

**UNACCOMPANIED ASYLUM
SEEKING YOUNG PEOPLE IN CARE**

Children and Young People's Overview and
Scrutiny Panel Task and Finish Group report



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I. Introduction

The Children and Young People's Overview and Scrutiny Panel scrutinises matters relating to the health and wellbeing of children and young people living and learning in the City. The panel scrutinises the impact of services provided by agencies ranging from the Council, Health, Police, schools and colleges and the Voluntary and Community Sector. The Scrutiny Panel also considers the impact of partnerships such as the Children and Young People's Trust, Plymouth Safeguarding Children Board and Plymouth 2020 Wise Theme Group.

The need to undertake this task and finish group arose from a Corporate Parenting Group meeting where the topic of unaccompanied asylum seeking young people was discussed. It was highlighted by the group that processes may not be in place to meet the needs of unaccompanied asylum seeking young people in care. The Children and Young People's Overview and Scrutiny Panel convened a task and finish group in February to hear evidence from officers and this report summarises the findings of that review and makes recommendations for improvements.

The panel would like to thank the officers for their contributions in the preparation for the session and in their cooperation in evidence gathering.

2. Scrutiny Approach

The Overview and Scrutiny Management Board approved in principle, on 24 November 2010, the establishment of a Task and Finish group to review Unaccompanied Asylum Seeking Young People in Care with membership to be drawn from the Children and Young People Overview and Scrutiny Panel and Corporate Parenting Group.

Task and Finish Objectives

The group was asked to review –

- access to education.
- accommodation.
- the process of age assessments.

Membership

The Task and Finish group had a cross party membership comprising the following Councillors -

- Councillor Wildy (Chair)
- Councillor Mrs Stephens (Vice Chair)
- Councillor Mrs Bowyer (Chair of Corporate Parenting Group)
- Councillor Mrs Nicholson
- Councillor Tuohy

For the purposes of the review, the Task and Finish Group was supported by –

- Claire Oatway, Head of Service- Performance and Quality, Dept of Services for Children and Young People

- Amelia Boulter, Democratic Support Officer

Methodology

The Task and Finish Group convened once to consider evidence and hear from witnesses -

- 3 February 2010

Members of the Task and Finish Group aimed to:

- Review access to education for unaccompanied asylum seeking young people in care.
- Review the accommodation for unaccompanied asylum seeking young people in care.
- Review the process of age assessments undertaken for unaccompanied asylum seeking young people in care.

The Work Programme Request (PID) is attached as Appendix I.

Background information

The Task and Finish Group heard representations from –

- Sally Crawford, Senior Youth Support Worker
- Mary Brimson, Head of Service Children and Young People in Care
- Mairead MacNeil, Assistant Director Children's Social Care

The following officers were also in attendance:

- Richard Porter, 16+ Service Manager, Children's Social Care
- Margaret Johns, Team Leader – Frederick Street Youth Centre
- Zoe Masters, Education Consultant (Children in Care)

Background material provided to the group included:

- Social Care Institute of Excellence – Good practice in social care for refugees and asylum seekers
- NSPCC's Response to Planning Better Outcomes and Support for Unaccompanied asylum seeking children
- Policy on Unaccompanied asylum seeking children
- Unaccompanied asylum seeking children Multi Agency Procedure

3. Key issues arising from evidence

- An adult group had in fact presented to the Corporate Parenting Group; members were not aware of this and acted on feedback that was not necessarily representative of the views of unaccompanied asylum seeking children;
- The multi-agency policy and procedures had been developed to assess and support unaccompanied asylum seeking children. There were concerns that some staff groups were not fully aware of the procedures;

- Services provided to unaccompanied asylum seeking children and ASR through Frederick Street youth centre were not connected to other citywide services;
- The procedure sets out that age assessments are generally completed within 10 days and perceived delays are more likely to happen at appeal stage. Appeals can be delayed due to a young person's own circumstances and availability of supporting evidence;
- There is a strong policy and procedure in place to ensure that where unaccompanied asylum seeking children are children in care they are supported in terms of education and accommodation. Unaccompanied asylum seeking children have a range of complex needs and will have a number of professionals supporting them at any one time. The panel were concerned that professionals outside Children's Social Care did not have a full understanding of the services offered to young people and how to handle concerns about a young person's wellbeing.

