

DERBYSHIRE COUNTY COUNCIL

CABINET

20 September 2016

Report of the Strategic Director for Children's Services

UNACCOMPANIED ASYLUM SEEKING CHILDREN – (Children's Services)

1. Purpose of the Report

To:

- Outline the interim national protocol for resettlement of Unaccompanied Asylum Seeking Children (UASC) which commenced 1st July 2016;
- Confirm agreement that Derbyshire County Council will accept UASC in line with this protocol;
- Outline the plans being developed for this group of children and young people;
- Seek approval to accept Corporate Parenting responsibilities from other local authorities in line with the protocol;
- Agree to fund the net cost in 2016-17 of the UASC support, in excess of the government grant, from the Council's general reserve; and
- Agree to consider the allocation of additional budget to meet the ongoing costs of support for UASC in future years as part of the annual revenue budget process.

2. Information and Analysis

a) Background

"UASC" are defined as unaccompanied asylum seeking children and unaccompanied refugee children who are looked after children.

An interim national Unaccompanied Asylum Seeking Children (UASC) transfer protocol ('the interim transfer protocol') has been created to enable the safe transfer of UASC from one UK local authority (the entry authority from which the UASC transfers) to another UK local authority (the receiving authority) from 1st July 2016.

The interim transfer protocol forms the basis of agreement made between local authorities to ensure a fairer distribution of Unaccompanied Asylum Seeking Children across all local authorities and all regions. It is intended to ensure that any local authority does not face an unmanageable responsibility in accommodating and looking after unaccompanied children pursuant to its duties under parts 3, 4, and 5 of the Children Act 1989, simply by virtue of being the point of arrival of a disproportionate number of UASC, and in doing so to ensure that all appropriate services are available to all unaccompanied children.

It has been drafted in cooperation between the Department for Education, the Home Office, the Association of Directors of Children's Services and the Local Government Association and gives effect to, and operates in accordance with, the provisions for the transfer of responsibility for relevant children under Part 5 of the Immigration Act 2016. Specifically, it provides a scheme under section 72(1) of this Act to assist local authorities in effecting transfers in accordance with section 69. The protocol became operational on 1st July 2016.

The protocol sets a 'ceiling' on the numbers of UASC any Local Authority would be expected to accept: this is 0.07% of the child population. There are currently 13 UASC young people in Derbyshire. Were Derbyshire to reach the specified 0.07% cap, this would entail approximately an additional 97 young people.

Recent Derbyshire population of UASC is as follows:

2013-14	1
2014-15	6
2015-16	16

As at 28th July, Derbyshire has:

- 7 UASC aged under 16 looked after (6 placed outside the LA with Independent Fostering Agencies (IFAs), 1 placed inside the LA with a DCC foster carer)
- 6 UASC aged 16+ looked after (4 placed outside the LA with IFAs, 2 placed inside the LA with IFAs)
- 10 Care Leavers supported by Barnardos, the service, the commissioned care leaver service (2 living in Derbyshire, 8 living outside Derbyshire) who were UASC

Indications from the information received from Kent are that approximately 2/3 or 66% of the UASC they have responsibility for are aged between 16 and 18 with a significant proportion being male. It is possible that children to be transferred directly from camps abroad as part of the national transfer scheme may be younger.

Placement Capacity

The aim is to ensure that when young people arrive, the council can place them in a suitable placement in order that the young person's needs can safely be assessed.

Following assessment, it may be possible that a significant proportion could be placed in unregulated 'other arrangements' (Children Act 1989, Volume 2: Care planning, placement and case review June 2015) such as supported lodgings or independent accommodation with floating support if the age profile is in line with that experienced by Kent County Council.

Exploration has commenced for the potential commissioning of suitable move on accommodation with staffing support following assessment.

There is a significant need to secure sufficient family based care i.e. foster care. With immediate effect Children's Services have commenced work to:

- Explore whether any current carers are able/willing to be approved for UASC.
- Review recruitment – links with BME communities etc.
- Develop rent a room/supported lodgings 16 – 17.

Additional capacity is required to put in place a fostering social worker to undertake this work.

