

15 December 2022		ITEM: 6
Hidden and Extreme Harms Prevention Committee		
Unaccompanied Asylum Seekers: Annual Update Report		
Wards and communities affected: All	Key Decision: N/A	
Report of: Luke Froment, Service Manager Children Looked After		
Accountable Assistant Director: Janet Simon, Assistant Director, Childrens Social Care and Early Help		
Accountable Director: Sheila Murphy, Corporate Director, 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 parents, need to understand and know what is happening to their children and young people.

UASC are particularly vulnerable to exploitation given that they may have had contact with an organised criminal gang as part of their journey into the UK and will likely not have an established support network in the country.

Members should be aware the number of Unaccompanied Asylum-Seeking Children in Thurrock, the presenting issues and that the number of children allocated to Local Authorities has been increased by central government. For Thurrock this increased our threshold from 31 children to 45 children. This is to ensure a fair distribution nationally of unaccompanied children. As of the 30 November 2022, there were 34 unaccompanied children looked after by Thurrock Council.

1. Recommendations:

- 1.1 That Members of the Committee are advised of the potential harms faced in relation to Unaccompanied Asylum-Seeking Children presenting to Thurrock and the work done to safeguard them**
- 1.2 Members are aware that Corporate Parenting Responsibilities extend to UASC.**

2. Introduction and Background

- 2.1 Unaccompanied Asylum-Seeking Children (UASC) arrive in the United Kingdom often following a long and dangerous journey where they may have been at risk of distinct 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 seeking Asylum 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, their specific needs and ensuring that appropriate support is offered to keep them safe. Local authorities support young people with 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 Appendix A contains a fuller description of the relevant processes Thurrock follows in respect of unaccompanied asylum-seeking children

3. Issues, Options and Analysis of Options

3.1 Increased National Quotas:

There continues to be sparse numbers of UASC entering Essex ports. This has continued to be the case since August 2020 as the preferred route is through Dover with high number of Asylum seekers crossing the channel on small boats. Information shared by police colleagues suggest that the success rate for an asylum seeker coming into the UK via small boat is thought to be around 50%. Success rates for Asylum seeker entering via Lorry's is thought to be around 10%. This has increased the number of arrivals nationally with most arrivals occurring in Dover.

- 3.2 For equitable distribution of UASC arrivals Central Government have implemented the National Transfer Scheme (NTS). At the end of August 2022, the thresholds for the number of UASC that each Local Authority is responsible for were increased from 0.07% to 0.1% of the child population.

This means that the previous maximum number of UASC Looked After by Thurrock has risen from 31 Children to 45 Children. This has some

implications:

- An increase in Thurrock's CLA population with an additional 14 Unaccompanied children.
- An impact on caseloads in the Children Looked After Teams and for Personal Advisors in the Aftercare Team as most young people are aged 16+.
- Additional pressure on our placement resources within the context of a national shortage of placements.

3.3 Given established transport links, unaccompanied asylum-seeking children are more likely to enter 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 number of UASC entering Essex Ports during 2022 as the preferred route has been through Kent via small boats. For equitable distribution of UASC arrivals Central Government have implemented the National Transfer Scheme (NTS). Thurrock are currently receiving transfers from other Local Authorities under the NTS. This is a relatively new development.

3.4 **Trafficking and exploitation:**

One of the risks to UASC when they arrive in the UK is from organised trafficking and exploitation. In some cases, children may have been supported to journey to the UK by organised gangs for a fee or possible exploitation and involvement in criminal activity.

3.5 A lot of emphasis is placed on initial relationship building and engagement with new arrivals in Thurrock. There is a comprehensive package of support including:

- ▶ Direct work and follow up visit within 24hrs and again within 1 week.
- ▶ Initial needs assessment – to help understanding the young person's needs
- ▶ An education offer comprising of:
 - Personal Education Plan paperwork to progress into education
 - e-learning resource list
 - commissioned online learning resource
 - A minimum of 5 hours online tuition per week

3.6 The impact for children from this model of practice can be seen in the reduction of cases with missing or exploited UASC. Thurrock have recently presented this model of practice as an example of good practice at an Ofsted training event.

