

21 October 2021		ITEM: 8
Hidden and Extreme Harms Prevention Committee		
Unaccompanied Asylum Seekers: Introductory Report		
Wards and communities affected: All	Key Decision: N/A	
Report of: Naintara Khosla, Strategic Lead, Looked After Children and Aftercare		
Accountable Assistant Director: Janet Simon, Interim Assistant Director, Childrens Social Care		
Accountable Director: Sheila Murphy, Corporate Director of Children's Services		
This report is Public		

Executive Summary

This report updates committee members on Unaccompanied Asylum Seeking (UASC) children looked after by Thurrock Council. Corporate Parenting responsibilities are inclusive of UASC who are a subset of the Children Looked After. Good corporate parents, just like all good parents, need to understand and know what is happening to their children and young people.

Local Authorities are allocated UASC in line with 0.07% of their total child population, which for Thurrock is 31 children. This is to ensure a fair distribution of the responsibility for looking after unaccompanied children. As of the 31 July 2021, 3 of the 31 UASC currently open to Thurrock are considered to be, long term missing children.

1. Recommendations:

- 1.1 That Members of the Committee note the work of officers in relation to Unaccompanied Asylum Seeking Children presenting to Thurrock.**
- 1.2 Members are aware Corporate Parenting Responsibilities extend to UASC.**

2. Introduction and Background

- 2.1 Unaccompanied Asylum Seeking Children arrive in the United Kingdom often following a long and dangerous journey where they may have been at risk of various types of abuse and exploitation, which can often leave them traumatised. A UASC is a person below the age of 18 who arrives in the UK**

who has no adult with responsibility for their care. This includes minors who are left unaccompanied when they have entered the UK and is a person who:

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

A child who is outside his/her country of origin and separated from their Primary carer may:

- be on their own
- have come with a relative who abandons them
- have been sent away by parents for their own safety
- have been trafficked

2.2 Local Authorities across the country have the task of receiving these children, identifying who they are, identifying their specific needs and ensuring that appropriate support is offered to keep them safe; solidify their legal and immigration status and help them to settle into their new circumstances, achieve in education or training and reach their potential.

2.3 Given established transport links, unaccompanied asylum seeking children are more likely to enter into the country through a limited pool of Local Authorities. Thurrock is one such point of entry due to its geographical location, two established ports and busy motorway services. There has been a reduction in the entry of UASC into Essex Ports during 2020 as the preferred route has been through Dover into Kent. In order for equitable distribution of UASC arrivals Central Government have implemented the National Transfer Scheme (NTS).

2.4 The NTS aims to ensure that UASC receive the support and accommodation they need whilst delivering a fairer and more equitable distribution of responsibility for UASC across the UK. Supporting UASC is a shared national responsibility, and it is only right that all local authorities and areas of the UK play their part. The new NTS is designed to address barriers and encourage increased participation in the scheme. The scheme is unlikely to impact significantly on Thurrock because it is a Port of Entry and usually have a population of UASC that meets or exceeds the expected allocation of 0.07%. The NTS impacts directly on those local authorities who need to increase their UASC looked after children population to be 0.07% of the total child population.

3. Issues, Options and Analysis of Options

3.1 Brief Enquiry

When an unaccompanied minor child enters the UK seeking asylum, some will have their age disputed by the authorities, and will have to be subject to an age assessment.

Almost all of these children have no form of identification, having fled war torn countries. They have no way of proving their age with documentary evidence. In some cultures they do not celebrate birthdays and birthdays are not considered an important milestones.

It is important that social workers have considered the cultural background of the individual child and that the ordeal to which these children are subjected could 'age' them more than a child of their age not subjected to these circumstances.

At point of entry all UASC individuals are subject to a 'brief enquiry to age'. This is a brief assessment in accordance with the guidance for assessing age. Anyone claiming to be a child but whose physical appearance and demeanor strongly suggests that they are significantly over 18 will be treated from that point onwards as an adult. The brief enquiry to age is undertaken by a qualified social worker and with the use of an interpreter.