4. Evidence heard

Background

As stated at the outset of the document, this Task and Finish group was convened following a Corporate Parenting Group meeting held in October 2010. At that meeting, members were concerned to hear about an apparent lack of coherence in how unaccompanied asylum seeking children were treated.

During the task and finish review it emerged that the group presenting the views of unaccompanied asylum seeking children at the Corporate Parenting Group were in fact adults and only two had been children in care. Other professionals and councillors present at the meeting did not know that the group was an older age group and throughout the meeting thought they were directly hearing the views of unaccompanied asylum seeking children. They were included because in the community they morally support children and young people. One of the adults who'd spoken at the meeting was about to be deported, and it was felt that people were speaking on behalf of colleagues and friends. Unfortunately, the group was not introduced as an older age group, and in addition were vulnerable because of low morale due to the imminent deportation of a close friend.

Mary Brimson was asked whether she knew the group were not young people in care at the time of the Corporate Parenting Group and she stated that she had assumed the group was and was not aware that the group were adults until after the meeting. Mairead MacNeil had no knowledge that the group were adults at the time of the meeting.

This combination of factors challenges the accuracy and representativeness of the concerns raised at the Corporate Parenting meeting.

Recommendation

A protocol must be established for facilitating the participation of groups of young people and adults in member-led meetings to aid communication, eg more use should be made of the corporate parenting leaflet

Unaccompanied asylum seeking children Policy and Procedure and workforce development

The unaccompanied asylum seeking children policy and supporting procedure were launched in December 2009. This multi-agency policy considers the health, education and accommodation needs of unaccompanied asylum seeking children and reflects national best practice. The policy was signed off by Mairead MacNeil, the Assistant Director for Children's Social Care and is available for access by children's social workers. However, in evidence it is not clear that all members of the children's workforce have access to the policy or know its content.

The unaccompanied asylum seeking children policy and procedure are stored on the system and are accessible to anyone with access. It was not clear how the policy and procedure had been launched but the panel heard that there would probably have been awareness raising at point of sign off. It was assumed that staff who are actively involved with families affected should know about the policy and procedure. When explored whether particular professional groups knew about the service senior managers were surprised that the Youth Service wouldn't know.

Recommendation:

PCC should more widely disseminate the existing policy and procedure to all sections of the children's workforce and store these documents in a way that facilitates ready access

General support for unaccompanied asylum seeking children

The panel asked officers about the support that was currently provided to unaccompanied asylum seeking children and the training provided to workers to support these young people.

- Sally Crawford described the support provided to a range of young people and young adults from the Frederick Street youth centre.
- Although she didn't originally have particular knowledge and experience of working with asylum seeker and refugee group she did have extensive experience of working with young people and applied these principles.
- Sally raised concern about a perceived mixed experience for young people seeking asylum where the outcome of the age assessment means that some individuals receive excellent service and other young adults don't.
- Sally reported that some young people she comes into contact with have been very well looked after. However she highlighted that the deportation process can cause distress to individuals affected and to their peer group. The scope of this task and

finish group was limited however to the assessment and support provided to unaccompanied children who are eligible to receive support as a child in care.

- Sally reported that she was working closely with two young people who had strong concerns about the level of support they were receiving

- Mary Brimson reported that young people who are unaccompanied asylum seeking children are supported by a nominated social worker who will check that the young person's needs are being met and who has a statutory duty to regularly visit the child. The social worker is expected to build a relationship with that young person.
- Mary reported that unaccompanied asylum seeking children often have complex needs and will require a range of services to meet those needs. It is expected that all professionals that are working with a named young person, including foster carers, should work as a team and should provide feedback when there are concerns about a child's wellbeing.
- Mary also reported that unaccompanied asylum seeking children have access to advocates via an independent advocacy service to ensure that concerns can be raised via an independent channel if needed.
- When asked specifically about the two young people's concerns Mary knew the case history and stated that there were additional factors that had not been presented to the panel

Recommendation

A review is conducted of the range of services for unaccompanied asylum seeking children, including services provided by Youth Services, those funded by the Social Inclusion Unit and any services provided by partners.

