

## Appendix 2 : DRAFT COSLA Submission : National Transfer Scheme Consultation

### Questionnaire proforma (local authorities)

This questionnaire should be considered alongside the Ministerial letter of 28 August 2020 with regard to the attached proposal paper. Please expand the boxes to answer.

**Please return your completed questionnaire to [NTSconsultation@homeoffice.gov.uk](mailto:NTSconsultation@homeoffice.gov.uk) by 30 September**

#### 1.What is your feedback on the proposal outlined at Annex A?

COSLA broadly welcomes the proposed rota model for the operation of the NTS. In particular COSLA welcomes that any Local Authority above the threshold will be able to refer young people in to the NTS for transfer, irrespective of the number of UASC present in their region, as this is more likely to be successful in the aim of supporting a more even distribution of young people across the UK.

COSLA also welcomes the indication of how many young people this is likely to result in a region needing to support. This allows for clearer discussion and planning within Scottish Local Authorities to consider how and where these placements can be best identified and supported to achieve the best outcomes for these young people.

The rota system will also enable better planning for Local Authorities throughout the year as they will have an indication of when they are likely to receive placements. This will allow them to plan and commission placements and services accordingly.

COSLA would like further information on how the Home Office will support young people in their asylum claims when they are in the care of a broader number of local authorities. The requirement in Scotland to travel to Glasgow to take forward asylum claims can be disruptive as it can prevent a young person from settling in the local authority in which they reside and can potentially create a 'draw' to Glasgow which could defeat the object of wider participation. Additionally, the distance to Glasgow can be significant and will, for some, require travel time of several hours which will be disruptive and difficult to manage.

COSLA recognises the intention of having young people transfer within 10 days. However, given how quickly young people settle into placements, we hope that the rota system will in fact facilitate much quicker transfers. We would also hope that it will enable improved information to be shared with the young person to manage

their expectations immediately on their arrival into the UK as they will know what part of the country they are to be transferred to if they arrive in an area which is over the threshold.

Due to particular pressures on the Scottish care system there will need to be discussion as to whether Scottish Local Authorities will be able participate in the NTS for young people under 16. The vast majority (75%) of UASC who arrive spontaneously in Scotland that are under 16 have to be placed in residential units, with subsequent prohibitive costs, as there are no foster placements available. Scottish Local Authorities may also not be in a position to accept transfers of young people who are within 13 weeks of their 18<sup>th</sup> birthday due to the eligibility for care leavers funding being based only on English legislation which has different eligibility.

COSLA would also welcome the development of further resources and material to support Local Authorities and partners who work with and support these young people. For example, in relation to health, access to mental health support, education and ESOL to ensure that the young people are supported to positive outcomes. Such resources would be particularly useful in parts of the country that are less familiar with supporting UASC.

**While many of the proposals within the consultation are positive, the proposals fail to address the fundamental barrier to participation which is the inadequate funding provided by the Home Office to enable Local Authorities to support these young people.**

**2a. It remains our clear preference that participation in the NTS is on a voluntary basis. How likely is it that your local authority would participate in a rota based NTS as outlined at Annex A?**

This is a matter for individual Local Authorities and not for COSLA to respond to.

**2b. If unlikely, please explain why not and what barriers to participation remain.**

The main barrier to participation remains the level of funding. While we welcome recent increases in the funding, one area that continues to create significant challenges for Local Authorities, and which generates the most significant costs, is that funding reduces to £240 per week as soon as a young person turns 18, irrelevant of whether or not they have received a decision on their asylum claim. As the majority of young people have not had a decision by their 18<sup>th</sup> birthday, this

creates a significant funding gap for Local Authorities. Authorities must continue to accommodate and support these young people, often in the same accommodation they are living in, but the young people are unable to access benefits and financial support in the way that care leavers with status would be.

The Home Office should also consider establishing additional funding streams / innovation funding, accessible to all regions and Local Authorities across the UK, which could support the development of collective local solutions enabling Local Authorities not currently able to support young people to take initiatives forward.

Additionally, the fact that funding eligibility is based solely on English legislation and does not take into account differences across the devolved nations can be problematic. For example, the fact that a Local Authority will only receive the funding for care leavers if they have been in the care of a Local Authority for 13 weeks prior to their 18<sup>th</sup> birthday when in Scotland there is not the same limitation on support. In addition to this, in Scotland, care leavers do not need to be in education or training to be eligible for continuing care. This will impact on Scottish Local Authorities ability to accept young people who are within 13 weeks of their 18<sup>th</sup> birthday as they will be legally responsible for them up until their 26<sup>th</sup> birthday with no funding from the Home Office.

