers should reflect these scales rather than insist on a specific 'ball-park' figure. They will need to have agreed cluster limits which will link to those already in place across existing dispersal areas.
- Q2.6 The timescales for the project need to be realistic. Developing clear policies and procedures and good communication strategies between authorities will necessitate a lot of ground work and cannot be constructed or implemented quickly.
- Q2.7 It is also important that the statutory responsibility of individual authorities for individual UASC remains central to any arrangement. Authorities considering acting as a 'Specialist Authority' should be encouraged to talk to neighbouring authorities and take into account the support that they may be able to draw on from their local regional consortia. We recognise the need to involve regional networks, particularly regional migration partnerships and the regional strategic groups that have been established across the regions. This engagement should ensure synergy across asylum issues and ensure the placement of UASC considers issues such as community cohesion and cluster limits and the capacity of regional stakeholders to provide additional services and good practice around project development, information sharing and training. Established asylum and refugee networks may assist in maintaining valuable cultural links.
- Q2.8 Whilst there may be a value in involving regional consortia, in particular to discuss accommodation in specialist authorities, it is important that this system, which was primarily set up to aid partnership working around supporting adult asylum seekers needs should not be the only driver. Many authorities currently involved in the adult and family dispersal programme and the provision of S4 accommodation are already under significant pressure. BIA must focus upon a holistic approach to asylum support and consider the impacts of all their business upon a local area or region. The sustainability of the current dispersal process patterns must be considered and BIA will need to consider the possibility of bringing new authorities into the business.
- Q2.9 A proactive media strategy needs to be developed prior to the Reform Programme being implemented. There are huge lessons to be learnt from the dispersal policy for adults and families around media strategies and community preparation, and are even more important given the greater vulnerability of UASC.

Q2.10 The level of community support services available need to be carefully anticipated and countered. Health and education need to plan and build capacity, preferably before the dispersal process begins and this development needs to be fully funded by central government departments. The lessons from the dispersal of adults and families need to be taken into account, particularly in terms of the development of infrastructure planning, mapping implications for services and considering impacts on cohesion. Similarly, voluntary organisations would need to develop outside of London and the South East

Q2.11 The availability and provision of appropriate legal services that have a combination of asylum and childcare specialisms is a key issue to ensure the rights of these children are independently advocated and represented. Interpreting and legal services need capacity and expertise in the regions – especially with NAA and the aim to increase the proportion of former UASC returned to their country of origin. All support workers for UASC will need to have confidence in Home Office decisions and that UASC have received expert and accurate legal advice.

Best practice example: Reception facilities in Kent

A reception and assessment centre has been in place in Kent since late 1999. It currently caters for 25 young people. There is an educational assessment centre on site and the teachers assess and get young people into school or roll on roll off college courses for the older ones. A G.P. holds a surgery there once a week and refers as necessary and the Refugee Children's panel visit. The residential staff give observations towards assessment and this helps with age assessment, particularly as age is easier to assess when you can see peer interactions. The staff also help to assess the independent living skills of the older boys who may move into independent living. The residents are also involved as volunteers in a woodland project which works in conservation and offers certificates etc. The centre is set in a youth and community setting and allows for some interaction...

Q2.12 In addition to these initial concerns, fundamentally, we feel that there needs to be much further clarity about how the changes could work in practice before key stakeholders can fully comment on the proposals. At the very least we need, we need further details of:

- The path from the point of presentation to the authorities to the initial assessment centre and then specialist authority/region and clear definition of what each are for.
- On the location of the initial assessment centre in relation to point of presentation to the authorities and a clear understanding of the role of this process within the general scheme of things.
- The relationship with in country applications.
- Whether the authority where the child entered the UK would continue to be the responsible authority after the transfer. (Or, as in the case of Safe Case Transfer, where 'full child care' responsibility was transferred).
- Sustainability issues around the limited travel links to and within regions which will need to be resolved.
- The impact on PAF indicators, APA and JAR processes for authorities involved in any stage of supporting UASC.