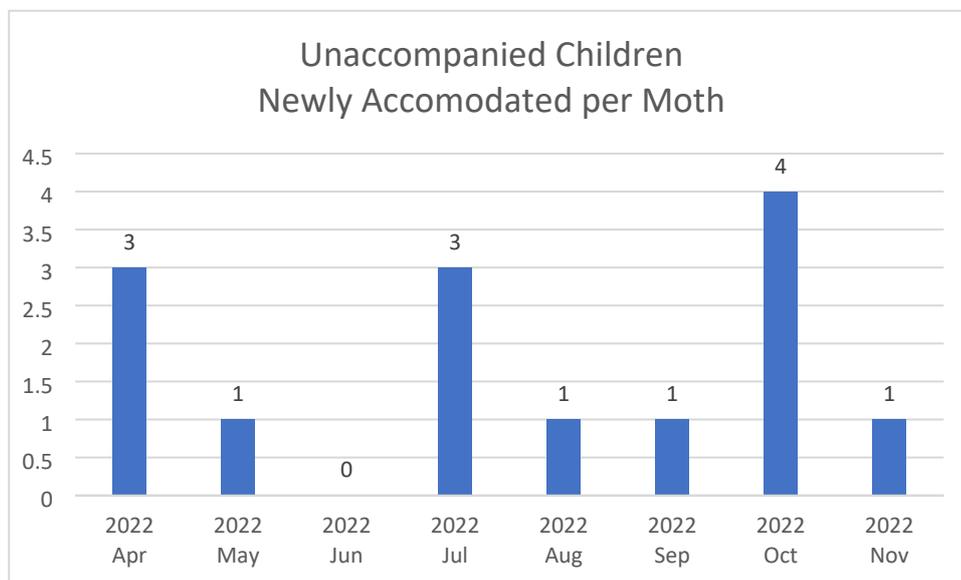
3.7 **Multi Agency Safeguarding**

An important aspect to the work to address issues of exploitation is joint working and sharing of information with the Police and Border-Force colleagues. Information shared in the Organised Immigration Crime meeting

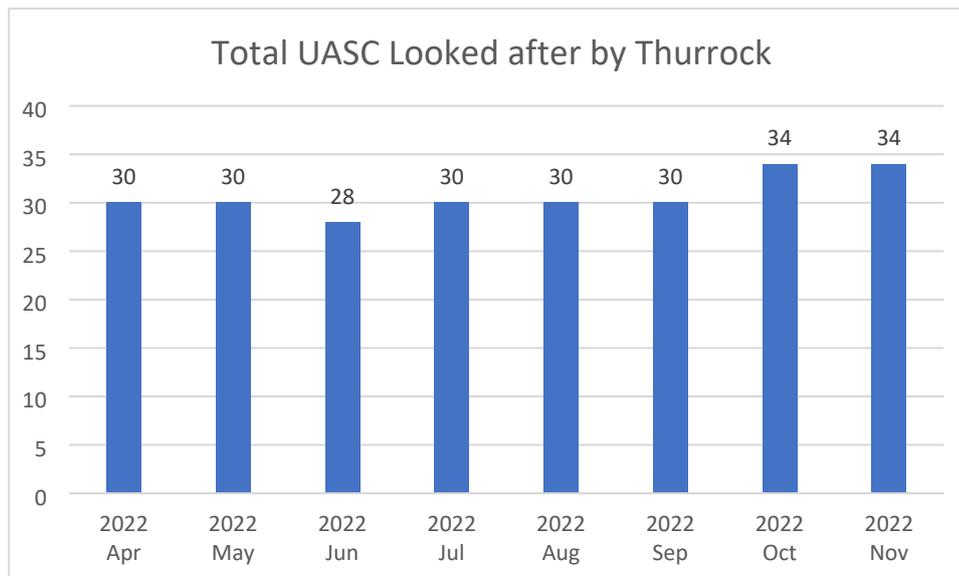
helps us to understand and address current trends such as the high number of Albanian children coming into the UK on small boats who go missing very quickly. This kind of information helps to inform our plans and risk assessment, and that social workers and carers are aware of this trend so that they can be vigilant. Engagement in this forum has helped us to advocate on behalf of Thurrock's missing children with focus on challenge, joint planning and disruptive actions to prevent episodes for children who might be at risk of repeat missing episodes.

3.8 Performance Data on Unaccompanied Asylum-Seeking Children (UASC)

Between 1 April 2022 and 30 November 2022, there were 14 new UASC arrivals into Thurrock.