The Director of Children's Services should establish closer working arrangements between children's social care and other elements of the children's workforce that work with unaccompanied asylum seeking children to meet the needs of unaccompanied asylum seeking children

The Director of Children's Services should improve training and understanding of unaccompanied asylum seeking children and Asylum Seekers and Refugees issues for staff working with these groups

The Director of Children's Services should clarify and make explicit professional boundaries between individual workers and unaccompanied asylum seeking children. This should be monitored through supervision

A report should be prepared on how professionals across the Children's Trust work together to support the health and wellbeing of unaccompanied asylum seeking children, including where there are concerns.

The panel asked officers about the process of age assessments and perceptions of the length of time it takes to conduct an age assessment.

- Sally Crawford reported that an age assessment can take up to two years to complete.
- Mary Brimson and Mairead MacNeil reported that age assessments are conducted by the UK Border Agency. That assessment determines whether the individual is relocated as a young person or as an adult. As a young person, the individual is entitled to support as a child in care. Sometimes at this point an individual may decide to appeal against the decision and will inform Children's Social Care.
- Mary described how, where an appeal is made, an age assessment will be completed within 10 days. The process follows the Merton Age Assessment process and national best practice.
- Mairead and Mary stated that sometimes an individual's age can be difficult to determine where records are absent. Documentation is received from the Border Agency and workers will take into account a range of evidence to test whether the information presented is credible, for example emotional development, physical appearance, credible story and valid documentation.
- Mary asserted that sometimes a young person's mental health may be a reason to slow down the process, for example the individual can feel so traumatised by their past experience that the age assessment has to be temporarily suspended.
- Both Mary and Mairead acknowledged that this is a subjective and robust assessment

Access to education

The panel were interested in the approach taken to supporting the educational needs of unaccompanied asylum seeking children.

- Mary stated that unaccompanied asylum seeking children are classed as children in care and as such have access to a specialist team who will liaise with children, social workers and schools to ensure that education support is appropriate for the needs of the young person. In addition, they will have access to the virtual school Headteacher.

Recommendation

The panel were satisfied that the policy and procedure in this area was being applied.

The Corporate Parenting Group should regularly monitor outcomes for unaccompanied asylum seeking children.

Access to accommodation

The panel asked officers to describe how the accommodation needs of young people were met

- In the Corporate Parenting Group meeting, there were suggestions that unaccompanied asylum seeking children were not consistently offered suitable accommodation and were regularly placed in bed and breakfast accommodation for long periods of time.
- Mairead MacNeil described that unaccompanied asylum seeking children are often in their mid to late teens when they come into contact with children's social care. Occasionally they may stay in a bed and breakfast for a couple of days while an assessment is completed.
- Mairead stated that once the young person or adult's status is agreed the nominated social worker will design the best package of care and this will happen very quickly. Younger age groups will be automatically housed with foster carers as opposed to independent living but the package of care will be carefully designed around the young person's needs.

Recommendation

The panel were satisfied that the policy and procedure in this area was being applied.

The Corporate Parenting Group should regularly monitor outcomes for unaccompanied asylum seeking children.

5. Conclusion

Overall, the panel were satisfied that the policy and procedures to support unaccompanied asylum seeking children were in place and were being applied. The process for age assessment, specifically in response to appeals, follows national best practice.

The Corporate Parenting Group has the responsibility to monitor outcomes for all children in care. This group should assume responsibility for the ongoing monitoring and review of work in this area.