3.2 Age Assessments

Full Merton compliant age assessments are undertaken on any UASC where there is a dispute about their age.

In order for an age assessment to be valid, it must comply with what is commonly referred to as the age assessment being "Merton Compliant". These guidelines were devised by Judge Stanley Burnton in the case of *B v Merton LBC* which was subject to Judicial Review (JR) and relates to a case in which the local authority had determined that a young person claiming asylum was aged at least 18. On that basis, he was not a child and the local authority owed him no duty under the Children Act 1989.

The guidelines state that in a case where age is not clear, and no reliable documentary evidence exists, the credibility of the applicant, physical appearance and behaviour must be assessed. The assessment must also include general background of the applicant, including ethnic and cultural considerations, family circumstances, education and history over the past few years.

When making a decision to undertake an assessment of age, it is important to establish whether it is absolutely necessary to complete an assessment. Statutory guidance on the care of unaccompanied children states that an assessment should be carried out only where there is significant reason to doubt that the claimant is a child. An age assessment should not be a routine part of a Local Authority assessment of unaccompanied or trafficked children and should be limited to the minimum necessary to ensure that the child/Young

Person receives the appropriate services and educational support for their age and development.

Home Office policy is to apply the age assessment policy in such a way as to guard against the detention of children generally including accidental detention of someone believed to be an adult but subsequently found to be a child. Detention can have a significant and negative impact on a child's mental or physical health and development and can be extremely frightening. The effect of not being believed and being detained can be very stressful and demoralising and there are serious safeguarding risks detaining UASC alongside adults.

The Home Office as part of the relaunch of the NTS are supporting Local Authorities to complete age assessments making experienced staff and training available to social workers. Childrens Services can also commission Age Assessment training for social workers, as necessary, to ensure there is a small pool of social workers able to undertake age assessments.

3.3 Managing Human Trafficking and Child Exploitation

Human trafficking, human exploitation and modern slavery are alarmingly widespread issues in today's society. Thousands of children and adults are exploited each year for cheap or unpaid labour, sexual abuse or domestic servitude, which can have a devastating impact on their physical and mental wellbeing.

Modern Slavery is defined as the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, and abuse of vulnerability, deception or other means for the purpose of exploitation. It is a crime under the Modern Slavery Act 2015 and includes holding a person in a position of slavery, servitude forced or compulsory labour, or facilitating their travel with the intention of exploiting them soon after.

Modern Slavery involves the exploitation of Humans for commercial gain. Modern Slavery is where people are controlled and become entrapped making our clothes, serving our food, picking our crops, working in factories, harvesting drugs or working in houses as cooks, cleaners or nannies.

In recognition to the Modern Slavery Threat, 'Operation Innerste', a national, good practice, multi-agency response, is in place to improve the safeguarding of unaccompanied migrant children. Thurrock are working with Essex Police, Border Force and Immigration to implement the Operation Innerste model locally since September 2020. The overall aim is to maximise the effectiveness of professionals and their initial meeting with UASC. Professionals should be focused on building early rapport and recording the young person's identity information, prior to referral onto Childrens Social Care. It recognises and emphasises the importance of the positive early interactions with professionals in reducing the influence of traffickers. Operation Innerste is key to reducing the

likelihood of young people being re-trafficked or going missing once in the care of the Local Authority.

Before any child comes into the care of Thurrock, biometrics (finger prints and photographs) are taken for each child by the Police or Immigration. This is done for a number of reasons but primarily it ensures that should they go missing then the likelihood of them being identified and safeguarded is increased; this also acts as an inhibitor to traffickers. A biometrics record makes the child less appealing to potential exploiters as the child has a footprint within the UK intelligence systems. The ethos of Operation Innerste is to consider that all UASC are potential victims of trafficking and placed under Police Powers of Protection. This has crucially meant that arresting young people is avoided and those initial foundations of a trusting relationship have been created.