In addition, consultation will be commenced with the East Midlands Provider Framework to block contract Independent Fostering Agency (IFA) provision.

Liaison with Northamptonshire is planned to learn from their experience regarding training for children in care provision, carers etc. given that they currently have the highest number of UASC in the region. Information and training for foster carers is available via the Fostering Network and a training session is planned for September.

Placement decisions will need to consider the impact on communities who are not familiar with new cultures and nationalities and also the potential vulnerabilities and isolation for UASC who are living in Derbyshire.

Social Work /case work capacity and structure

Social work practice for UASC is guided by DoF Care of unaccompanied and trafficked children Statutory Guidance, July 2014.

Subject to adoption of the protocol, the ceiling number of UASC represents a potential 20% rise in the Derbyshire looked after population.

In order for Derbyshire County Council to meet its statutory duties, it is proposed to establish a specialist Social Work team working with young people through to the age of 21 to enable continuity of care. The aim is to build on the expertise already in place from working with the current small numbers of UASC.

Given that average caseload size for work of this nature should not, if good practice is to be delivered, exceed 20 cases, the immediate proposal is to establish a small team using the systemic practice model with 3 social workers and a team manager, supported by a team co-ordinator with the option to increase the number of Social Workers as UASC numbers grow. Management of the team may change over time dependent on the future structure of the Social Care service. Early recruitment is required given the shortage of experienced and qualified social workers. The team will need access to appropriate interpretation services.

The core terms of reference for this team are to be developed, however in addition to the team membership outlined; it may also prove necessary to recruit support staff to help with local integration and unification work, linking with the VCI sector.

b) Independent Reviewing Officer (IRO) Capacity

Given that these children will become looked after, they must be reviewed in line with Care Planning Regulations. The national IRO handbook recommends a maximum caseload of up to 70. The immediate proposal is to recruit one additional IRO, though this may need to be reviewed.

c) Advocacy and Children's Rights Service

Based on practice to date, it is anticipated that the new UASC will require significant support from this service. This will be detailed in a future report.

d) Health Needs

The health needs of this group are unlikely to be just emotional and therapeutic; the experience of Kent is that the emotional needs will need to be assessed once settled in placement as they have witnessed delayed response to trauma. There will also be young people with mental health problems and with a learning need or disability. There will need to be a great deal of work around their physical needs, immunisations, TB testing, sleep deprivation, poor nutrition, dental care etc. The young people admitted to the country from the 1st July will also need an Initial health assessment in their allocated local authority. All of this will require interpreter support at every contact which brings both additional costs, and also lengthens the time required for any health intervention.

Health commissioners have produced a business case to take forwards. At this point, it is difficult to quantify exactly what therapeutic interventions will be needed and which service is best placed to provide this. This will be evaluated with relevant health providers and commissioners and detailed in a future report.

e) Educational Needs

UASC will require a range of additional school and college places and educational support, complemented by the support and monitoring given to all children in care by the Virtual School.

It is likely that UASC will have little or no English, either verbal or written, and intensive packages of language tuition will be required. Based on current experiences, 50% of UASC are illiterate in their own language and require pre English for Speakers of Other Languages (ESOL) support; this is currently provided at four sessions per week for one term (12 weeks). The Virtual School will be liaising with colleges to create language tuition packages, as currently, there is no provision in place for students under 16 within Derbyshire. The Virtual School will be liaising with schools through the Advisory Service to support the schools admissions process for school age UASC.

The costing for the package for the Virtual School to support UASC is:

MAT Personal Advisor – Grade 10	£36,177
2 x Education Support Officers – Grade 9	£57,802

Plus £5,000 per person for IT, travel etc. but excluding accommodation	£15,000
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Educational Resources for UASC:

IPad and apps, and English Language Workbooks (97 x £500)	£48,500
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Pre ESOL training two sessions per week for 12 weeks at £35 per session for 50% UASC	£42,000
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Training for Schools £400 each (maximum 97)	£38,800
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Further budget planning will be undertaken to review the likely related costs, taking into account factors such as numbers of UASC and their emerging educational needs.

f) Care Leaving Support

A child's immigration status has no bearing on a local authority's duties to provide care leaving support and thus any UASC must be provided with the same support as for any care leaver. Consequently, this significant increase in Care leavers will impact on Care leaver services and related accommodation, and on Higher/further education and employment support budgets. These costs will be higher for those with 'no recourse to public funds'.