Q2.13 Children and young people must not be moved around the country in a transfer mechanism which has no regard for any preference of location or aspiration or

expression of choice or input from them. Under the principles of ECM they must be consulted about their futures. *Care Matters* notes the need for a model of care planning that is more child focused, that is developed with and through the child's own contributions and that is meaningful to the child.

Chapter 3: The Journey through the Asylum and Support System

Q3. When a local authority decides to conduct an age assessment, should this take place before or after arranging the transfer to a specialist authority?

- Q3.1 The assessment of age is just one part of the initial assessment of a UASC – nowhere in the Children Act or the Assessment Framework is there a specific set of criteria related to age assessment, it is a part of the overall assessment of need. As with any other young person, the initial assessment is important because it will determine the nature of the service provided. This is even more so with UASC who will not have previously been known to other agencies and are, almost by definition, likely to be provided with immediate care and support. It therefore follows that the initial assessment, including confirmation that the person is a child of a particular age, is going to determine the placement provided for them. It is also important to ensure the safeguarding of UASC and other children within the care system, and that adults are not placed with children.
- Q3.2 It will not always be possible to decide on the appropriate placement for a UASC at this initial assessment, for example as a result of an age dispute or due to special needs, some UASC will therefore need a longer period of time using proposed 'specialist assessment centres/authorities' from which UASC would then transfer to another authority for a longer term placement.
- Q3.3 Sometimes further information about the age of the applicant will only become available over a period of time, in which case there is a need to consider the journey through the system if a re-assessment is required after initial decision. This needs to be reflected in the proposed process.
- Q3.4 Having a limited number of authorities undertaking initial assessments is an opportunity to develop expertise which includes good assessment of UASC on arrival. Skill of initial assessment/age assessment should be a specialised function within a local authority and a throughput of numbers in a 'Specialist Authority' would help maintain the viability of such teams. This could be part of an initial assessment and include a multi-disciplinary assessment team. The decision making process would need to be transparent and there would need to be a clear and continual dialogue across the various agencies and authorities.
- Q3.5 Statutory timescales for 'looked after' children need to be considered and embedded into the NAA and transfer process. BIA process should more adequately reflect the existing timescales which Local Authorities had to work to on initial and core assessment.

Good practice example: The Safe Case Transfer (SCT) pilot aimed to avoid ‘multiple moves’ for the UASC. The UASC initially stayed at a residential unit in Kent with skilled and experienced residential support staff. Social workers combined the residential observations with their own assessment and it is proven good practice as every UASC was appropriately placed. SCT gave receiving Authorities more confidence and resulted in fewer disputes left to them to resolve. SCT experience was that transferring full child care case responsibility from one authority to another meant that confidence in the assessment prior to the transfer was important and this had benefits – there was no duplication of work, immediate appropriate placement, UASC did not have to repeat information, the UASC was supported through the transition from one LA to another.

Q4 What might be a valid reason for refusal to undergo a dental x-ray or other medical examination to improve age assessment?

Q4.1 We recognise that there may be a number of legitimate reasons why a young person would refuse to undergo dental or other medical examination. This could be as a result of torture or ill treatment in their country of origin or due to fear and religious and cultural norms. We need further clarity on when and why this assessment should be undertaken. Full regard must be given to the child or young person’s concerns at any dental or x-ray examination.

Q4.2 However, the assessment of age is just *one* facet of the initial assessment, as set out above. Local authorities have given careful consideration to how the ‘social model’, including consideration of age, can give a holistic appraisal of the needs of the young person. The Royal College of Paediatrics and Child Health in their 1999 guidelines is that these assessments are likely to be no more accurate than a good social work assessment. Medical assessments should be only seen as a useful supplement to social worker assessments where necessary. Factors such as a lack of base data, the UASC’s diet, health history as well as genetic and cultural differences could affect the outcomes of the medical assessment. Much of the work undertaken in this field is based on a European age model and that the development of children from other areas of the world, in terms of bone density and dental development may differ from the ‘European norm’. Variations in environmental factors such as diet and climate may impact upon development and these factors must be considered in terms of a more holistic approach to assessment.