In Thurrock, Children's Social Care, we recognise the significance of forming a significant relationship to create trust and ensuring that all UASC are provided with a place of safety from which they can express themselves and allow for their needs to be addressed. This provides an environment to support disclosure about their potential trafficking experiences. All UASC are assessed by a social worker, so that they can be appropriately accommodated. A follow up visit is undertaken by the social worker within 48 hours as part of the ongoing assessment process. Social work intervention focuses on UASC being recognised as vulnerable children and young people who may be subject to Modern Slavery as a result of being trafficked.

There have been 30 new arrivals where a UASC has been able to have the protection of Operation Innerste procedures, as at 30 June 2021. Since the introduction of Operation Innerste (September 2021), 2 new arrivals have gone missing on a long term basis. In these cases there has been a formal decision in a multi-agency strategy meeting that all local lines of enquiry have been exhausted in seeking to locate the young person. Since the introduction of Operation Innerste, the police response to new arrivals has been in-line with safeguarding rather than criminal procedures. No new arrivals managed under Operation Innerste have been missing long term since 01.04.2021. There is one individual who is long term missing since 01.04.21 and the young person was arrested by police for suspicion of vehicle theft with a subsequent referral to Thurrock Childrens Services as it became apparent he was also an Unaccompanied Asylum Seeking Child.

3.4 Multi Agency Partnership

There is significant partnership working across Thurrock Childrens Social Care, Police, Border Force and Home Office Immigration representatives with a regular 6 weekly Ports Meeting which reviews the issues in relation to illegal immigration, sharing information to reduce organised immigration crime and trafficking.

The Ports Meeting is supplemented with a six weekly UASC Missing Meeting which specifically reviews all those young people who have gone missing since

they became looked after, and where a formal decision has been made within a multi-agency strategy meeting that, “all local lines of enquiry” have been exhausted. In the recent Ofsted Report 2021 they have noted the good practice in relation to the management of missing young people:

‘When unaccompanied young people go missing for prolonged periods, they are kept under review. In line with good practice, staff continue to make efforts to trace their whereabouts and follow up on any sighting leads. Checks are carried out with the National Referral Mechanism, the Home Office and other local authority areas, and new intelligence considered until their whereabouts are known’.

p.3 Ofsted Focused Visit to Thurrock 2021¹

3.5 National Referral Mechanism

A referral to the National Referral Mechanism is required where there is suspicion of Modern Slavery. This is a Government service to ensure information is collated on Modern Slavery which can be analysed and used to prevent and disrupt human exploitation.

Independent Child Trafficking Guardian Offer

Independent Child Trafficking Guardians (ICTGs) are professionals who have recently been recruited to ensure there is independent support for those children who have potentially been trafficked. They work with professionals to support them in recognising and responding to exploitation and trafficking, offering individual case consultation for professionals who are in direct contact with the child, focusing on safeguarding within the context of exploitation; they will also support in referrals to the National Referral Mechanism.

ICTG’s have been working alongside Thurrock social workers in cases where there may be a risk of exploitation. A representative from the ICTG also attends the regular strategy meetings held in relation to the long term missing Unaccompanied Asylum Seeking Children this supports a joint approach where a child may come to the attention of professionals (police, health, other local authorities and Home Office representatives), following a prolonged period of missing. Where new information comes to light the allocated social worker along with the ICTG take steps to make contact with and meet the young person at the earliest opportunity.