3.9 The total population of UASC open to Thurrock on the 30 November 2022 was 34 children. It is expected that this will increase in the coming months to 45 children as per the new national thresholds. This will take some time as some of our existing cohort turn 18 and fall outside of the threshold of 45. Given the sparse numbers of new arrivals into Thurrock it is likely that this new cohort of children will be transferred from Kent where there is significant pressure due to the high number of new arrivals:



3.10 Missing UASC

Between 1 April 2022 and 31 October 2022, there were 11 missing UASC episodes, these episodes were made up of 3 young people. There are currently no UASC that are in the category of “long term” missing. When UASC looked after by Thurrock go missing this is for short periods of time and followed up with our robust missing procedures including the Police and Safeguarding partners. Of these 3, two were Sudanese and one Eritrean. All 3 were of male gender between the ages of 16 to 18 years. This is a reduced number of children going missing for short periods compared to the previous report and our follow up work has found no evidence of exploitation in respect of these missing episodes. These relate to young people choosing to stay out late beyond their curfew or staying with friends without our prior agreement.

3.11 A return to home interview was offered after each missing episode (to consider the reasons why they were missing and any support that could reduce the risks of future missing episodes). Two young people accepted return home interviews and one declined.

3.12 Budget supporting UASC

Thurrock Council receives a grant for caring for UASC and Care Leavers who are seeking asylum 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, and the forecast costs for the fiscal year 22/23 are gross £1.259m.

3.13 As of the 30 November 2022, the After Care Service is supporting at total 251 care experienced young people. Of the 251 young people, 95 are formerly UASC and are being supported by the service. Our current forecast in relation to Care Leavers who do not have their asylum claims resolved is £212k for the

financial year 22/23. These services and costs are in line with our statutory duties as a Local Authority.

3.14 **Concluding Comments**

While UASC nationally are at an increased risk of harm in the form of Organised Immigration, crime and other forms of exploitation, there is little evidence of this in regard to the UASC cohort in Thurrock. We believe this is due to the effective strategies implemented within Children's Services and by partner agencies. Missing episodes are low in number, relate to a small number of young people and are for short periods of time.

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

The Home Secretary on 24th August made the decision to increase with immediate effect the operational thresholds for each local authority from the current levels of 0.07% to 0.1% of a local authority's general child population. This change means that Thurrock could receive an additional 14 UASC in the coming months, an increase from 33 to 47.

To reflect this increase in UASC, any local authority supporting UASC at or above 0.07% of their general child population at 31 March 2022 will receive the higher rate contribution of £143 per child per night for each UASC instead of £114, this will continue for any child transferred under the scheme.

In addition, local authorities will be provided with an additional £2,000 per month for each child who is transferred from a hotel within 5 working days to local authority care. This funding will only be provided for 3 months.

The position as of Period 6

£m

Number of UASC 33	
Spend to date	0.588
Grant received to date	(0.049)

The reported forecast in period 6 is an overspend of £0.016m. When more children are received, the additional rate and £2,000 for 3 months will assist in the management of the overspend.

7.2 Legal

Implications verified by: **Daniel Longe**
Principal Solicitor, Children, Adult and Education

Unaccompanied asylum-seeking children will almost always be 'children in need' pursuant to section 17 of the Children Act 1989 and therefore entitled to be provided with various services by the local authority, usually including accommodation. Where there is a need for accommodation, s 20 of the Children Act 1989 also imposes such a duty to accommodate.

The National Transfer Scheme is mandated by central government pursuant to the National Transfer Scheme Protocol for Unaccompanied Asylum-Seeking Children. This is pursuant to those powers set out under Section 72(3) of the Immigration Act 2016 (the '2016 Act') providing for the Secretary of State for the Home Department to direct local authorities to comply with the scheme.

The council under a statutory obligation to participate in the NTS Scheme.

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 Inequalities, Sustainability, Crime and Disorder, 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**

Appendix A – UASC processes

Report Author

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Childrens Social Care.

Appendix A – UASC Processes

Previous reports to the committee have set out Thurrock's response to UASC, for ease of reference they are set out gain below

Brief Enquiry

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

Almost all these children have no form of identification. 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 milestone.

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 demeanour strongly suggests that they are significantly over 18 (i.e. information suggests they are 25 years old or over) 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.

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 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.

Managing Human Trafficking and Child Exploitation

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 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.

As noted above there are currently no missing UASC open to Thurrock and this would suggest that the practice upon initial contact and engagement with young people is working well. Before any child comes into the care of Thurrock, biometrics (fingerprints 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 importance of forming a sincere 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.

Multi Agency Partnership

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

The OIC 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 Ofsted inspectors 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'.

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 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 work 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 becomes known the allocated social worker along with the ICTG take steps to make contact with and meet the young person at the earliest opportunity.