Q4.3 However, we are also aware that, increasingly, social work assessments have been challenged by advocates acting on behalf of young people using medical assessments of one form or another. Even though we remain of the view that a good social work assessment should take precedence, if medical evidence is going to form a part of the overall assessment of age, then it should only be used with the support of the relevant medical authorities and professional bodies and after proper evaluation of the reliability of the conclusions provided together with guidance. We await the outcome of the review of existing research in this area commissioned by the Home Office outlined in the consultation document.

Q5 When should the assessment of longer term care needs take place (either before or after transfer)?

Q5.1 Assessment is ongoing, not a one off event. It should take place over a period of time, both during the initial phase and when the young person is in placement. If the young person moves geographically, action will need to be taken to ensure that any assessment remains current. However, with these provisos, we feel that early assessment by a specialist authority proved effective in Safe Case Transfer

Q6. Should we generally encourage the move of those who have been fostered to other forms of support – in particular after they reach 16?

Q6.1 Placements should be according to need, rather than chronological age. Independent living will not be suitable for all post-16's. A policy of this nature would contravene existing guidance and regulation on placement choice and ignores the role of Independent Reviewing Officers. Such a blanket approach to the care of UASC would also impact on performance indicators and leave authorities open to legal challenge on a number of levels.

Q6.2 The consideration of a change in placement for a young person at the age of 16 should be determined through a care planning approach, rather than any general norm. Preparing a young person for independence could be achievable in a foster placement or in some more independent living arrangement. Decisions on the placement of children should remain flexible and be carried out on an assessment of need. The primacy in decision making should rest with the care planning system and be guided by the best interests of the young person.

Q7 In what other ways can care planning be better aligned to immigration considerations

Q7.1 We believe that immigration considerations should be better aligned with care planning and as such should be driven by the needs of the individual child and not by the asylum process.

Q7.2 The Local Authority has a range of other considerations to take into account in a difficult balancing act. The expectation of both childcare legislation and the courts is not as simple as once a child is returned home, the local authority duty stops

Q7.2 The development of the case management approach in the NAA is welcomed. Care planning will be assisted by the introduction of the 'case owner' model which should allow for better and clearer communication between the immigration authorities and the care authority. However, we need to stay focused on the individual childcare needs of the UASC as the primary, rather than the secondary, focus.

Q7.2 There is a need to develop better communications and sharing of information with the BIA over the timescales of the decision making process and removals. We support ongoing work that is considering the development of information sharing protocols. However, any information sharing protocols must pay due regard to the

rights of the young people and the core responsibilities of all agencies. There is also some concerns that interviewing children from the age of 12 under NAA is inappropriate and should be reassessed.

Q8 What further guidance is needed in managing the needs and expectations of UASC whose asylum claim fails?

- Q8.1 All looked after children should be provided with a service that both meets their needs whilst they are looked after but also takes account of the reasons why they became looked after in the first place and properly plans for their long-term future. The key is for UASC to be informed of the options available.
- Q8.2 Return to the country of origin will be a difficult concept for UASC, especially as the political and cultural developments in that country will change over the period that a young person is a UASC. If a young person has a negative decision as a 12 or 13 year old, but will not be removed until the age of 18, apart from keeping a working knowledge of the young person's language of origin, it is questionable how realistic is it to prepare for a return through vocational training etc. Consideration also needs to be given to whether a different approach is taken according to the age at which a young person first claims asylum.
- Q8.3 There needs to be more a clarity of expectation – currently, nothing happens when an asylum claim fails. There are a number of different outcomes depending on for example whether or not an applicant has already appealed or whether they are from a country to which forced return is not possible. Therefore, the experience of most UASC (based on what happens to their peers) is to ignore the possibility that they may not be able to remain in the UK. In the absence of a positive decision, it is difficult for young people to plan properly for the future. NAA should lead to some improvements but it is important that UASC can see that there are consequences to the outcome of their asylum applications.
- Q8.4 It is extremely important that UASC are made aware of the options available to them upon a negative decision and the potential outcomes of particular decisions. Outcomes such as VARRP, S4 support and possible destitution need to be reinforced. Destitution should not be used as threat to ensure UASC are returned to their country of origin when it is against the best interests of the child.
- Q8.5 We also recognise that for some former UASC who will claim S4-type support will have little likelihood of return, for example as there is no safe route. S4 remains a temporary form of support and we would recommend that consideration is given to a form of temporary leave to remain. We also recommend a time limit by which former asylum seeking children are given indefinite leave to remain.
- Q8.6 As noted above, there also needs to be further thought about the funding implications for local authorities in relation to the costs of support for UASC whose asylum claim fail and whom then are destitute. This issue impacts not just on Social Services budgets but across the whole of the local authority.
- Q8.7 Under NAA, Discretionary Leave (DL) will be granted up to the age of 17½ as opposed to 18 years of age as per the previous system. However, Section 83 of the 2002 Nationality Immigration and Asylum Act states that if an asylum seeker