Assumptions made in the financial forecasting detailed in Appendix One are for the period of time accessing services as a care leaver being that 50% are supported for 18 months and 50% for 3 years on average. Assumptions regarding placement/accommodation costs and other costs are complex as many may not be eligible for housing or other benefits and so the Local Authority will need to meet the full costs. Financial projections are based on the costs, circumstances and accommodation type of the current 10 ex-UASC care leavers but these may change subject to factors such as the availability and cost of accommodation in the context of growing demand, co-operation with housing providers, including those out of Derbyshire, and how many have a legal status which prevents 'recourse to public funds'. Another consideration is whether those communities with lower cost accommodation are judged to be a safe location for vulnerable UASC or ex-UASC care leavers.

Local Authorities currently are required to support care leavers to 21, and up to 25 if the care leaver remains in or returns to education. A high proportion of the current ex-UASC care leavers are achieving well in Higher education. The new national care leaver strategy 'Keep On Caring - Supporting Young People from Care to Independence' July 2016 extends this to 25 and indicates that there may be related additional funding made available. This will be evaluated with relevant officers and detailed in a future report.

Another factor to be considered is any possible impact on Adult Services. The current cohort of UASC and ex-UASC care leavers would not appear to meet the criteria for Adult Services though as the profile of UASC changes, this needs to be kept under review.

g) Project Planning

Planning for this increase of UASC will need to be undertaken in conjunction with the Syrian Vulnerable Persons Resettlement (VPR) Scheme and also optimise the role of existing East Midlands structures. Key stakeholders will include health commissioners and providers and Public health; the VCI sector; police; education and commissioned care leaver services.

A task group has been established within Derbyshire to commence planning. Project co-ordination will be provided by the Corporate Innovation and Transformation team.

Chesterfield Law Centre have submitted a scoping paper to Lloyds Bank Foundation; to decide by the end of the month whether they will get funding to pay for a feasibility study to look at the needs of refugees and asylum seekers in Derbyshire. If this is not successful, consideration will be needed on how best legal advice is provided.

It is proposed that a joint communication strategy is developed.

h) Community Cohesion

The current profile of UASC in Kent (who have arrived informally/ independently) is two thirds aged 16 and 17 and nine tenths young men, with the highest numbers being of Eritrean, Afghan or Albanian nationality. As indicated above, this profile may change as planned transfers from camps abroad commence. Many are reported to be keen to access education and to make the most of the positive opportunities provided.

Close working will be required across localities, with Community safety colleagues and others, to ensure that planning takes account of local cultural sensitivities and mitigates against any possible negative impact.

i) Ofsted

As described in the Ofsted Annual report 2016, good work with UASC is characterised by:

- access to specialist support from workers who have good knowledge of legal rights and processes
- effective matching to suitable, high-quality accommodation
- tailored, creative packages of support for children that address their cultural, religious, learning and social needs, carefully based on robust assessments

The proposals outlined above would enable Derbyshire to meet this standard.

3. Financial Considerations

Caring for UASC is likely to cost the Council a significant but currently indeterminate amount of money, above what the Government will fund on an on-going basis. This is despite the Government significantly increasing the funding grant. The rates from 1st July, 2016 to coincide with the first phase of the national transfer will be:

- £114/ day for UASC aged under 16 (£41,610 per annum)
- £91/day for children aged 16 & 17 (£33,215 per annum)
- £200/ week for UASC who become care leavers (£10,000 per annum)

These funding rates are insufficient to meet the true cost of caring for the children unless they are placed with in-house foster carers. The overall pressure to the

authority will very much depend on the type of support each young person requires. The tables in Appendix 1 sets out the impact on the budget position depending on the different types of placement available. Costs are broken down by weeks. The funding from central government would cover in-house fostering placements but there are currently very few of these available. On-going pressures remain within Children's Services concerning children in care; any further pressures will have a significant impact on the budget as a whole. Consequently, a growth fund bid is required to meet these additional placement costs.