Additional barriers are the availability of appropriate accommodation and placements due to local demand on placements and services. Concerns around age disputes also continue to be a barrier due to the potential risks and costs to Local Authorities associated with judicial reviews. Local Authorities must also consider means of safely and appropriately accommodating young people during the age assessment process, to ensure that no young people in care are being put at risk.

Some more remote and rural Local Authorities in Scotland are not likely to be able to provide appropriate support to UASC and Local Authorities have also expressed concern about young people feeling isolated and 'out of place'. More broadly, many Local Authorities lack appropriate or sufficient access to specialist support such as solicitors for asylum claims and trauma support. Access to translation services can also be challenging.

The length of time that asylum claims can take, and the uncertainty this creates for a young person, and for the Local Authority as their corporate parent, can also be a barrier to participation as it inhibits planning and integration. Additionally, the risk of young people becoming appeals rights exhausted can be a concern to Local Authorities which are then faced with having to actively make a young person,

whom they have cared for, likely for a number of years, destitute is at odds with Scottish Local Government's commitment to supporting and integrating asylum seekers and refugees, ending homelessness and supporting care leavers.

Scotland's commitments around refugee integration are enshrined in the [New Scots](#) strategy. This is based on four overarching outcomes:

1. Refugees and asylum seekers live in safe, welcoming and cohesive communities and are able to build diverse relationships and connections.
2. Refugees and asylum seekers understand their rights, responsibilities and entitlements and are able to exercise them to pursue full and independent lives.
3. Refugees and asylum seekers are able to access well-coordinated services, which recognise and meet their rights and needs.
4. Policy, strategic planning and legislation, which have an impact on refugees and asylum seekers, are informed by their rights, needs and aspirations.

The approach of Scottish Local Government to supporting UASC must seek to deliver on these outcomes.

**3. Should efforts to increase participation on a voluntary basis fail, it may be necessary to exercise the provisions of the Immigration Act 2016 to mandate transfers under the NTS.**

**This could operate either as a permanent replacement to the voluntary NTS as the primary mechanism for transfers or deployed only when required by exceptional circumstances.**

**While a mandatory scheme is not our preference, we would be grateful for your views on a potential mandatory approach to transfers if participation in the voluntary scheme does not achieve a more equal distribution of UASC?**

COSLA would not support mandating at this time. This is unlikely to achieve the best outcomes for young people. The success of refugee resettlement schemes in Scotland – in which all 32 councils have participated since 2015 – has demonstrated that where schemes are suitably funded and delivered in partnership, Scottish Local Government is ready and willing to play its part in supporting the UK Government to deliver on its humanitarian obligations.

**4. The threshold at which a Local Authority can make referrals to the NTS is currently reached when it is supporting UASC at, or above, 0.07% of their general child population. This threshold is also used to determine the rate for additional Home Office funding to Local Authorities for UASC in their care.**

**What are your views on the current threshold? For example, should the 0.07% also include the number of former UASC care leavers within a local authority or be adjusted in some other way?**

The rationale for 0.07% has never been adequately explained as to why it is an appropriate threshold. It should be explained and / or reviewed to ensure that it is set at a level that supports the overarching aims of the NTS.

While increased rates for local authorities above the 0.07% has been welcomed, there are risks that this creates a perverse incentive which may affect the success of the NTS. This should therefore be kept under continuous review as any changes to the NTS are introduced.

Consideration should be given as to how impacts relating to care leavers should be factored in to the threshold as Local Authorities in Scotland have duties to care leavers until the age of 26. This has a significant impact on services and resources including staffing and accommodation to ensure that these young people are supported to positive outcomes.

**5. Who do you think is best placed to run a voluntary rota based NTS? The Home Office (as now) or someone else? Please give details.**

Assuming there is appropriate resourcing and staffing in place, we would suggest that the Home Office is well placed to run this in partnership with Local Government, with direct support for Local Authorities provided via Strategic Migration Partnerships.

**6. Do you have any other suggestions on how the NTS could be improved?**

The key improvement to enable the success of the NTS is as previously stated: the provision of sufficient funding to Local Authorities to support these young people and to support the delivery of positive outcomes for them. Also critical to the success of the scheme is timely, appropriate decision making on asylum claims, taken forward in a child centred manner. This will also be crucial in enabling young people to integrate and move on positively within their new communities.

We would also welcome further thought as to how young people might be considered in 'cohorts' in order that they can be transferred together with friends / others from the same or similar backgrounds. This could help in facilitating

integration, particularly in parts of the country which may not be as diverse and where the young people might otherwise feel isolated. We are also open to considering how regions *within* Scotland could consider how they might work together to support a rota model, but recognise that this is something for Local Authorities in Scotland to consider rather than an approach which would be determined by the Home Office.