has been granted leave of less than 1 year, s/he doesn't have an immediate right of appeal. As a result of this legislation and the change to DL, those receiving DL after 16½ years will not have a right of appeal until they are refused an extension at age 17½ years or over. The Home Office may like to consider how this legislative barrier to effective care planning could be resolved.

Q8.7 The absence of any mention of integration support for UASC granted refugee status within the consultation paper seems to indicate an assumption that no UASC will receive refugee status. We propose that special integration measures for such vulnerable children need to be outlined and funded.

Q9. Should we develop new voluntary return packages for 16 and 17 year olds? If so, how could these be structured?

Q9.1 There needs to be a clear process with outcomes and consequences – there needs to be timescales, arrangements with country of origin and a process by which such returns will be managed together with incentives for failed UASC to take up the opportunity of a voluntary return. Equally, we need to avoid creating perverse incentives so that UASC remove themselves from the support system.

Q9.2 We are also interested in receiving further information on why this is deemed appropriate just for 16 and 17 year olds. It needs to be age appropriate, taking into account individual circumstances

Q9.3 We need further clarity on how the funding basis and arrangements for 'the generous package of voluntary return' will be determined. The consultation is also posited on the assumption that all UASC will leave and we need further indication of what support will be available for those that stay and how will this be funded.

Q9.4 The issue of any type of returns needs much more detailed analysis and a clear understanding of the legal obligations which may fall to local authorities once a child has returned to their country of origin. We would recommend further consideration of the role and responsibilities of local authorities in the return monitoring process, either by their own or by judicial direction, and the ability of authorities to fund and resource this additional piece of work.

Q9.5 There is a need for clarification over what the returns package would include and whether it would be similar to that of the adult's package. The adult return package focuses support around training or setting up of businesses with limited cash incentives. For the young person return package, education and training should be a priority on return to the country. Any package should include the facility for the young person to be either supported or be independent on their return. We also need to take care that we find way to encourage both better return packages which do not act as drivers to come to the UK in the first place

Q9.6 There should be a series of longitudinal studies instituted to ensure an evidence based approach especially as, at present, there is no real confidence in the Home Office or Foreign Commonwealth Office being able to track young people once they are returned to country of origin. Therefore, we strongly advocate a live case transfer between the Specialist Authority and the future carer/monitor in the country of origin. There need to be clear arrangements for the reception, care and support

of young people on their return to their country of origin. There need to be safeguards against re-trafficking and other child protection issues and appropriate human rights safeguards (see Q11.2 - 5 below).

Q9.7 Consideration needs be given to building in an element of 'home contact' at the earliest opportunity. When a UASC comes into the system at the initial stage, greater focus may be needed on international family reunification. This could be an area for greater development, rather just relying on forced or voluntary returns.

Q10 Might an enhanced but reducing package encourage take-up of voluntary return?

Q10.1 Again, we need further clarity on how the funding basis and arrangements for this will be determined, in particular the levels at which the 'reducing' package will fall, how it will be monitored and how the decisions will be made to reduce them.

