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Agenda

Performance Scrutiny Committee - Partnerships

Date: Wednesday, 17 November 2021

Time: 5.00 pm

Venue: Virtual Meeting

To: Councillors J Clarke (Chair), F Hussain, M Linton, S Marshall, R Mogford, M Spencer, T Suller and K Whitehead

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Item **Wards Affected**

1 Apologies

2 Declarations of Interest

3 Unaccompanied Asylum Seeking Children *(Pages 3 - 54)*

4 Conclusions of Committee Reports
Following the completion of the Committee reports, the Committee will be asked to formalise its conclusions, recommendations and comments on previous items for actioning.

5 Scrutiny Adviser Reports *(Pages 55 - 64)*

a) Forward Work Programme Update (**Appendix 1**)

b) Actions Plan (**Appendix 2**)

c) Information Reports (**Appendix 3**)

d) Scrutiny Letters (**Appendix 4**)

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Date of Issue: Wednesday, 10 November 2021

This document is available in welsh / Mae's ffurflen hon ar gael yn Gymraeg

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Scrutiny Report

Performance Scrutiny Committee - Partnerships

Part 1

Date: 17th November 2021

Subject Unaccompanied Asylum Seeking Children

Author Scrutiny Adviser

The following people have been invited to attend for this item:

Invitee:	Area / Role / Subject
Sally Anne Jenkins	Head of Childrens Services
Natalie Poyner	Service Manager – Childrens Teams

Section A – Committee Guidance and Recommendations

1 Recommendations to the Committee

The Committee is asked

1. Consider the Council's response to UASC

2. Consider the progress for children who are affected by EUSS

3. Acknowledge the partnership work with our UASC and the issues for young people who have insecure immigration status and are entitled to leaving care support

4. To agree any additional comments to be passed to the partners in relation to this item.

2 Context

Background

2.1 Unaccompanied Asylum Seeking Children (UASC) are children and young people who are seeking asylum in the UK but who have been separated from their parents or carers. While their claim is processed, they are cared for by a local authority.
The UK Government Immigration Rules defines an unaccompanied asylum seeking child as 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.

2.2 Most UASC arrive in the UK by their own means and are encountered either at their port of entry, at the Asylum Intake Unit in Croydon, or otherwise by police, social services and various agencies throughout the UK. The local authority in which the child first presents is normally responsible for their care.A UASC may also be routed to Wales by the Home Office if an immigration officer takes the view that the young person's physical appearance and demeanour strongly suggests that they are over the age of 25 and is therefore being treated as an adult. In these instances, the young person should still be referred to the Local Authority in which they are residing for a full age assessment.

Previous Consideration of this item

2.2 This will be the Committees first consideration of the Unaccompanied Asylum Seeking Children report.

3 Information Submitted to the Committee

3.1 The submission for the committee is comprised of two sections. The initial information report (section one) explores the contribution of Newport City Council in supporting Unaccompanied Asylum Seeking Children (UASC) entering care following being dispersed in line with the NTS, along with four case studies. The second section of the submission is the third draft of the National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children.

3.2 The information report contains the following sections;

- Introduction
- Finance and accommodation
- Collaboration with stakeholders
- Case studies
    - AA 15 Years, 7 Months
    - DD 17 Years, 1 Month
    - MS 15 Years, 9 Months
    - AS 16 Years, 9 Months
- Current position
- Next steps

4. Suggested Areas of Focus

Role of the Committee

The role of the Committee in considering the report is to:

- Review and analyse the contents of the report and additional information contained in the draft protocol.
- Consider the experience of our unaccompanied children and note the partnership offer to unaccompanied children and the improved outcomes this offer delivers.
- Consider the Council's response to UASC
- Consider the progress for children who are affected by EUSS
- Acknowledge the partnership work with our UASC and the issues for young people who have insecure immigration status and are entitled to leaving care support
- To agree any additional comments to be passed to the partners in relation to this item.
- Conclusions:
    - What was the overall conclusion on the information contained within the reports?
    - Is the Committee satisfied that it has had all of the relevant information to base a conclusion on the Council's response to UASC?
    - Do any areas require a more in-depth review by the Committee?
    - Do the Committee wish to make any Comments / Recommendations to the partners?

4. **Suggested Lines of Enquiry**

4.1 The Committee might wish to think about the following when devising questioning strategies;

- What are the main challenges that face the partnership in delivering the scheme?
- Are there any mitigations in place in the event of the partnership not having enough housing stock and foster carers to accommodate the young people arriving?
- What is the continued support in Wales?
- Will the scheme have an impact on the children currently being cared for in Newport?

5 Links to Council Policies and Priorities

Summarise how this report aligns with Council priorities – in particular the Corporate Plan and wellbeing objectives:

Well-being Objectives	Promote economic growth and regeneration whilst protecting the environment	Improve skills, educational outcomes & employment opportunities	Enable people to be healthy, independent & resilient	Build cohesive & sustainable communities
Corporate Plan Commitments	Thriving City	Aspirational People		Resilient Communities
Supporting Function	Modernised Council			

6 Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The council has a number of legislative responsibilities to assess the impact of any strategic decision, proposal or policy on people that may experience disadvantage or inequality. A copy of the relevant Fairness and Equality Impact Assessment (FEIA) should be included or referenced here, which will have considered all relevant impacts. If an FEIA has not be included, there should be a rationale for why this is the case.

6.1 **Summary of impact – Wellbeing of Future Generation (Wales) Act**

FEIA not required as there are no decisions to be made, report is an update on implementation of the scheme.

6.2 **Summary of impact – Equality Act 2010**

FEIA not required as there are no decisions to be made, report is an update on implementation of the scheme.

6.3 **Summary of impact – Socio-economic Duty**

FEIA not required as there are no decisions to be made, report is an update on implementation of the scheme.

6.4 **Summary of impact – Welsh language**

FEIA not required as there are no decisions to be made, report is an update on implementation of the scheme.

7. Background Papers

- The Essentials - Wellbeing of Future Generation Act (Wales)
- Corporate Plan
- Socio-economic Duty Guidance
- Public Sector Equality Duty
- Welsh Language Measure 2015

Report Completed: 17 November 2021

Information Report

Scrutiny

Date: 17th November 2021

Subject **Unaccompanied Asylum Seeking Children**

Purpose To ensure Cabinet Members are briefed on the implementation of the National Transfer Scheme (NTS)

Author Natalie Poyner

Ward City wide

Summary This report explores the contribution of Newport City Council in supporting Unaccompanied Asylum Seeking Children (UASC) entering care following being dispersed in line with the NTS.

Proposal To ensure Members are fully appraised on the role that Newport City Council has in supporting UASC**.**

Action by Natalie Poyner

Timetable Immediate

This report was prepared after consultation with:

- The Team Managers in the Pathway Service
- Cardiff City Council
- Sabina Hussain Unaccompanied Asylum Seeking Children Coordinator Wales Strategic Migration Partnership.
- Karyn Keane Assistant Head of Education Newport City Council
- Liz Hiscocks Deputy Head of Safeguarding Aneurin Bevin UHB
- Karen Keen Head of the Gems Service

1. Introduction

The National Transfer Scheme (NTS) is a UK Government Scheme that forms the basis of a voluntary agreement made between local authorities in England, Scotland, Wales and Northern Ireland to ensure a more equitable distribution of unaccompanied asylum seeking children (UASC) across local authority areas. It is intended to ensure that local authorities do not face a disproportionate responsibility in accommodating and looking after unaccompanied children, simply by virtue of being the point of arrival or entry.