As detailed in Appendix 1, there are several factors that are currently unknown that will drive the ultimate cost of a decision to accept additional UASC under this protocol. The more significant assumptions that have needed to be made for the modelling of scenarios that follow are:

- How many individuals will arrive and when? – at this point it is assumed that Derbyshire will reach the profile of 0.07% /108 within the next 12 to 18 months.
- As individuals pass through the care pathway and subsequently no longer require support as a child in care, will additional individuals arrive to 'take their place'? - the assumption is that the 0.07% cap is applied on an on-going basis and so new arrivals can be expected.
- What will be the age mix of the individuals? The current profile is approximately two thirds are aged 16 and 17, but as the planned transfers from abroad commence, this may change.
- What types of placements will be required for these individuals? Will there be any additional impact on the placement mix used for other children in Derbyshire that can no longer remain in their own homes?
Some young people may be successfully placed, after assessment, in unregulated supported accommodation or rehabilitated with other family members, but there will be an impact on overall placement sufficiency for other children in care and care leavers.

The answers to the above also influence the need for and timing of additional staffing. The funding is linked to children with no advance funding. Therefore pump-priming costs need to be met to enable staff to be in place, and reduce the usage of more costly agency staffing or provision.

Worker	Mid pt cost per FTE incl. on costs 30.6%	
Team manager	Grade 13	£52,686
3 children's social workers	Grade 9 – 11	£37,105
1 fostering social worker	Grade 9 – 11	£37,105
IRO	Grade 13	£52,686
Team Co-ordinator	Grade 8	£28,750
MAT Personal advisor	Grade 10	£36,243
2 x Education Support Officers	Grade 9	£31,841

Plus £5k per person for IT, travel etc. but excluding accommodation ~£50K
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Total budget required for staffing costs above over the next five financial years is estimated at £1.786 million.

The additional cost to the authority, net of Home Office grant funding based on the above assumptions is £9.496 million over the next 5 years see Appendix 1 for cost detail and Appendix 2 for the table of assumptions used.

The planning assumptions made will be reviewed taking account of factors such as timing and number of UASC, their needs profile and any possible increase on the current 0.07% cap etc.

There is no provision to meet the above net costs from within the Children's Services department's existing revenue budget. Subject to the actual numbers of UASC arriving in Derbyshire, the costs of support will be the subject of budget bids to the Council as part of the future years' revenue budget setting processes. In addition Cabinet is asked to meet the net cost of UASC in 2016-17, over and above the government's grant, from its general reserve.

4. Legal and Human Rights Considerations

The Government has included measures in the Immigration Act, 2016 to underpin the UASC transfer scheme. There are four key provisions in the Act:

- a) Transfer of legal responsibility from one LA to another (this was not previously easily possible)
- b) Duty on LAs to provide information about available resources
- c) Obligation on LAs to set out in writing reasons for not supporting transfer of children
- d) Duty to accept the transfer of relevant children under a mandatory scheme

The report outlines a scheme which addresses this duty and obligation for the County Council.

5. Social Value Considerations

A high proportion of the current ex-UASC care leavers are achieving well in Higher education and making the best use of the support available; one has offered to provide mentoring to younger UASC. These positive outcomes ensure that the risk of social exclusion is tackled and supports the Council's commitment to valuing diversity. Existing Derbyshire children in care and care leavers may benefit from meeting and learning about others' experiences. Enabling planned integration into local communities, will foster positive relationships.

6. Human Resources Considerations

It is proposed to establish the following posts:

- a) 1 Fostering Social Worker to increase family based care capacity, this will be an additional post in the Fostering Recruitment team
- b) 3 Full time established Social Workers
- c) 1 Team Manager/Consultant Social Worker
- d) 1 Team Co-ordinator

These posts are reflected on the structure chart – Appendix 3

- e) 1 MAT Personal Advisor
- f) 2 Education Support Officers

These posts will be additional to the Virtual School Post 16 team and are reflected on the structure chart – Appendix 4.

- g) 1 Independent Reviewing Officer, this will be an additional post in the IRO team

The duties and grades of the new posts proposed reflect existing bench mark posts and do not therefore require any new evaluations. These posts will, subject to Cabinet approval, be advertised in line with the Council's normal Recruitment and Selection procedures.

