

## **Unaccompanied Asylum Seeking Children – Consultation on National Transfer Scheme**

### **Summary and Recommendations**

This report provides Leaders with an update on current pressures being faced by local authorities in supporting unaccompanied asylum seeking children (UASC) and a consultation being undertaken by the Home Office on reforming the National Transfer Scheme (NTS). The NTS is a voluntary scheme designed to enable local authorities across the UK to care for UASC that has become unworkable in recent years.

Leaders are invited to:

- i. Note the current position in relation to UASC and the consultation being undertaken by the Home Office in relation to the NTS; and
- ii. Agree the draft COSLA response to the consultation attached at Appendix 2.

### **References**

Recent reports on unaccompanied asylum seeking children:

- 20-06-12, Leaders, Item 8 – Unaccompanied Asylum Seeking Children – Emergency Response

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**Private and Confidential**

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**Background and Purpose**

1. Through the Immigration Act 2016 the UK Government introduced the ability for local authorities to transfer the legal responsibility of unaccompanied children who were looked after in their care to another local authority. This was intended to address the significant pressure faced by a number of local authorities that had very high numbers of spontaneous arrivals of unaccompanied asylum seeking children (UASC) for whom they became legally responsible under the relevant children's legislation.
2. There are around 5000 UASC in the UK and about 200 of these young people are supported by Scottish local authorities.
3. A National Transfer Scheme (NTS) was subsequently established to enable the transfer of UASC across the UK. While initially this achieved reasonable successes in facilitating transfers to local authorities that agreed to participate on a voluntary basis, there have also been a number of problems with the design of the scheme which have resulted in transfers ceasing to occur.
4. To address these challenges the Home Office has published a consultation on proposed changes to the NTS. The need for changes has become more acute with the pressures faced by local authorities in the South East of England due to the dramatic rise in the number of UASC arriving by small boats.

**Current COSLA Position**

5. COSLA, through the Strategic Migration Partnership, has been working with local authorities that support UASC through spontaneous arrivals and to support local authorities who wish to participate in the NTS. Since 2016 around 1/3 of Scottish local authorities have taken on the legal responsibility of UASC under either s.67 of the Immigration Act (the 'Dubs Amendment') or through the Vulnerable Children's Resettlement Scheme, with a very limited number of transfers through the NTS.
6. COSLA recognises the challenge that agreeing to support UASC presents for local authorities for a number of reasons, including cost and service availability to support UASC in their area. It is worth noting though that some local authorities that previously had almost no experience in doing so have been very successful in supporting and integrating UASC into their areas.
7. COSLA has been working with the Home Office and local authorities to identify and address the barriers to participation in the NTS to improve outcomes for UASC and to facilitate the opportunity for successful transfers. COSLA was involved in the development of these proposals through a UK-wide Working Group and the UASC Governance Board.

**Consultation on the National Transfer Scheme**

8. The Home Office consultation was published on 28 August with a closing date of 30 September (Appendix One). An event with the Home Office took place on 14 September

and all local authorities were invited to enable discussion on the proposed changes. The key objective and principles of the proposals seek to:

- Ensure the NTS operates in the best interests of the child;
- Increase voluntary participation in the NTS;
- Remove operational barriers for local authorities; and
- Increase transparency.

9. The current situation in Kent has highlighted how critical the situation has become. As they are supporting 600 UASC and over 900 former UASC care leavers, Kent are now unable to support any further young people that arrive.
10. While the proposals in the consultation do not address the outstanding financial challenge, they do address a number of potential barriers to participation. The proposed rota model would mean a commitment from Scotland to accept legal responsibility for an estimated 30 additional UASC per year. This figure is based on current data on the number of spontaneous arrivals throughout the UK and is weighted for each region based on child population and the number of adult and family asylum seekers supported.
11. Within Scotland we would still have the flexibility to agree where best these young people could be supported. The rota system would also enable forward planning to identify placements as Scottish local authorities would know when they were likely to be asked to identify placements through the year. The proposals would also enable Scottish local authorities who go over the set threshold to access the scheme more easily, supporting the aim of a more equitable distribution of young people across the UK. It is therefore proposed that the Leaders agree to broadly welcome the proposals while continuing to highlight the financial and service challenges that exist to enable successful participation.

### **Next Steps**

12. Accordingly, Leaders are asked to provide any comments on the draft response to the consultation (Appendix Two) and agree that, further to these being reflected, it is submitted as COSLA's response.

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