Any Local Authority supporting UASC at, or above, 0.07% of their general child population can refer a child into the NTS for transfer to another local authority under the rota arrangement. Each region or nation involved in the NTS takes its turn on the rota in sequence. The expectation will be for that region to fulfil the allocated number of placements at which point responsibility will move on to the next region, and so on. The rota aims to work on a quarterly cycle and therefore regions would be able to effectively plan accommodation and support in preparation for when they next on the rota.

In March 2021 lead officers in both Cardiff and Newport developed a regional pilot proposal to join the National Transfer Scheme on behalf of Wales. Following discussions with the All-Wales Heads of Children's Services, both authorities have had agreement from their councils to scope options for a Wales model for the NTS. Subject to final agreement, the model currently being developed would see Cardiff Council and Newport City Council taking the lead for NTS and accepting NTS placements proportionate to Wales' annual allocation of UASC transfers, approximately 30 children per year, (7-8 per cycle) and therefore, providing the placements and support for any transfer requests under the NTS on behalf of the other 20 Local Authorities in Wales.

Any spontaneous arrivals of young people in Wales would continue to be supported by the Local Authority in which they present, as is currently the case.

2. Finance and accommodation

The Home Office currently awards the Local Authority £143.00 per day per UASC. This rate reduces to £270.00 per week when the young person reaches 18 years. Newport Children Services has a large portfolio of semi supported accommodation for 16-18 year olds at a cost of £45.00 per night. This package includes CCTV and breakfast. There is ongoing commitment from the 4C's (the consortium supporting the framework to commission placements across Wales) to assist Local Authorities in identifying foster carers for children under the age of 16 years.

3. Collaboration with stakeholders

In order to develop and enhance existing service provision for this group of young people Newport is collaborating with Education, Gems, Housing, Connected Communities, third party organisations such as the Sanctuary, Health, Cardiff City Council, the Welsh Strategic Migration Partnership and Welsh Government. There are strategic and operational meetings that take place regularly and an identified project lead employed by Cardiff City Council financed by Welsh Government. The role of the project lead is to undertake and support the regional work around a response to the NTS, including coordinating and liaising with partners around the safe placements of UASC cases in the region and developing a performance dashboard to ensure that there is pertinent and effective data collection of information to enable robust monitoring and evaluation of this regional agreement for Wales.

4. Case studies

AA 15 Years, 7 Months

AA was transferred to Newport City Council via the National Transfer Scheme having been rescued by a Border Force Vessel. AA is from Syria and fled with his family to Libya. AA is the eldest child of a sibling group of 4. AA attempted to seek employment in Libya however the war prevented this as it became unsafe to

live. AA left his parents and travelled from Libya to Italy. It is understood that AA's Uncle paid for people smugglers, who put him on a boat and on route the boat began to sink which resulted in a ship rescuing him. AA was then transported by the ship to Italy where he was held in a camp until release. AA travelled to France and then by a small boat from Calais to Dover. AA is currently in debt to his uncle and is expected to pay him 3000 US dollars.

AA and his parents wished for him to travel to the UK for a better life and were part of arranging his travel to the UK. AA reports that his parents want to come to the UK also and as he is the eldest child he made the journey to make this happen

DD 17 Years, 1 Month

DD has been in the UK since July 2021 arriving in the UK in a boat across the channel. Port authorities in Kent first took DD and held him in a building which had many other asylum seekers present. DD was briefly interviewed before being taken to a hotel. DD comes from a family of four, consisting of himself, his parents and his sister. DD comes from a village named Arab Qoy, which is near the city of Kirkuk. Prior to the war, DD was in school studying and his father was a farmer.

DD left Iraq in 2018, his family were internally displaced and ended up in a camp for refugees. Following the US withdrawal from Iraq violence broke out in the region and DD's family went to another village in Iraq, spending at least four years there. The Iraqi government built the camp for displaced people. DD describes the camp as a "disaster". DD remembers that when rain was coming down the camp would be flooded. Life was described as miserable in Iraq, so when they were able to, smugglers took DD's family out of the country through to Istanbul, Turkey. DD does not know if his father had to work a debt or had to pay off the smugglers. Fatih, was the area that DD was staying in in Istanbul, his father was able to rent a small apartment and DD worked on the street, selling napkins. His father used to buy them from a wholesale store and sell them to drivers and people on the side of the road. They received no support from the

government in Turkey, as they were living there illegally. DD's family didn't know anyone else who was a refugee at the time and was completely reliant on each other to survive.

DD's father was able to arrange smugglers to take him to a safe place, but the smugglers could only arrange to take them one family member at a time. DD has not spoken to his family since June and does not know where they are. He is not sure if they have come to the UK.

MS 15 Years, 9 Months

MS advised that he left Eritrea when he was 6 years of age with his family as his father was in the military and there were concerns that MS would have to join when he was of age so he left with his mother and siblings so this did not happen. The family walked across the border to Ethopia with the aim to get to the UK for a better life. MS does not know how long he stayed in Ethopia but again walked to the border to Hamen. MS went onto say that he is unsure of how long his stay was there but it was only for a short period of time before human traffickers took him to Sudan. The human traffickers then kidnapped him and took him to Libya where he was held for ransom. MM stated that he believes his cousin paid the ransom for him to be released. MM then moved from Libya to Italy by boat and then to Germany where he remained for 5 years in the care of foster carers.

AS 16 Years, 9 Months

AS arrived in the UK in May 2021.On his journey to the UK AS travelled through Tukey-Jungle for a day, he was then put into a van and travelled another 3-4 days (no countries given) and walked a further day to a beach in order to board a boat taking him to the UK. AS had food arranged and paid for by his uncle and travelled with his boyfriend. AS is claiming asylum as he is gay, and his boyfriend's father objected to their sexuality resulting in them fearing for their lives. AS's father is deceased and he doesn't know where his mother and

younger brother are however he has now been reunited with his elder brother who is being supported to seek asylum by Newport City Council.

5. Current position

In recent months UASC arrivals have increased significantly. Kent Children Services have been unable to accept any unaccompanied minors into their care as they are unable to meet their statutory duties to safeguard these young people. Therefore, children arriving at the port in Kent are currently being supported by the Home Office. This situation has impacted the speed of the implementation of the NTS rota across the UK. Since the launch of the new rota system on 26 July, the Home Office has referred 506 children to local authorities, and 406 children have be relocated across the UK. To date Newport has been successful in being able to accommodate and support 8 young people.

It is highly likely that the request of Wales as a region will exceed the annual assumed allocation of 30 children within a very short period of time. The current situation in Afghanistan is also likely to impact the numbers of UASC arriving into the UK. Wales has therefore made a plea to the Home Office to be afforded time to pause and plan when we reach the agreed number for our region. Both Cardiff and Newport wish to ensure that we have built a sufficient infrastructure to support the children and have an opportunity to build resilience within the social work teams and the agencies that will be providing a service. We need to ensure that we have developed enough housing stock and foster carers to accommodate the young people arriving.

6. Next steps

We recently been granted an additional 1 million pound to support Newport and Cardiff in delivering the NTS for the region of Wales. This is a one-off funding award and is to be spent by 31st March 2021. During the proposed pause and plan stage Newport and Cardiff will determine the expenditure areas which may include:

-Starter packs for young people when they arrive
-Training for foster carers, social workers and stakeholders
-Support to authorities accommodating UASC with complex needs

As we know these young people are amongst the most vulnerable people to reach UK shores, they brave threat to life, exploitation, trafficking and hunger to get here and then have to navigate the complex asylum system in a foreign language. Sadly existing services for these young people are working in silo and can be confusing and difficult to access. Children Services is therefore proposing to develop an integrated “One Stop Shop” for UASC and families seeking asylum in collaboration with key stakeholders such as connected communities, housing, education, health and third sector organisations. A multi-agency strategic group has been set up to lead on this proposal.