6. Recommendations

A protocol must be established for facilitating the participation of groups of young people and adults in member-led meetings to aid communication, eg more use should be made of the corporate parenting leaflet

PCC should more widely disseminate the existing policy and procedure to all sections of the children's workforce and store these documents in a way that facilitates ready access

A review is conducted of the range of services for unaccompanied asylum seeking children, including services provided by Youth Services, those funded by the Social Inclusion Unit and any services provided by partners.

The Director of Children's Services should establish closer working arrangements between children's social care and other elements of the children's workforce that work with unaccompanied asylum seeking children to meet the needs of unaccompanied asylum seeking children

The Director of Children's Services should improve training and understanding of unaccompanied asylum seeking children and asylum seekers and refugees issues for staff working with these groups

The Director of Children's Services should clarify and make explicit professional boundaries between individual workers and unaccompanied asylum seeking children. This should be monitored through supervision

A report should be prepared on how professionals across the Children & Young People's Trust work together to support the health and wellbeing of unaccompanied asylum seeking children, including where there are concerns.

The Corporate Parenting Group should regularly monitor outcomes for unaccompanied asylum seeking children.



Request for Scrutiny Work Programme Item

1	Title of Work Programme Item	Unaccompanied Asylum Seeking Young People in Care
2	Responsible Director (s)	Bronwen Lacey, Director of Services for Children and Young People
3	Responsible Officer Tel No.	Mary Brimson, Head of Service Children and Young People in Care
4	Relevant Cabinet Member(s)	Councillor Mrs Watkins, Cabinet Member for Children and Young People
5	Objectives	<ul style="list-style-type: none"> • Review access to education for unaccompanied asylum seeking young people in care. • Review the accommodation for unaccompanied asylum seeking young people in care. • Review the process of age assessments undertaken for unaccompanied asylum seeking young people in care.
6	Who will benefit?	Unaccompanied Asylum Seeking Young People in Care
7	Criteria for Choosing Topics (see table)	Safeguarding issue for looked after children as identified at the Corporate Parenting Group meeting of 20 October 2010.
8	What will happen if we don't do this review?	The needs of unaccompanied asylum seeking young people in care will not be addressed. Possibility of failing in statutory duty of care.
9	What are we going to do?	Task and finish group to take place over one day.

10	How are we going to do it? (witnesses, site visits, background information etc.)	Interviews with key witnesses and background research to include best practice from other authorities.
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11	What we won't do.	The task and finish group will not look at immigration issues faced by the unaccompanied asylum seeking young people in care.
12	Timetable & Key Dates	To be decided.
13	Links to other projects or initiatives / plans	N/A
14	Relevant Overview and Scrutiny Panel / Membership if Task and Finish Group (to be decided by OSP before submission to OMB)	Children and Young People Overview and Scrutiny Panel.
15	Where will the report go? Who will make the final decision	Overview and Scrutiny Management Board.
16	Resources (staffing, research, experts, sites visits and so on)	Staffing from the Democratic Support Officer, Lead Officer and Head of Service Children and Young People in Care. Policy officers for research.
17	Is this part of a statutory responsibility on the panel?	Yes
19	Should any other panel be involved in this review? If so who and why?	No
20	Will the task and finish group benefit from co-opting any person(s) onto the panel.	Some members of the Corporate Parenting Group will be invited to join the task and finish group.