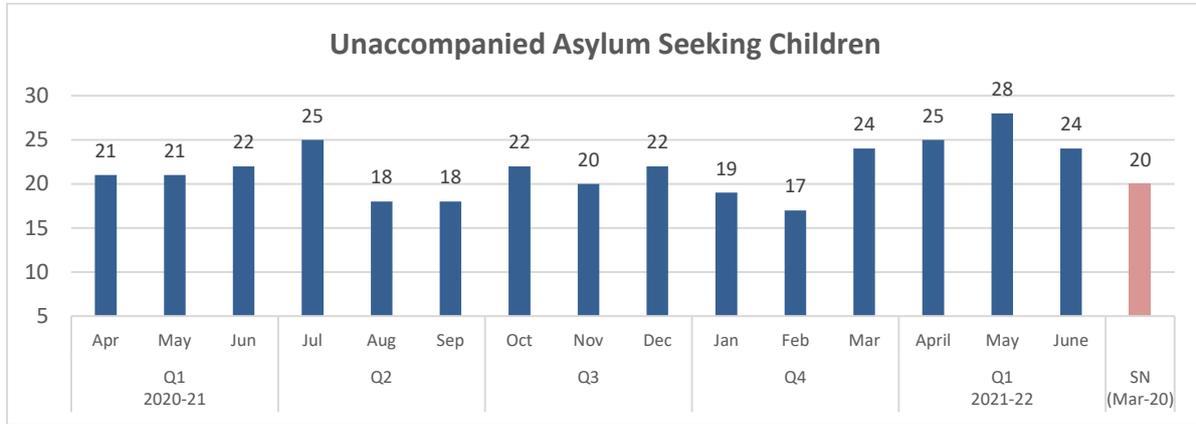
3.6 Performance Data on Unaccompanied Asylum Seeking Children (UASC)

There was a reduction in the entry of UASC into Essex Ports between August 2020 and February 2021 as the preferred route appears to have been through Dover. Between April and June 2021, there were 12 new UASC arrivals into

¹ <https://files.ofsted.gov.uk/v1/file/50167523>

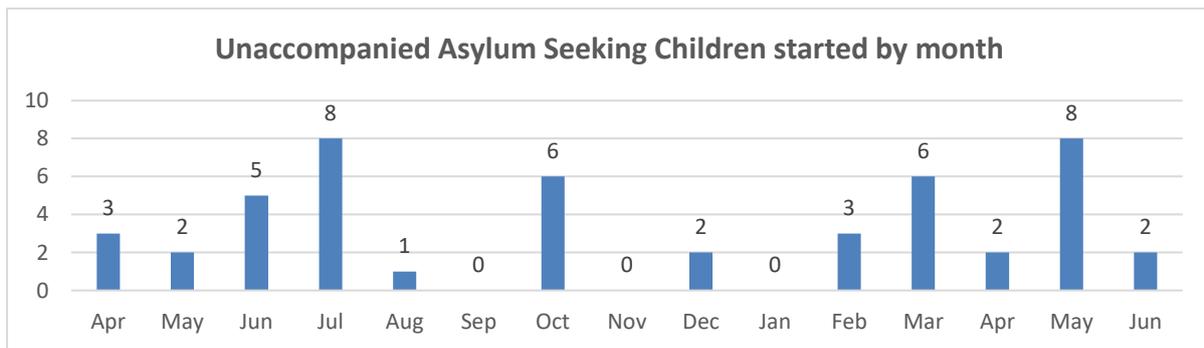
Thurrock. This has increased the CLA cohort of UASC to 24 in Q1 2021-22. Table 1 below reflects the Total Number of UASC for each month in the Period April 2020 to June 2021. There are some small fluctuations, however there has been regular arrivals post February 2021.

Table 1 Total Number of UASC Looked After by Month



3.7 Table 2 below notes the rate of UASC who started to be looked after by Thurrock. Between 01 April 2020 and 31 March 2021, there were 36 UASC episodes started. Of these, three were Afghan, two Algerian, five Eritrean, three Iraqi, one Libyan, one Moroccan, six Sudanese, one Syrian and the remaining 14 mixed or Black African ethnicity. Out of 36 episodes, 91% were of male gender ranging between the ages of 15 to 17 years.