Operational from [insert date]

Department for Education | Home Office

National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children

Version 3.0

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Introduction and Key Principles

The National Transfer Scheme (NTS) protocol for unaccompanied asylum seeking children (UASC, and mainly referred to in this document as unaccompanied children) has been created to enable the safe transfer of unaccompanied children in the UK from one local authority (the entry authority from which the unaccompanied child transfers) to another local authority[1] (the receiving authority). Only unaccompanied children that meet the definition of a UASC, as set out in paragraph 352ZD of the Immigration Rules, are eligible to be referred to the NTS.

The NTS forms the basis of a voluntary agreement made between local authorities in England, Scotland, Wales and Northern Ireland to ensure a more equitable distribution of unaccompanied children across local authorities. It is intended to ensure that local authorities do not face a disproportionate responsibility in accommodating and looking after unaccompanied children, simply by virtue of being the point of arrival of a disproportionate number of unaccompanied children.

The UK Government supports local authorities throughout the country to provide good quality care to children. In ensuring this, it is not the case that unaccompanied children must be cared for by the local authority in which area they enter the UK or submit their claim for asylum. To meet the overall best interests of unaccompanied children, a more equitable distribution will assist all local authorities to meet their duties under the Children's Act 1989 [add relevant Devolved Administrations legislation] to support these children. The strong commitment of local authorities across the UK is crucial in meeting this aim.

As of [insert date] 2021, the NTS operates on the basis of a national voluntary rota, into which local authorities in England Scotland, Wales and Northern Ireland can refer unaccompanied children.

In accordance with Article 3 of the United Nations Convention on the Rights of the Child, the best interests of unaccompanied children being considered for transfer must always be a primary consideration and should be reflected throughout the transfer process.

This version of the protocol (version 3.0) is operational from [insert date] and is available at [insert link]. The protocol will be subject to ongoing revisions and regular review. Local authorities will be notified of any updated versions.

Contacts

Any comments regarding this document and questions about how the protocol should be applied locally should be directed to:
UASCNationalTransferTeam@homeoffice.gov.uk

[1] Health & Social Care Trusts in Northern Ireland

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The Legislative Framework

This protocol provides guidance on the operation of the NTS and the way in which local authorities across the UK should effect the safe transfer of unaccompanied children to another local authority in accordance with the Immigration Act 2016.

Sections 69-73 of the Immigration Act 2016 contains provisions for the transfer of responsibility for unaccompanied asylum seeking and refugee children. Section 69 creates a mechanism to transfer responsibility for unaccompanied asylum seeking and refugee children from one local authority to another.

This protocol sets out the agreed roles and responsibilities of the officials with principal responsibility for its implementation, including:

- Participating local authorities;
- The Home Office UASC NTS Team; and
- Strategic Migration Partnerships.

This guidance should be read alongside other relevant guidance about the care of looked after children and unaccompanied asylum seeking children. This document provides links to related pieces of guidance where necessary throughout.

Devolved Nations

Section 73 of the Immigration Act 2016 enables the Secretary of State to make regulations to extend any provisions made by sections 69 to 72 to Wales, Scotland and Northern Ireland. In 2018 the Government extended the provisions to the devolved nations, making the NTS a national scheme.

The new NTS operating from [insert date] 2021 continues to be a national scheme, with the national voluntary rota operating across the four nations of the UK. There may be elements of the NTS process that will differ for one or more of the devolved nations, to be agreed separately with the respective devolved nations.

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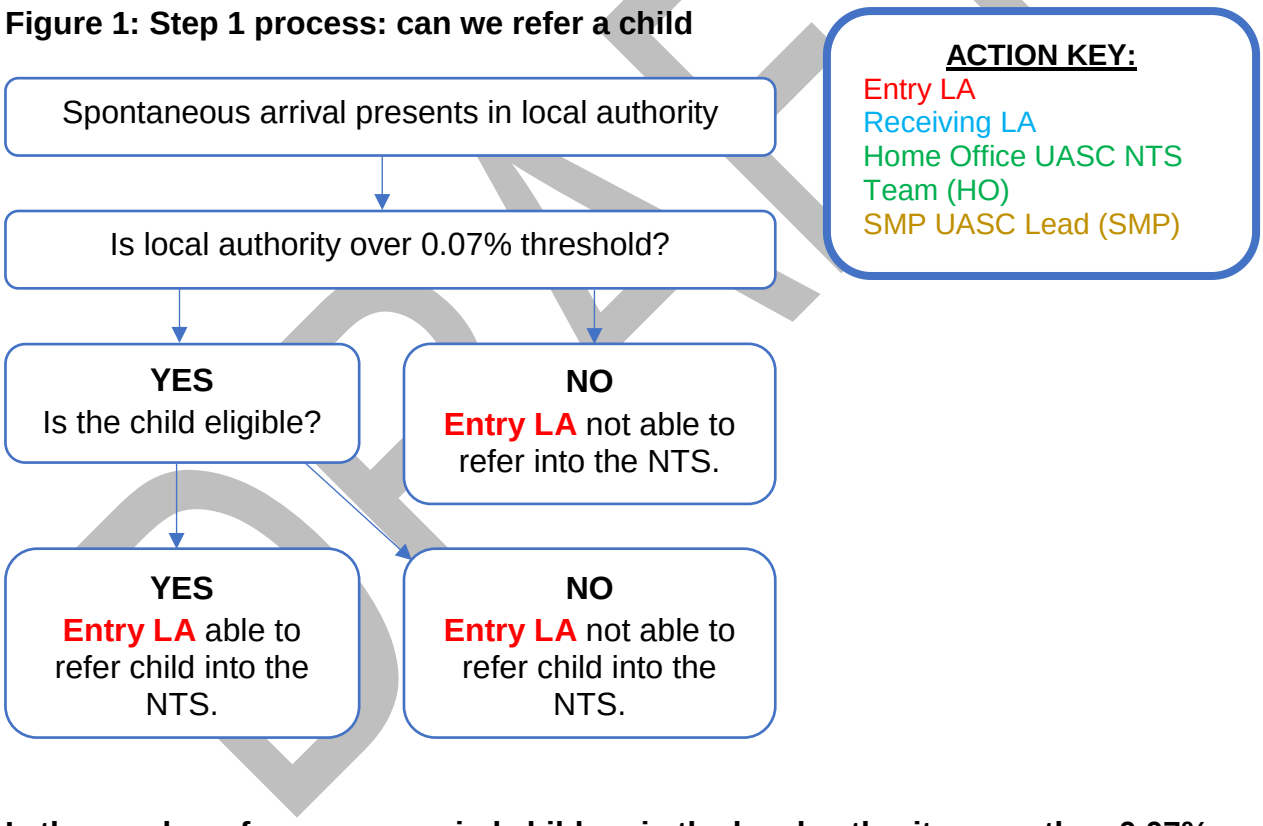
The national rota, reception and transfer processes

As of [insert date] 2021, the NTS operates on the basis of a rota system in which regions and nations take it in turns to assume responsibility for unaccompanied children referred into the scheme. The operation of the proposed rota is set out in the following subsections and in full in the process flow diagram at Annex A: The national rota: eligibility, referral, allocation and transfer process.

Step 1: Can we refer a child

Figure 1 below sets out the process for a local authority to determine whether they are able to refer a child into the NTS.

Figure 1: Step 1 process: can we refer a child



Is the number of unaccompanied children in the local authority more than 0.07% of the child population?

Only a local authority which is supporting a number of unaccompanied asylum seeking children at or above 0.07% of their general child population is able to refer a child into the NTS.