Reference No. 09/11/Pol/14

Plymouth Services for Children and Young People

Policy on Unaccompanied Asylum Seeking Children

Version No 1.0

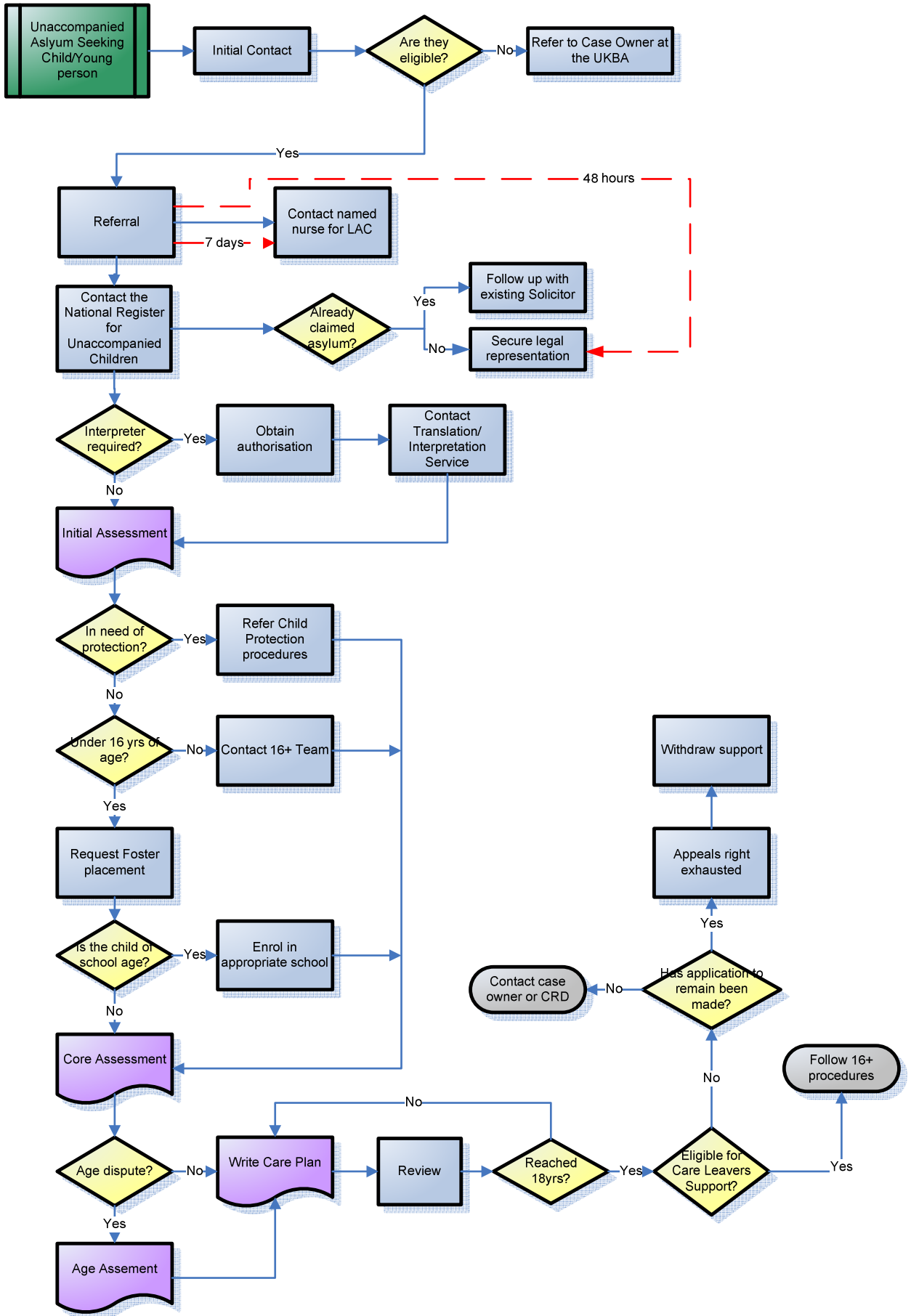
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<u>Author(s)/Editor(s)</u>	<u>Candice Sainsbury – Policy and Planning Manager</u> <u>Elody Mene-Garue – Social Worker</u>
<u>Endorsed by</u>	<u>Mairead MacNeil</u> <u>Assistant Director</u> <u>Social Care</u>
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<u>Supersedes Document</u>	<u>N/A</u>
<u>Contact Details</u> <u>Policy and Planning Team</u>	<u>Title: Policy and Planning Officer</u> <u>Work address: Department for Children Services</u> <u>Windsor House</u> <u>Plymouth</u> <u>PL6 5UF</u> <u>Tel: (01752) 307335</u> <u>Email: policy&planning@plymouth.gov.uk</u>