Table 2



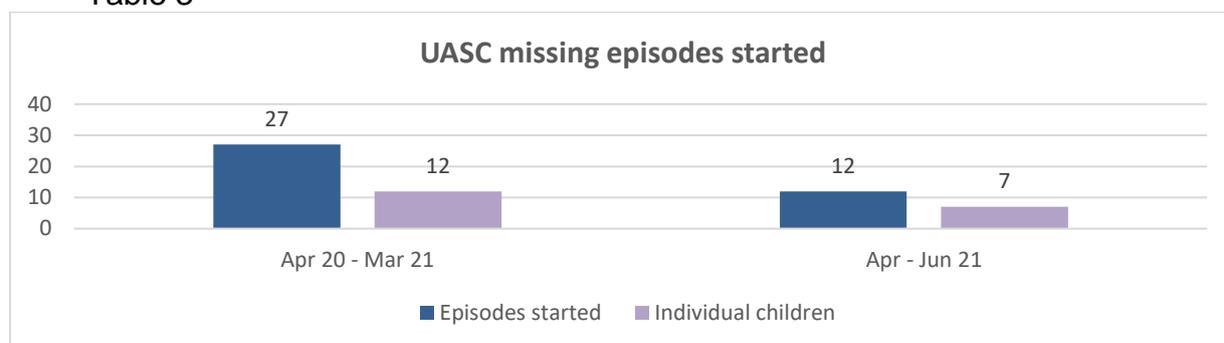
In 2020 there were 10 UASC episodes started between April to June. Between 01 April and 30 June 2021, there were 12 UASC episodes started; of these, one was Albanian, one Eritrean, one Sudanese and the remaining mixed or Black African ethnicity.

Missing UASC

Between 01 April 2020 and 31 March 2021, there 27 missing UASC episodes, these episodes were made up by 12 individual UASC. Of these 12, two were

Algerian, one Eritrean, one Ethiopian, one Iranian, two Iraqis, one Libyan, three Sudanese and one Vietnamese. All 12 were of male gender between the ages of 16 to 18 years. The average length of time missing was 1 day, however, one individual went missing for 95 days and two are still reported as missing. Out of ten UASC who were offered a return to home interview (to consider the reasons why they were missing and any support that could reduce the risks of future missing episodes), seven accepted.

Table 3



Between 01 April and 30 June 2021, there were 12 missing UASC episodes started which were made up by 7 individual UASC. Of these, one was Ethiopian, one Eritrean, one Sudanese, one Libyan, one Vietnamese and two mixed or Black African ethnicity. All 7 were of male gender between the ages of 16 and 18 years. One UASC is still reported as being missing and the six that returned were offered a home to return interview out of which five accepted. As at the end of June 2021 there were a total of 3 UASC who were long term missing and being reviewed as part of the 6 weekly strategy meetings with multi-agency partners.

3.8 Placements

3.9 Foster placements

At the 30 June 2021 there were currently 10 UASC placed in foster care in the following areas:

- Bexley
- Essex
- Greenwich
- Redbridge

3.10 Semi Independent Provision

At the 30 June 2021, There were currently 17 UASC placed in supported accommodation placed in the following areas:

- Essex
- Hackney

- Havering
- Havering
- Redbridge
- Thurrock

Costs of Supported Accommodation

Thurrock ('Higher Rate Threshold', HRT) is currently (0.07) and will receive grant funding per person per night of £143. The cost of supported accommodation placements for UASC ranges from approximately £800 per week to £1,000, which is dependent on the assessed support needs of a young person. The authority currently has 28 UASC who are Looked After and an additional 3 UASC who are missing.

4. Reasons for Recommendation

4.1 Members to note and comment on the work with UASC.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 N/A

6. Impact on corporate policies, priorities, performance and community impact

6.1 None noted.

7. Implications

7.1 Financial

Implications verified by: **Michelle Hall**
Senior Management Accountant

In 2021/22 the Home Office advised that they will make payments for each eligible UASC at the rate set out in the table below. Those local authorities looking after volumes of UASC at or above the 0.07% threshold will be paid a higher rate. Those local authorities looking after UASC which amount to less than 0.07% threshold will be paid the lower rate.