Each local authority's 0.07% threshold is calculated from UASC population data based on the number of UASC funding claims made by that local authority, and the latest ONS estimate of that local authority's total child population at that time.

The percentage calculated for each local authority does not include care leavers or looked after children living in a local authority who are not the legal responsibility of that authority i.e. they have been placed there out-of-area by another local authority.

The 0.07% threshold was determined in partnership with the Department for Education when the NTS was established in 2016. It is meant to be an indication of the availability of places that local authorities may have for unaccompanied children based on their child population. It is not a "cut off" point for accepting responsibility for unaccompanied children.

Is the child eligible?

Unaccompanied children who have not made a claim for asylum are not eligible to be included in the transfer scheme.

Unaccompanied children who arrive in the UK shortly before they turn 18 and will not qualify for leaving care support by virtue of not being looked after for 13 weeks or more, will not be eligible for the transfer scheme.

Please see Annex E: Age disputes where there is concern about the person's age.

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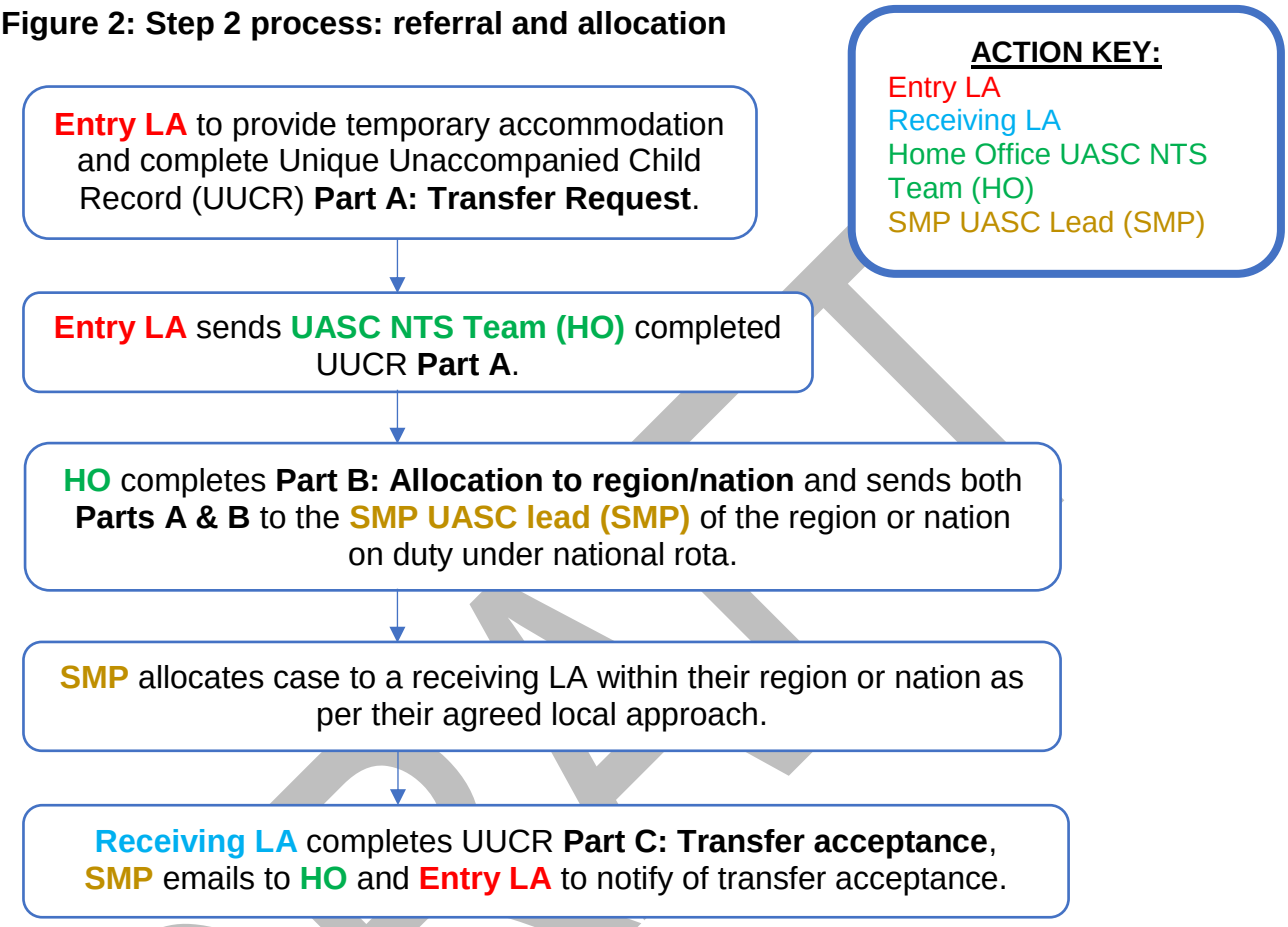
Step 2: Referral and allocation

Figure 2 below sets out how a local authority can refer a child into the NTS, and the process for processing that referral and allocating the transfer to a receiving authority.

Figure 2: Step 2 process: referral and allocation



Deciding to refer a child

The decision to refer must take in to account the child's best interests alongside other considerations, and the appropriateness of transfer must be considered on a case by case basis. See Good practice note 1 – deciding which children to transfer**.** Where a child is being looked after by a local authority, that local authority is under a duty to safeguard and promote the child's welfare.

See Annex C: Best interests of the child for further guidance on consideration of a child's best interests, and Annex D: Family reunification where children are found to have family members elsewhere in the UK.

The entry local authority will make the decision to refer the child as soon as practicable - ideally within two working days after the child's asylum claim has been registered.

Referring a child

Once the entry authority has decided that it wishes to refer a child into the NTS, the entry authority begins the process by completing **Part A (Transfer request)** of the UUCR and sending this to the UASC NTS Team. See Annex G: Unique Unaccompanied Child Record (UUCR)**.**

The entry authority should use **Part A** to provide any receiving authority with all the details they have about the child, while recognising that such information may be limited. For example, it is not expected that a health assessment will have been completed at the time of referral. A referral should include, for example, any safeguarding concerns and whether or not the child claims to have family links in a particular area. It is important that **Part A** is completed fully and accurately. Please see Good practice note 4: Providing child level information to the receiving local authority**.**

If, during the transfer process, the receiving SMP UASC lead or the prospective receiving local authority request additional information from the entry local authority to progress the transfer, and the request is reasonable and proportionate, the entry local authority should respond within 5 working days.

If during the transfer process the entry authority finds additional relevant information about the child, they should share this with the receiving authority as soon as possible by updating **Part A** of the UUCR and sending this to the receiving authority, copying to the UASC NTS Team and the SMP UASC lead.

The transfer should take place within 10 working days of a referral. It is in the best interests of the child that the transfer process takes place without delay as this may cause the child distress as they become settled in the initial placement.

There may be **exceptional** health or other reasons why a transfer needs to be delayed. It is the responsibility of entry and receiving local authority social workers to decide the transfer date and notify the SMP UASC lead of any delays.

The child should be told of the decision to refer them to the NTS as soon as possible. It is in the best interests of the child to have a clear understanding that their initial placement is a temporary arrangement pending their transfer to a placement in another part of the country.

Reviewing decisions to refer a child

If the entry local authority reviews the decision to transfer the child and concludes that it is no longer in the child's best interests to proceed with the transfer, then the entry local authority must notify the UASC NTS Team by completing **Part E: Withdrawal of referral/ change in circumstances**. See Good practice note 3 – reviewing decisions to refer for transfer.