Q10.2 However, we do not feel this proposal actually would work in practice. From all past experience the asylum seeker/UASC will leave the issue of return decision making to the last possible moment, especially if they have been in the UK for a significant number of years. Even an enhanced package is unlikely to encourage take-up of voluntary return.

Q10.3 In addition, we do not support this proposal in principle as this package also pre-empt the final decision on an asylum claim and puts undue pressure on a child to comply in order to receive financial help.

Q11 What safeguards need to be put in place before children can be returned to their country of origin on an enforced basis?

Q11.1 Attention also needs to be given to the risk of UASC absconding from placement if they know that an enforced return package to be implemented. For example, in Scotland the experience from the forced removal of failed asylum seeking families has led to significant adverse publicity and resultant community tensions.

Q11.2 However, given this process should be part of a care planning process that centres on the needs of vulnerable children, we question whether any unaccompanied child should be returned on an enforced basis.

Q11.3 In relation to the issue of safeguarding in general, any returns package needs to be founded upon a thorough appraisal from a safeguarding perspective. Local authorities will need to be convinced that there are appropriate levels of support and effective safety mechanisms in place as part of a thorough assessment.

Q11.4. An equitable service to all young people would be difficult as it would be impossible to standardise care facilities across all countries. Therefore, safeguards need to be in place to make sure that reasonable standards exist. The Home Office needs to be clear on how they will identify and evaluate institutional care facilities in the countries of origin before children are returned. Any systematic returns programme will need to consider developing capacity and accessing services within the UASC's country of origin.

Q11.5 The Home Office must ensure that countries to which UASC return have appropriate arrangements for safeguarding their welfare. Monitoring mechanisms are put in place with the option to return the UASC to the UK if this care is proving inadequate. Young people under the age of 18 should not be returned to their country of origin if these mechanisms cannot be put in place.

Q11.6 Local government has a leadership role via structures such as LSCB's for ensuring the safeguarding of all children, including those who are vulnerable. The Children Act 2004 places responsibility on the newly constituted Local Safeguarding Children Boards to drive the development of the safeguarding agenda at a local level. The LSCB's must be supported by Government to develop and become sustainable to ensure they are well-placed to support the needs of vulnerable children within a locality and to be responsive to new and emerging risks. It is essential that LSCB's are adequately resourced to be effective in their primary duties. (N.B In Scotland the responsibility for ensuring welfare of vulnerable children is carried out by child protection committees, though the points made above still apply.)

Q12 Who is best placed to work with the young person on the plan of return?

Q12.1 Again, we presume we are working towards a return at age 18.

Q12.2 The Home Office/case owner need to take the lead in setting out the parameters of the arrangements for the return to the country of origin – it is an immigration decision and responsibility for saying what happens and when clearly lies with the immigration authorities.

Q12.3 We believe that the work involved in planning return with a young person has so many different considerations that it needs to take a multi-agency approach. A whole range of issues may well come into play, including health, social care, advocacy, legal and asylum issues and as such any planning needs to take full account of the individual case and structure return expectations appropriately. We would welcome further work on the willingness and opportunity available to responsible authorities to engage with external agencies to undertake obligations on their behalf.

Q12.4 The social worker/leaving care worker can have a role in how to prepare for and plan with the young person. Should the young person have a particular link to a member of staff working in a voluntary sector organisation or who is otherwise acting as their "personal advisor", then he or she may be best placed to assist.

Q13. Should the service be procured from specialists and if so, whom?

Q13.1 We would need further clarity on what the specialists might be in this context and what services would be being procured before fully being able to comment. We would want some kind of regulatory procedure for any 'specialists'.

Q13.2 Any plan of return should become incorporated into mainstream planning around the future of each child and as such become incorporated into normal process. As stated above, the involvement of a third party may be appropriate, depending upon

circumstance. Where specialist input is required, it should be around the arrangements for the return to the country of origin – it is unclear as to whether this is an extension of the case owner model or something more. Some form of independent advocacy may be appropriate and this could be made available to each child at their request. However, if the child has received ongoing information and support around returning home as part of their care package, perhaps including family reunification and home contact, the requirement for a more specialist service is perhaps reduced.