Category	£ per person per night
Local authorities at or above 0.07%	143
Local authorities below 0.07%	114

Individual children transferred from local authorities above 0.07% to local authorities below 0.07%	143
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Thurrock ('Higher Rate Threshold', HRT) is currently (0.07%) and if numbers are consistent the authority could receive grant funding per person per night of £143. At the end of period 4 there were 27 Looked After UASC and an additional 3 UASC who are missing and are not considered to be Looked After.

The cost of supported accommodation placements for UASC ranges from £800 per week to £1,000, which is dependent on, need and support.

Position as of May 21	£m
Number of UASC 27	
Spend to date	0.117
Grant received to date	(0.147)

The grant received is based on the number of UASC who were looked after at the time of the claim in period 1 and 2.

7.2 Legal

Implications verified by: **Judith Knight**
Interim Deputy Head of Legal (social care and education)

Unaccompanied asylum-seeking children will almost always be 'children in need' and therefore entitled to be provided with various services by the local authority, usually including accommodation. These services will usually fall to be provided under Children Act 1989, s 20.

National Transfer Scheme (NTS)

The National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children provides guidance on the operation of the NTS and the way in which local authorities can transfer unaccompanied children to another local authority in accordance with the Immigration Act 2016, s69. The changes announced on 10th June 2021 including the rota will come into effect as soon as possible and are as a result of a joint Home Office and DfE consultation with local authorities across the UK.

Independent Child Trafficking Guardians (ICTGs)

The Interim Guidance for Independent Child Trafficking Guardians provides interim guidance to the Additional Sites where ICTGs, both ICTG Direct Workers and ICTG Regional Practice Coordinators, were introduced in May

2021. This interim guidance will be in place prior to the commencement of the Modern Slavery Act 2015, s48 and before the provision of regulations supporting section 48. This interim guidance is published under the Modern Slavery Act 2015, s49.

This interim guidance describes specific legislative functions and duties and provides guidance in relation to children who have been trafficked. It is expected that public authorities give due regard to ICTG Direct Workers and ICTG Regional Practice Coordinators' functions, as would be required by regulations made under section 48 (6) (e) (i) and Section 48 (6) (e) (ii) of the Modern Slavery Act 2015.

Age Assessments

In order for an age assessment to be valid, it must comply with the findings of R (B) v Merton LBC [2003] 4 All ER 280 (or what is commonly referred to as the age assessment being "Merton Compliant"), where the Court provides guidance as to the conduct of an age assessment.

Currently, the Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery – Statutory Guidance for Local Authorities provides that where the age of a person is uncertain and there are reasons to believe that they are a child, they are presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with the Modern Slavery Act 2015, s51

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (the 2020 Act) included a statutory obligation to review legal routes to the UK from the European Union (EU) for protection claimants, including publicly consulting on the family reunion of Unaccompanied Asylum-Seeking Children (UASC). The consultation has led to a proposed reform the system for carrying out age assessments for UASC's by enabling the use of currently prohibited "scientific methods", such as dental x-rays, to help determine age.

The new system of age assessment would be overseen by a National Age Assessment Board, which would set out the criteria to be followed, review local authority assessments and carry out age assessments itself when necessary.

National Referral Mechanism

The Statutory Guidance Modern Slavery: How to Identify and Support Victims, published under the Modern Slavery Act 2015, s49(1) is guidance for those who make decisions on whether or not an individual is a potential victim/victim of modern slavery for the purpose of the NRM.

7.3 Diversity and Equality

Implications verified by: **Natalie Smith**

Strategic Lead for Community Development and Equalities

Childrens Social Care, along with partner agencies, are committed to child centred practice which takes account of the traumatic experiences for UASC. These children and young people are claiming asylum and in some cases this will be because they have experienced discrimination as a result of their gender, culture, religion and other characteristics which result in persecution in their country of origin. Social workers seek to provide a compassionate response enhancing the UASC's sense of security and creating safety for these young people.

- 7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, Health Inequalities, and Impact on Looked After Children

N/A

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

9. **Appendices to the report**

None

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Childrens Social Care