Allocations under the national rota

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To make the national rota as fair and equitable as possible, a weighting system has been applied to take wider pressures into consideration. The weighting system determines how many children a region or nation can expect to receive. See Annex B: Illustrative allocations under the national rota for further details about the weighting system.

Once a child has been referred into the NTS, the UASC NTS Team will complete **Part B: Allocation to region/nation** and sends both **Parts A & B** to the SMP UASC lead of the region or nation on duty under the national rota. The SMP UASC lead will then allocate the case to a local authority within their region or nation. Each region or nation will be free to do so under their own, agreed, arrangements which will best reflect their particular local circumstances.

Accepting a referral

Upon receipt of a referral, the receiving local authority will as soon as possible acknowledge that they accept the transfer by completing UUCR **Part C: Transfer acceptance** and send this to the UASC NTS Team, entry authority and their SMP UASC lead.

Once a receiving local authority has been allocated a child through the rota, they are responsible for identifying a placement so that the child will transfer within a **maximum of 10 working days from date of referral**.

Accessing and monitoring the rota

While it is not possible to predict placement needs precisely, regions and nations will know when their turn on the rota is coming up. This system should increase the predictability of the region or nation's contribution to the NTS and increase the speed of transfers.

Data will be shared regularly with regions and nations by the UASC NTS Team to enable regions/nations and local authorities to prepare for their turns on the rota.

Transparent and regular data sharing is important to reassure all participating authorities that the national rota is being managed effectively and fairly, as well as demonstrating progress towards the aims of the NTS.

This will be updated further as the rota operates and systems bed in.

Allowing flexibility in transfers

While transfers will generally operate within the framework of the national rota, local authorities will retain the flexibility to agree transfers outside of the rota where a particular placement is in the best interest of the child, for example where a child may have a family connection, or when a local authority is seeking to reduce its out of area placements by transferring legal responsibility to the local authority the child is currently accommodated in. Where such a transfer takes place, this will be taken into account for the receiving region's allocation of placements under the next cycle of the rota. See **Transfers agreed outside the rota** section below.

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Escalation

Where any issues arise between the entry and receiving authority around a transfer, and this has been escalated to senior social worker level but still cannot be resolved, see Annex F: Escalation procedure for how to proceed.

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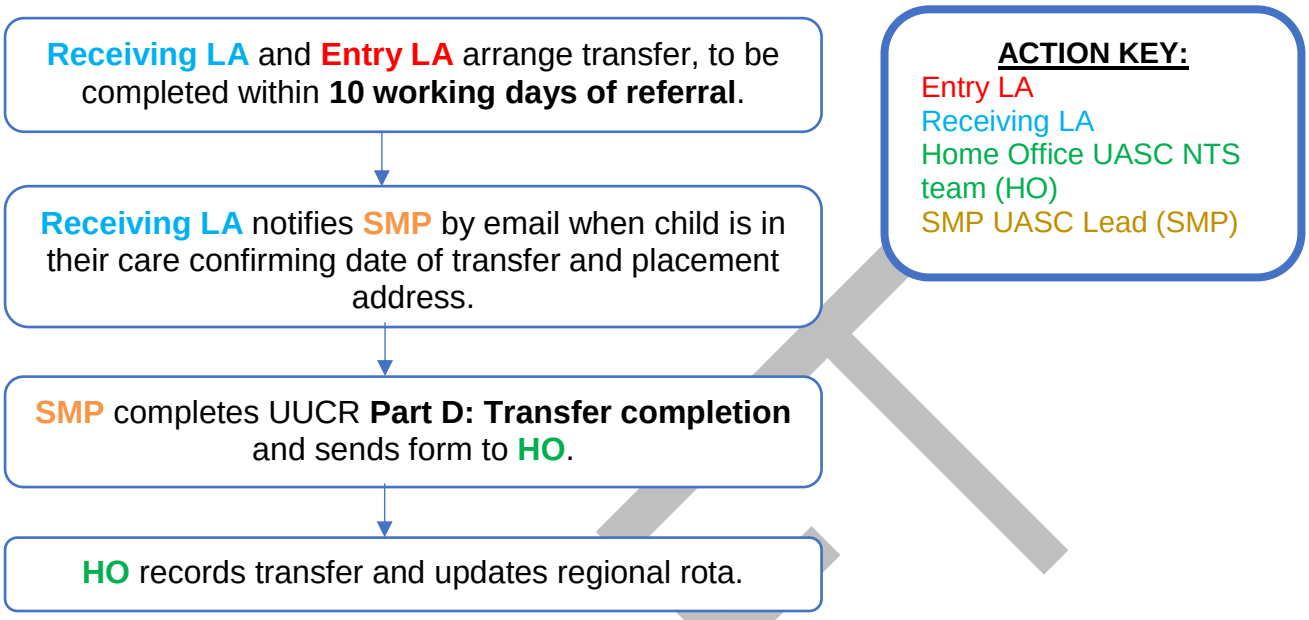
Step 3: The transfer process

Figure 3: Step 3 process: arranging transfers



Transfer processes and standards (including timescales)

Once a decision has been made, it is in the best interests of the child that the transfer process takes place without delay as this may cause the child distress as they become settled in the initial placement.

Entry local authority social workers will decide when to request the transfer takes place (for example, there may be health or other reasons why the transfer needs to be delayed). **Transfers should take place within a maximum of 10 working days of the referral**.

Local authorities should make every effort to ensure a transfer happens within this expected timeframe, including escalating as necessary. However, if a transfer does not take place within this timeframe, then the entry local authority must review the continued suitability of transferring the child.

If the entry local authority reviews the decision to transfer the child and concludes that it is no longer in the child's best interests to proceed with the transfer then the entry local authority must notify the UASC NTS Team by completing **Part E: Withdrawal of referral/ change in circumstances**. See Good practice note 3 – reviewing decisions to refer for transfer.

Once a decision has been made to transfer the child to another participating local authority, the entry local authority must explain the decision to the child and ensure that they understand the implications of that decision. At the earliest opportunity, the child should be informed about the local authority area where they are to be

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transferred. The entry local authority should ensure that the child is prepared for the transfer to the receiving local authority.

Transfer of statutory duties

The receiving authority will become legally responsible for the child at the point of physical transfer of the child into the care of the receiving authority. The receiving authority will then need to comply with its obligations under the Children Act 1989, Care Planning, Placement and Case Review (England) Regulations 2010 and statutory guidance. See **Good practice note 5 – placement decisions in receiving local authorities**.

Transport costs and practicalities

Transport arrangements from the entry local authority's temporary placement to the receiving local authority placement will be coordinated between the two local authorities. The entry local authority will be responsible for payment of transport costs, unless different arrangements are exceptionally agreed between the two local authorities and the Home Office.

At the point of transfer the child must be accompanied by a representative from the entry local authority who will hand responsibility for the child to the receiving local authority, unless the child is 16 or over in which case the entry and receiving authority will agree on a case-by-case basis the need for the child to be accompanied, taking into account safeguarding and welfare issues.

Procedure upon arrival

As soon as is practicable and no longer than 24 hours after arrival, the receiving local authority will complete UUCR **Part D: Transfer completion** and send this to the SMP UASC lead and the UASC NTS Team, and notify the entry local authority administration lead of the safe arrival of the child.

Upon safe arrival, if the child has not been referred to the NRM but the receiving local authority considers that the child may have been a victim of trafficking, they should follow the instructions set out in the National Referral Mechanism: guidance for child first responders and child protection procedures.

If a child goes missing

If a child goes missing the local authority which has legal responsibility for the child – i.e. the local authority who had legal responsibility for the child at the time they went missing – should follow DfE's Statutory guidance on children who run away or go missing from home or care.