7. Background Papers

- a) Draft Interim National UASC transfer protocol v 0.8.
- b) DoE Care of unaccompanied and trafficked children Statutory Guidance July 2014.

8. Strategic Director's Recommendations

That Cabinet note the report and:

- 1. Confirm that Derbyshire County Council will accept UASC in line with the national UASC transfer protocol 2016-17;
- 2. Ensure that provision is made for the new demands of UASC for the next 5 years;
- 3. Note the estimated cost of provision for the above period of £9.496 million with review in 2018;
- 4. Agree that the cost of UASC in 2016-17, over and above the government grant, be funded from the Council's general reserve
- 5. Agree to consider the implications of the additional costs in respect of UASC as part of future revenue budget processes;
- 6. Approve the establishment of the new posts set out in the report;
- 7. Approve the establishment of a joint communication strategy; and

8. Approve further exploration of the commissioning options for fostering and supported accommodation.

Jane Parfremment
Strategic Director for Children's Services

Summary of estimated costs**Appendix 1**

97 additional individuals arriving over 9 months starting July 2016
followed by subsequent arrivals as individuals leave care

	2016/17	2017/18	2018/19	2019/20	2020/21
UASC arriving in year	97	11	33	35	35
UASC in care during year	37	97	97	97	97
UASC care leavers supported	0	11	41	65	78
Estimated gross cost of placements £m	1.563	4.418	5.124	5.719	6.040
Other costs £m (see below)	0.194	0.184	0.262	0.302	0.323
Total	1.757	4.602	5.386	6.021	6.363
Home Office grant	(1.321)	(3.540)	(3.698)	(3.880)	(3.982)
Subtotal Net Cost £m (excl staffing)	0.437	1.062	1.688	2.141	2.381
Staffing (effective FTE)	4.0	10.0	9.0	9.0	9.0
Staffing £m (see below)	0.166	0.432	0.396	0.396	0.396
Total Net Cost £m	0.603	1.495	2.085	2.537	2.776

Total cost over 5 years = £9.496 million

Breakdown of costs**Appendix 1****Staffing**

	Grade	2016-17	2017-18	2018-19	2019-20	2020-21
FTE posts						
Team Manager/ CSW	13	0.5	1.0	1.0	1.0	1.0
Social workers	9-11	1.0	3.0	3.0	3.0	3.0
Team co-ordinator	8	0.5	1.0	1.0	1.0	1.0
Fostering Social Worker	9-11	0.5	1.0	1.0	1.0	1.0
IRO	13	0.0	1.0	1.0	1.0	1.0
MAT personal advisor	10	0.5	1.0	1.0	1.0	1.0
Education support officer	9	1.0	2.0	1.0	1.0	1.0
Total FTE		4.0	10.0	9.0	9.0	9.0
Estimated cost @mid point		£	£	£	£	£
Team Manager/ CSW	13	26,343	52,686	52,686	52,686	52,686
Social workers	9-11	37,105	111,315	111,315	111,315	111,315
Team co-ordinator	8	14,375	28,750	28,750	28,750	28,750
Fostering Social Worker	9-11	18,553	37,105	37,105	37,105	37,105
IRO	13	0	52,686	52,686	52,686	52,686
MAT personal advisor	10	18,122	36,243	36,243	36,243	36,243
Education support officer	9	31,841	63,682	31,841	31,841	31,841
Sub total – inc on costs		146,338	456,677	424,836	424,836	424,836
Staff travel & IT costs		20,000	50,000	45,000	45,000	45,000
Total staffing costs		166,338	432,467	395,626	395,626	395,626