Document Version Control

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1. Background

- 1.1 Unaccompanied or separated children arrive in the United Kingdom from a wide variety of countries of origin in Asia, Africa, the Soviet Union, and Europe. Statistics indicate that the majority arrive from countries experiencing armed conflict or serious repression from minority groups or political opponents.
- 1.2 While in general unaccompanied or separated children have similar international protection needs to those of adults, in some countries there are additional factors that place children in far greater need of international protection than adults. Child specific persecution for example can include forced conscription as a child soldier, the fear of child trafficking and female circumcision¹.
- 1.3 Many of the challenges local authorities and others face in providing good quality care and services for this group are similar to those relating to other children. However unaccompanied asylum seeking children do have some different and particular needs. Most will enter the care system or seek children's services when they are, on average, considerably older than other children or young people. Additionally, they generally do not enter the care system for the same reasons as other children (abuse or neglect), and their need for care and support from local authorities generally arises from separation from their family. The temporary nature (for most) of their stay in the United Kingdom and the speed with which some of them need to be prepared for return to their countries of origin also causes some very challenging issues in planning for their care². To make matters more complex, unaccompanied asylum seeking children themselves are a diverse group with very different experiences and levels of need.
- 1.4 The government's decision to make Plymouth a dispersal area for asylum-seekers following the Immigration and Asylum Act 1999, has seen an increase in the presentation of unaccompanied asylum seeking children in the city in the past Seven years. Many will have arrived in this country unaccompanied and/or transferred by another local authority, or are simply found wandering the streets of Plymouth.
- 1.5 To date, though a wide range of services are being provided to unaccompanied asylum seeking children, these services are not planned or provided within a comprehensive, multi agency approach. Despite the existence of a small core group of professionals committed to meeting the needs of unaccompanied asylum seeking children, a widespread lack of understanding about their needs has compounded this disjointed provision of services.
- 1.6 Furthermore, the lack of clarification and strategic guidance of how the immigration status of unaccompanied asylum seeking children affects the statutory services that can be provided, especially in the post 16 year old range, has facilitated an environment in which service managers have been disempowered to provide the most appropriate support to meet the needs of this highly vulnerable group of young people.

2. Statutory and Policy Framework

2.1 Definition

¹ Information taken from 'Seeking Asylum Alone', J Bhabha and N Finch, Nov 2006

² 'Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children', consultation paper Jan 2007, Home Office

The official definition³ of an unaccompanied asylum-seeking child is:

- (i) An individual who is under 18 and applying for asylum in his/her own right; and is
- (ii) Separated from both parents and not being cared for by an adult who by law or custom has responsibility to do so.

2.2 Asylum Application

2.1.1 Under the Rules made under section 3(2) of the Immigration Act 1971, an asylum applicant is a person who makes a request to be recognised as a refugee under the 1951 United Nations Convention and Protocol relating to the status of refugees⁴, also known as the 'Geneva Convention', on the basis that it would be contrary to the United Kingdom's obligations under the Geneva Convention for him to be removed from or required to leave the United Kingdom.

2.1.2 Until an asylum application has been determined by the Secretary of State or the Secretary of State has issued a certificate under Part 2, 3, 4 or 5 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 no action will be taken to require the departure of the asylum applicant or his dependants from the United Kingdom⁵.

2.3 Children's Act 1989 and 2004

2.3.1 The principal piece of legislation underpinning the provision of statutory services for unaccompanied asylum seeking children is the Children Act 1989 and 2004. Dependent on the immigration status of a child seeking asylum, an unaccompanied child under the age of 18 yrs is eligible to access and receive services, in addition:

- All agencies working with children, young people and their families are to take all reasonable measures to ensure that the risks of harm to children's welfare are minimised, and
- Where there are concerns about children and young people's welfare, all agencies are to take all appropriate actions to address those concerns, working to agreed local policies and procedures in partnership with other agencies

2.3.2 Refugee and Asylum Seeking Children's Project Section 20 (1) of the Children Act 1989 imposes a clear and unequivocal duty on local authorities to: *"Provide accommodation for any child in need within their area who appears to them to*

require accommodation as a result of:-

- (a) *there being no person who has parental responsibility for him;*
- (b) *his being lost or having been abandoned; or*
- (c) *the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care".*

Some or all of these conditions will clearly be met in the case of a child who arrives in the United Kingdom alone, and is therefore normally the most appropriate section of the Children Act under which a local authority should provide support. That Section 20 is the most appropriate route for the support of unaccompanied

³ UK Border Agency

⁴ Refugee defined as a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.' United Nations High Commissioner for Refugees, 1951.