If the child due to be transferred through the NTS process goes missing at any point during the process, the local authority with legal responsibility should notify the UASC NTS Team by submitting UUCR **Part E: Withdrawal of referral/ change of circumstances**.

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If a child travelling alone does not arrive with the entry local authority representative at the time expected the receiving local authority will make contact with the entry local authority to investigate.

If the child goes missing prior to the transfer of statutory duties to the receiving authority, it may be appropriate to withdraw the referral.

Making funding claims

Details of the funding contribution made available by the Home Office to the receiving authority and the process to claim the funding can be found in the unaccompanied asylum seeking children and leaving care funding instructions.

COVID-19

Local authorities are responsible for testing and quarantining newly arriving unaccompanied children. More guidance on this can be found here. Also see UASC Health for further resources and advice. Children should be transferred to the receiving local authority as soon as possible after the required quarantining period has expired.

Transfers agreed outside the rota

Transfers between local authorities, where the referring authority is over 0.07%, agreed outside the national rota can be counted towards a region's allocation under the national rota.

Where an unaccompanied child is transferred from one local authority to another without the direct involvement of the UASC NTS Team in the transfer process, e.g. where it is in the individual's best interest to be transferred to a particular local authority to be in close proximity to a sibling, the SMP UASC lead will complete **Part D: Transfer Completion,** and send this to the UASC NTS Team within 24 hours of the transfer. The UASC NTS Team will update records to take account of the transfer.

Escalation

Where any issues arise between the entry and receiving authority around a transfer, and this has been escalated to senior social worker level but still cannot be resolved, see Annex F: Escalation procedure for how to proceed.

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Good practice notes

Good practice note 1 – deciding which children to refer for transfer

The appropriateness of transfer must be considered on a case by case basis.

Additional factors indicating it may be in the best interests of the child to be referred for transfer:

- Where there is a heightened risk of gangs, trafficking or child sexual exploitation (CSE) if they stay in the entry local authority
- Where they have a family member in another local authority which they can be transferred to
- Where they are strongly vocal about not wanting to stay in the entry local authority and are at risk of going missing because they want to be elsewhere

Factors indicating it may not be in the best interests of the child to be referred for transfer at the point that the child has arrived in the UK:

- Where a child has a family connection in the entry local authority
- Where they have a level of disability or have additional health needs which need attending to before the child can be transferred (e.g. TB or scabies treatment)
- Where a child has expressed his or her strong view about wanting to stay in the entry local authority and are at risk of going missing once they are transferred in order to return to the entry authority

The assessment of why it is in the best interest of the child to be referred for transfer should be included in the LAC review and shared with the receiving local authority.

Good practice note 2 – preparing the child for transfer

Preparation for transfer needs to be continual and child-centred. Local authority social workers should:

- Ensure that all carers and professionals are giving the same reassuring messages about the fact that the child will be transferring.
- Highlight the opportunities and positives of the move to the child.
- Ensure that, where a child has been in the entry authority's care for some time and a care plan is completed, the care plan reflects the context of the child awaiting transfer.
- Ensure all paperwork and information has been shared with the receiving local authority, and maintain a dialogue with the receiving local authority social worker.
- Make contact with unaccompanied children who have previously been transferred and ask them to share their experience with the child who is due to be transferred.

- Where possible, receiving local authority social workers could travel for an advance meeting with the child before transfer to reassure and start building trust.
- Ask for photos of new carers and information about their household to share with the child, and if necessary help prepare the child for being cared for in a different type of environment to the one they have experienced in the entry local authority.
- Show the child pictures from the area they are transferring to and tell them what it will be like. If possible, put them in touch with other children who have been placed in that area and are happy with the placement.
- Where the child is travelling accompanied by a social worker, arrange for the "handover" between social workers to take place somewhere the child will be relaxed. An unaccompanied child already settled in the receiving area might also be able to be present at the handover.
- An appropriate representative from the receiving local authority should always receive the child into their care and accept legal responsibility.

Good practice note 3 – reviewing decisions to refer for transfer

Where a transfer has not taken place within the expected 10 working days from referral, in certain circumstances this may warrant a review of the decision to refer a child for transfer. Relevant considerations when reviewing the decision could be:

- Following referral has the child then disclosed that they have relatives in the area?
- Has the child developed connections with the local community or local services or treatment which they have begun and which it would be detrimental to leave?
- Are there specialist services which they are accessing and are only available in the entry local authority?
- Have further vulnerabilities become apparent (including mental health needs) since the referral was made?
- Has the child expressed a strong wish to stay – despite being adequately prepared for transfer?
- Have other professionals given a view or made recommendations that the child should not now be transferred?
- Is the child due to turn 18 shortly?
- Is the entry local authority now under the 0.07% threshold?

In some circumstances, (for example where the child is receiving treatment for an infectious disease) it may be in the best interests of the newly arrived unaccompanied child to stay in the entry local authority accommodation for an extended period of time before being transferred. Where a decision on whether to transfer the child has been deferred, the entry local authority will notify the SMP UASC lead and the UASC NTS Team as soon as possible after the deferral decision is made. After a period of deferral, the decision to transfer will need to be reassessed to ensure that it is still in the child's best interest.

Good practice note 4 – providing child level information to the receiving local authority

Before the receiving local authority is confirmed:

- Complete every section of Part A of the UUCR in as much detail as possible, recognising that information available within the expected timeframes will be limited. For example, it is not expected that a health assessment will have been completed at the time of referral.
- Where additional **relevant** information (which would make a difference to a placement decision) has become available, update and re-send Part A.
- Include full details of any family members.
- Where the care plan has been completed, send this with the revised Part A.

Once the receiving local authority is confirmed, **all relevant information available should be shared with them**. This could include:

- all assessments to date such as the LAC Care plan, medical assessment (or fitness to travel documents), etc.
- information about the culture and ethnicity of the child, including foods, faith, regional language and dialect, experience of culture in journey to the UK.
- the child's relationships with others, and their following of COVID-19 guidelines.
- a photograph of the child for prospective carers.

If during the transfer process the entry authority finds additional **relevant** information about the child, they should share this with the receiving authority as soon as possible by updating Part A of the UUCR and sending this to the receiving authority, copying to the UASC NTS Team and the SMP UASC lead.

Entry local authority accommodation providers, carers and social workers will identify any immediate risks to the child and will take all safeguarding actions necessary. If there is any concern that the child has been trafficked, the local authority should convene a strategy discussion with all agencies, and initiate enquires under section 47 of the Children Act 1989. It may be appropriate to take emergency action to secure the safety of the child. The local authority should also follow the instructions set out in the National Referral Mechanism: guidance for child first responders and child protection procedures.

The entry local authority will arrange for a registered medical practitioner to carry out an immediate assessment of the child's state of health which will address any immediate health issues that require urgent attention and include an assessment of whether the child is fit to travel. Entry local authorities should register the young person with the local GP as soon as possible so that relevant information can be easily accessed by the health authorities in the receiving local authority area. Further information developed by health professionals in Kent can be found at http://www.uaschealth.org/.

Transfers should take place within 10 working days of referral. If for exceptional reasons the transfer is unlikely to meet this timeframe, the entry local authority may need to commence arrangements to undertake the initial health assessment (a health plan) as required by the Care Planning, Placement and Case Review (England) Regulations 2010. The health plan must cover all of the information set out in Schedule 1, paragraph 1 of the Regulations and feed into the wider care plan. Further guidance can be found in the Department for Education and Department of Health, Promoting the health and well-being of looked-after children Statutory guidance for local authorities, clinical commissioning groups and NHS England (2015).