Q14. What are the challenges for integrating the voluntary return package within the care planning process for children whose asylum applications have been unsuccessful?

Q14.1 Clear messages need to be given about the situation, to the child and to local authority staff. There needs to be a wide knowledge of schemes to be available from the beginning of the process and a continual emphasis on safeguarding.

Q14.2 Greater consideration needs to be given to their status and further clarity as to who has responsibility for them and the role of LCSBs, Police, Home Office and Local Authority.

Q14.3 There is a need to work with named officials in Authorities or non-government organisations in the country of origin and a need for consistent and clear information to the carers to the young person and Local Authority on the process of voluntary returns.

Q14.4 The key challenge to the implementation of arrangements for voluntary returns is whether or not there are any consequences for the young people who decline to engage – if there are no consequences, the likelihood of young people participating is minimal.

Chapter 4: The Specialist Authority

Q15. Are these the right factors that need to be addressed in identifying specialist authorities and are there any others?

Q15.1 In addition to the factors listed, which we agree that the factors mention should be addressed, the other factors should include:

- Good child care standards
- Consistent use of the legislation
- A willingness to engage with the process is essential and the appropriate political support for that engagement is also critical.

Q15.2 In addition:

- There needs to be further clarity as to whether each specialist authority would need to meet all these requirements. We would also require further detail about what each factor means in practice and what would be required regionally and what would be required locally.

- There needs to be a strong and clear agreement that all costs are met and that grant payments flexibly reflect actual costs, rather than a generic figure. These costs should be negotiated by the particular authority with flexibility to include exceptional cases and leaving care costs. As previously noted, specialist Authorities would need assurance of additional funding support to cover responsibilities for this group when they become over 18 years old.
- There needs to be further consideration of practical arrangements, especially concerning travel arrangements. This is particularly relevant to regions that are located far from their NAA team and the need to arrange extensive travel for children and a responsible adult for a minimum of three NAA events.
- Placements needs to be planned culturally – the assessment before transfer is therefore key. Any placement must recognise current language and settlement patterns to assist children and service providers to access appropriate language and cultural support. Therefore the nearest placement is not necessarily most appropriate.
- One of the criteria should be the ability to provide appropriate mental health and therapeutic support, recognising that many of the UASC will have suffered trauma in their country of origin. There is a growing identification of the need for services in relation to rape and torture.
- NRUC would be an essential management tool and the future of its funding needs to be secured. We need to ensure that where additional information services appear to be needed, as with the NRUC, that these are fully integrated with other management information systems existing to ensure joined up and effective working between agencies, notably the common assessment framework, and do not duplicate other work or add additional burdens for local authorities or their partners locally.
- If shared accommodation is the option chosen as best for the child, there needs to be clear, agreed and consistent standards of accommodation need to be in place:

Best practice example: LASC commissioning strategy

LASC has recently revised our service specifications both for the use of local authorities who are our consortia members. The commissioning strategy outlines our pricing structure which has been market tested and taken into account the cost of rents across London. This pricing structure also includes costs for support packages. Our procurement process is completed in line with Westminster City Council (WCC), who are our lead authority. WCC check our providers company name, finances, insurance, fraud measures, some policies, references and LASC check the providers ability to carry out services as outlined in the specification. Once the provider passes this stage LASC will check the office premises to ensure all policies and procedures are in place as well as staffing/recruitment files, following this we conduct a detailed inspection of properties. If the provider passes all stages they are entered onto an accredited list. If and when we require accommodation a WCC environmental health inspection must take place prior to using that accommodation. LASC conduct both announced and unannounced visits on a schedule which include monitoring both the accommodation and the providers to ensure that services are provided and maintained to a high standard.

Q15.3 Meeting all these factors would require the agreement of all local partners, not just local authorities and the Home Office may need liaise with other central government departments to facilitate this.

Q16. Is 50-60 the right number of specialist authorities to begin with?