⁵ Ref <http://www.ind.homeoffice.gov.uk/lawandpolicy/immigrationrules/part11>

asylum seeking children was made clear by guidance issued to local authorities in 2003 by the Department of Health.

- 2.3.3 Statutory provisions under which accommodation and support for unaccompanied asylum seeking children may be provided. Since the *Hillingdon* judgement it is established that section 17 of the Children Act should **not** routinely be used to meet the accommodation and support needs of unaccompanied asylum seeking children – in particular the 16+ age group. The legislation does however *allow* the use of section 17 to provide accommodation to children. Section 17 of the Children Act relates primarily to the provision of services for children in need and their families. *“The power to provide accommodation under section 17 will almost always concern children needing to be accommodated with their families”* (LAC (2003) 13)
- 2.3.3 Where appropriate, further support can be accessed under Section 23 and Section 24 of the Children Act 1989 (as amended by the Children (Leaving Care) Act 2000).

2.4 Local Governance

- 2.4.1 This policy has been steered by the establishment of the Plymouth Children and Young People’s Trust that brings together all services for children and young people in the Plymouth area. The development of the Trust is underpinned by the Children Act 2004 duty to cooperate, and to focus on improving outcomes for all children and young people. It also recognises that unaccompanied asylum seeking children, whether children in need or looked after children, matter every bit as much as other young people in the context of meeting each and all of the five outcomes of the Every Child Matters’ framework⁶.
- 2.4.2 This policy directly contributes to several key outcomes and commitments laid out in the Plymouth Asylum Seekers and Refugee Strategy⁷, in relation to providing a coordinated multi-agency response to the needs of asylum seekers and refugees. This strategy addresses a specific part of the equality objectives in the Corporate Plan 2009-2012 that aims to improve social inclusion and community cohesion.

3. Policy Goal

To promote the holistic well being and safeguarding of unaccompanied asylum seeking children and young people, living in Plymouth, and to contribute towards developing community cohesion through integration and a shared sense of belonging amongst people of different backgrounds (Ref: CIP 4 Aspirations).

4. Policy Objectives

- 4.1 To provide the strategic framework for individuals and specific services to work within in the development and delivery of a comprehensive, multi agency service pathway, which meets the needs of unaccompanied asylum seeking children, under the auspices of the Plymouth Children and Young People’s Trust.
- 4.2 To promote the social inclusion of unaccompanied asylum seeking children.

⁶ DfES 2004 - The five Every Child Matters outcomes are: Be healthy, Stay safe, Enjoy and achieve, Make a positive contribution and Achieve economic well-being.

⁷ Plymouth Asylum Seekers and Refugee Strategy 2004

5. Programme Measures

- 5.1 Co-ordinated development of multi-agency procedures that are grounded in good practice.
- 5.2 Consultation with unaccompanied asylum seeking children and other key stakeholders in the development, review and implementation of relevant policy and procedures.
- 5.3 Development of a multi-agency care pathway.
- 5.4 Identification and establishment of links with complementary services from within the voluntary and community sector, as well as other statutory agencies/departments such as the Border Agency, police, adult services, housing and the Department for Work and Pensions, amongst others.

6. Implementation and Institutional Arrangements

- 6.1 Unless specifically highlighted in the procedures document, this policy will be implemented through the established structures and working arrangements within the organisations within the Children and Young People's Trust.
- 6.2 Annual multi-sector review meeting for unaccompanied asylum seeking children