Whether or not the child has been referred for transfer, after they have been accommodated by the entry local authority for 24 hours they become a looked after child under section 22 of the Children Act 1989, or in Scotland section 25 of the Children (Scotland) Act 1995. The entry local authority will then need to comply with all its obligations under the Children Act 1989, the Care Planning, Placement and Case Review (England) Regulations 2010 and statutory guidance ensuring that the child is accommodated in the most appropriate placement available which meets their needs. What is appropriate in the circumstances is a decision for the local authority to make.

All of the information collated by the entry local authority as a result of the above should be shared with the receiving local authority.

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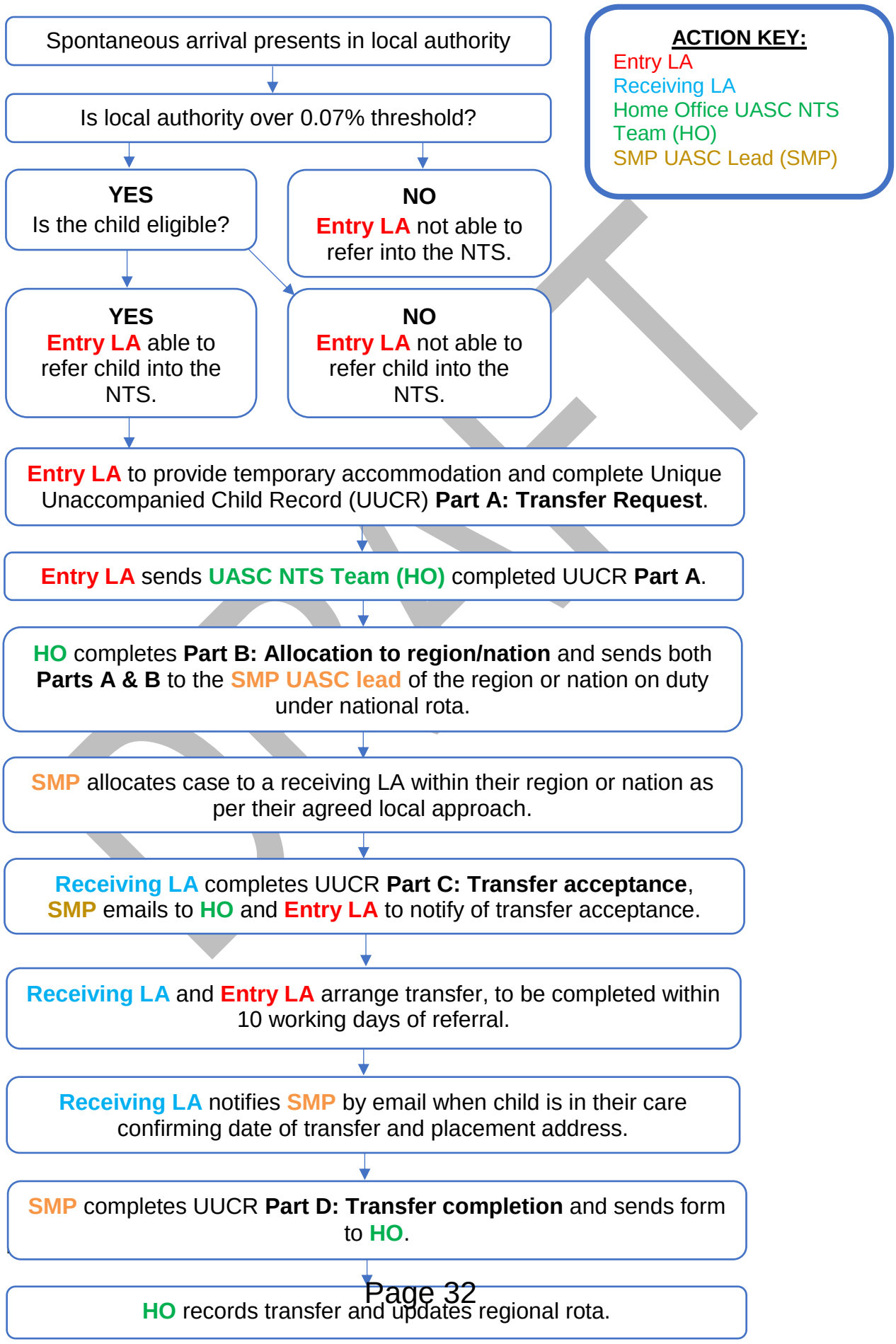
Annex A: The national rota: eligibility, referral, allocation, and transfer process map



Annex B: Illustrative allocations under the national rota

To make the national rota as fair and equitable as possible, a weighting system has been applied to take wider pressures relating to looked after children and the supported asylum population into consideration. The weighting system determines the proportion of referrals that a region can expect to receive based on the five factors set out below, with the particular weightings indicated.
[FINAL WEIGHTINGS TBC, TO BE INDICATED BELOW]

Size factor

- **Child population.** A region's contribution will be weighted according to its share of the total UK child population. This factor ensures a proportional relationship such that the larger regions will be allocated a larger number of referrals.

Children's services factors

- **Looked After Children population.** The number of looked after children per 10k is an established measure of the pressures on children's services. This factor ensures that regions with higher looked after children rates will be allocated a smaller number of referrals.
- **UASC population.** Providing the appropriate care for UASC in their care may require additional support from local authorities due to the particular needs and challenges of this cohort. This factor ensures that regions already supporting higher numbers of UASC a proportion of their child population will be allocated a smaller number of referrals.
- **Former UASC care leaver population.** Similarly, former UASC care leavers may require additional support from local authorities. This factor ensures that regions already supporting higher numbers of former UASC care leavers as a proportion of their population will be allocated a smaller number of referrals.

Supported asylum seekers factor

- **Supported Asylum population**. The number of asylum seekers who are dispersed and supported under provisions of the Immigration and Asylum Act 1999 varies between region. This factor ensures that regions with a greater number of supported asylum seekers as a proportion of their population will be allocated a smaller number of referrals.

Devolved Authorities

The NTS is a UK-wide scheme. However, due to the different legislative and political environments, it has not been appropriate to apply the factor-based modelling to the devolved authorities. Instead, realistic and ambitious contributions to the rota have been agreed in relation to Scotland, Wales and Northern Ireland.

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Review

The model is designed to be flexible and will routinely be reviewed to ensure the underpinning data is up to date and rota continues to achieve its objective of an equitable and fair distribution. The UASC Governance Board will oversee the operation of the rota and will consider on an annual basis whether the modelling factors and weightings applied to them remain appropriate for achieving an equitable distribution.

Indicative placement allocations

The rota modelling also provides an indication as to the number of children that might be allocated for placement in a region. This is based on estimated annual referrals and previous experience though should be considered illustrative as it is difficult to forecast future intake.

[Final rota weightings and indicative placement numbers will be published as supplementary material alongside the protocol and updated as new datasets become available.]

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Annex C: Best interests of the child

At the beginning of the transfer process local authority social worker will need to make a decision based on the child's best interests:

- Whether to request a transfer to another local authority; and
- When to request a transfer if it is deemed a transfer is in the child's best interests.

Article 3 of the United Nations Convention on the Rights of the Child provides that in all actions taken concerning children, the best interests of the child shall be a primary consideration.

Article 3, paragraph 1, of the Convention on the Rights of the Child, ratified by the UK Government, gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere.

The UN Committee has drawn up a non-exhaustive and non-hierarchical list of elements that could be included in a best interest assessment by any decision-maker having to determine a child's best interests. The non-exhaustive nature of the elements in the list implies that it is possible to go beyond those and consider other factors relevant in the specific circumstances of the individual child or group of children. All the elements of the list must be taken into consideration and balanced in light of each situation. The list should provide concrete guidance, yet flexibility.