Other non-placement costs

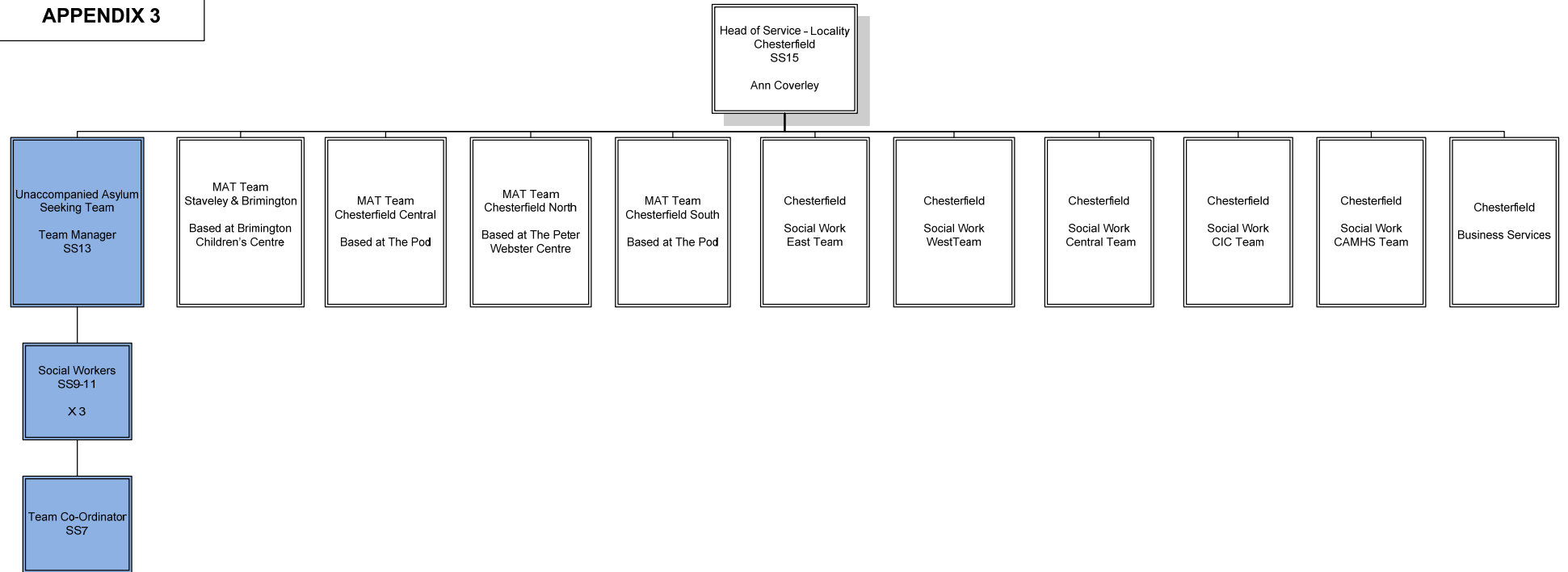
	2016-17	2017-18	2018-19	2019-20	2020-21
	£	£	£	£	£
Social care costs for CiC e.g. travel, interpreters @ £30 p.p. wk	65,745	168,980	217,980	255,320	276,300
Virtual school educational resources for new arrivals:					
i-pad, apps, workbooks @ £500 p.p.	48,500	5,500	16,500	17,500	17,500
Pre ESOL training for 50% 12 weeks, 2 sessions @ £35	40,740	4,620	13,860	14,700	14,700
Training for schools @ £400 per sch	38,800	4,400	13,200	14,000	14,000
Total other costs	193,785	183,500	261,540	301,520	322,500

Table of assumptions**Appendix 2**

Total UASC arriving in first 12 months	97
Additional UASC arrive as individuals leave care	Y
Age spilt at first arrival - under 16/16-17 (Kent data)	38% under 16
Period of time accessing services as care leaver	50% access for 18 months, 50% access for 3 years
Arrival period (even distribution assumed)	9 months
Placement assumptions	
<16	
% internal fostering	10%
% IFA	90%
16-17	
Use of SAFE flats	N
% of remainder with IFA	50%
% of remainder semi-independent accommodation	50%
% of remainder agency residential	0%
Care Leavers	
% semi-independent accommodation	50%
% maintenance allowance/minimal support	50%

There has been no assumption made for any increase in placement costs, salary costs or the funding rate provided by the Home Office. In reality, costs would increase due to expected annual pay rises and the apprenticeship levy. This would impact on both the staff costs of the Authority and feed through to the placement costs in some form.

APPENDIX 3



Appendix 4