Q16.1 In practice, as noted in above, given the many reservations to the consultation proposals expressed in this document, it is unlikely that this number of specialist authorities, if any at all, will be reached as local authorities will be reluctant to participate in this scheme unless these issues are resolved satisfactorily. The consultation notes that wider geographical distribution of UASC will be, “predicated on the willingness of new authorities to accept responsibility for greater numbers...”, however no mention is made of how such ‘willingness’ might be created, either in terms of resource implications or politically for local authorities.

Q16.2 Local authorities may wish to join together to act as a specialist authority/region, which may minimise the risks involved. Rather than develop a system of individual specialist authorities, the experience of mainstream dispersal could lead to local authorities joining together as a region with a co-ordinating, lead organisation.

Q16.3 In theory, the number of authorities/regions providing ongoing care and support to UASC needs to be based on the numbers of UASCs needing support and upon the capacity of authorities to support these children – for economies of scale to be achieved, such authorities/regions should be supporting something in the region of 100 UASC each. The total number of authorities/regions will then depend on the arrangements made overall for the distribution of UASC for ongoing support, as opposed to the numbers remaining with the authority to which they first present.

Q16.4 The priorities of local authorities across the UK will be different, as will the differences between those with high numbers who will transfer UASC and those who accept the transfer of UASC. There are the advantages for both – the regions are already experiencing the placement of UASC outside of the responsible authority.

Q16.5 Not all UASC are the same and considerations around transfers also need to reflect their level of needs. Local areas also need to have the capacity in terms of support services such as health, education and appropriate community & voluntary sector infrastructure. This particularly needs to be taken into account when placing UASC with special health needs, especially in accommodation with adaptations.

Q16.6 The number of specialist authorities should be measured by their capacity to make a good child care specification and Home Office requirements matched to the overall numbers of asylum seekers needing assessment and placement. If the numbers of young UASC should dramatically increase, it may be necessary to increase the number of Specialist Authorities.

Q17 Should the Home Office facilitate the procurement of services in partnership with Local Authorities?

Q18 Should the Home Office leave the procurement of services to Local Authorities but provide a model service specification and benchmark costs at a regional level?

Q19 Would Local Government Associations have any role to play in the procurement of services

Q17/18/19.1 Flexibility is needed at a local level on procurement. Regional consortia could assist in the procurement of accommodation to ensure that local needs are being responded to. LASC and SCT could provide examples of specifications that were developed with input from the home office. However, it should be noted that UASC are the responsibility of individual authorities even if those authorities choose to commission jointly with others. The Home Office should work in partnership with local authorities to consider the procurement of services but the local authority as the responsible agency must retain a lead role in the process, particularly as the local authority will already have local contacts and knowledge to inform the process.

Q17/18/19.2 Any benchmarking would have to be on a like for like basis, i.e., against other services for looked after children and agreed with DfES. Commissioning and procurement of services should be left to the Local Authority, but agreed specification with the Home Office. Costs should reflect what is currently available or can be negotiated within a regional basis, similar to those for the indigenous looked after accommodation. We would be concerned if this procurement took place only where cheaper accommodation is available as this could be inappropriate for UASC and may not having taken into account local issues.

Q17/18/19.3 Consideration needs to be given to the nature of the services being procured. In terms of the procurement of placements for children under 16, there is a statutory framework which provides the model; market costs will be similar to those for other LAC under the age of 16; it is difficult to see what the Home Office could add to this. For those aged over 16, there are already examples of service specification and costs developed by regional consortia (e.g. LASC) which provide the basis for the procurement of services and have been developed in conjunction with the Home Office. Where government would have a role is in the procurement of services from "specialist authorities" where brokerage with other authorities/agencies would be assisted by the intervention of a third party. Many authorities already have model service specification and benchmark costs at a local level. Whilst a national 'guidance' framework may be useful, work at collating and evaluating existing service specifications and agreed standards needs to be undertaken. This should ensure consistency across the whole of LAC provision and not just UASC

Q17/18/19.5 The Local Government Associations cannot be involved in procurement as unincorporated associations but they could support and represent member authorities.

End.