Elements to be taken into account when assessing the child's best interests

(a) The child's views

(b) The child's identity

(c) Care, protection and safety of the child

(d) Situation of vulnerability

(e) The child's right to health

(f) The child's right to education

As with any looked after child, a local authority accommodating a child under section 20 of the Children Act 1989 is expected to make decisions to safeguard that child and to promote their welfare. Making these decisions will require the local authority to consider the child's wishes and feelings as well as other factors in the child's life, including but not necessarily limited to the child's safety and vulnerabilities, identity and care needs, education, cultural and/or religious needs and health.

Although the term "best interests" is commonly used to encompass local authorities' responsibilities towards children looked after by them, local authorities do not have a

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specific duty in national legislation to make decisions in a child's "best interests". Instead, local authorities have the **duty** to safeguard and promote a child's welfare, a duty which inherently requires local authorities to take account of a child's best interests and, under section 1 of the Children and Social Work Act, a local authority in England must, in carrying out functions in relation to children who are looked after by a local authority '**have regard to** the need to act in the best interests, and promote the physical and mental health and well-being, of those children and young people'; Reference to best interests therefore refers to a local authority's duties under the Children Act 1989 and the Children and Social Work Act 2017.

The requirement to take into account the wishes and feelings of the child and to safeguard and promote the child's welfare are embedded in the following legislation, Regulations and guidance:

- Section 22 of the Children Act 1989;
- The Care Planning, Placement and Case Review (England) Regulations 2010;
- The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review, and the Care Planning, Placement and Case Review (England) Regulations 2010;
- Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children March 2015;
- Section 1 of the Children and Social Work Act 2017;
- Applying corporate parenting principles to looked-after children and care leavers: Statutory guidance for local authorities, February 2018.

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Annex D: Family reunification

Spontaneous arrivals and family reunification

Where a child arrives unaccompanied in the UK but declares the presence of a potential carer in another local authority and that person is willing and able to care for them, and it is assessed as being in the best interests of the child to be reunited with them, the entry local authority will make arrangements to assess whether the child could live with the adult. This may result in the child ceasing to be looked after by the local authority (if the arrangement is deemed to be an informal family and friends care arrangement) but not in all cases. If, after an assessment, it is deemed in the best interests of the child not to be cared for by that adult but contact should be facilitated, the entry local authority should request that the child is transferred to the family member's local authority, specifying the reasons why that local authority is being asked to assist the child to facilitate contact with that individual. This is most likely for example, if the adult is a sibling and care leaver themselves. See the **Allowing flexibilities in transfers** and **Transfers agreed outside the rota** subsections of Step 2: Referral and allocation of the protocol for more guidance on this.

At the point where a child is reunited with family members and may cease to be a looked after child the local authority will use UUCR **Part C: Transfer completed** and send to the UASC NTS Team to notify them of the arrangements.

Family reunification through established legal routes of entry

The UK is no longer bound by the Dublin Regulation. However, specific family reunion provisions of the Dublin Regulation were 'saved' by Part 3 of Schedule 2 to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019, known as the 'saving provisions'. This means that transfers of people seeking asylum in Europe, including unaccompanied children, to the UK for family reunion may still take place under the Dublin family provisions for a period of time.

There may be clear reasons why transfer would, or would not, be in the best interests of the child. For example, where a child enters the UK under the 'saving provisions' and has relatives in an area who are unable to care for them, but it is in the child's best interests to be near their family. See published guidance on Requests made to the UK under the Dublin III Regulation prior to the end of the Transition Period.

If for any reason, such as breakdown of the family relationship, the child becomes looked after by the local authority in which the relative(s) reside, then the child will be included in the 0.07% calculation, but it is expected that it will usually be in the child's best interests to stay in the same local authority as their relative(s). In some circumstances, it may be assessed to be in the child's best interests to be transferred to another local authority.

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Annex E: Age disputes

In accordance with the Assessing Age guidance, anyone claiming to be a child but whose physical appearance and demeanour very strongly suggests that they are 25 or over will be treated by the Home Office from that point onwards as an adult, though the decision will be reviewed if relevant new evidence is received. All asylum-seeking individuals who are accepted or temporarily treated as being below 18 years of age during the initial Home Office welfare interview are eligible to be included in the transfer scheme.

Where the age of a child is disputed – but accepted as being under 18 years of age or treated as being under 18 years of age until further assessment of their age has been completed – the receiving local authority will normally conduct the Merton and further case law compliant age assessment. In some cases, the entry local authority may agree to conduct the case law compliant age assessment before referring the person into the NTS. Where the child is not being transferred, the Merton and further case law compliant assessment will be conducted by the entry local authority.

Where an individual has been given the benefit of the doubt and accepted as a child while a full age assessment is undertaken, the local authority will confirm with the Home Office as to the outcome of the age assessment. Further age assessment guidance can be found on the Association of Directors of Children's Services website and the Home Office's Assessing Age guidance.

Where the entry authority has agreed to complete the full age assessment, they will include the outcome of the assessment in **Part A** of the UUCR when sending to the UASC NTS Team.

If the receiving local authority concludes from their own age assessment that the individual is an adult, they will cease to be eligible for support from the local authority under the Children Act 1989. The local authority should immediately notify the Home Office of anyone assessed as an adult who is in need of asylum support accommodation by submitting a request to the Accommodation Gatekeeper Team. The Accommodation Gatekeeper Team handles referrals on a same day basis and will arrange initial accommodation and transport to that accommodation as necessary. The local authority remains responsible until the individual has been physically transferred into accommodation in the adult asylum support system.

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Annex F: Escalation procedure [DRAFT – STILL BEING FINALISED]

Introduction:

1. The Escalation Procedure provides guidance to Local Authorities (LAs) on how to escalate an issue with another LA regarding children that have, or are to be, transferred through the National Transfer Scheme (NTS) for Unaccompanied Asylum-Seeking Children (UASC). It seeks to provide clarity around key stakeholder's roles and responsibilities.

2. The Escalation Procedure can be used both prior to, and after, transfer. It typically applies where entry authorities and receiving authorities find they have differing views on what is in the best interests of a child who is due to be transferred between them, or who has recently been transferred between them.

   It may also be used where a LA wishes to flag a perceived short-coming in terms of best practice, to promote constructive learning among all LAs participating in the NTS, in the interests of avoiding similar challenges in the future.

3. Examples where the Escalation Procedure might be used:

   (a) Situations where the appropriateness of a transfer needs to be reviewed:
   - After transfer it becomes apparent that the entry authority did not share information that they were aware of prior to transfer, which would have affected the basis for the transfer, e.g. child was known to have relatives in the entry LA or another LA.
   - The receiving LA believes the decision to transfer has seriously affected the safety and welfare of the child and is concerned that the transfer is not in the child's best interests.

   (b) Situations where frustration arise between LAs about the nature of a transfer:
   - An entry or receiving LA is consistently slow to correspond about an upcoming transfer, resulting in delays.
   - Receiving LA exceeds the 10-day deadline in identifying a placement and transferring a child.
   - Information comes to light after a child has been transferred which the receiving LA believes they should have been made aware of prior to transfer, as it would have affected the selection of placement within the receiving LA, e.g. significant information relating to the profile of the child.
   - Differing views about the child's age once the child has been transferred.

4. In all situations 'the best interests of the child' will be a guiding principle.

5. In all situations entry LA and receiving LA should log the issue with the HO in order to share learning with the wider NTS network.

6. The old 'Cases of Concern' process, which sought to address serious safeguarding or practice concerns via a dedicated Home Office inbox, was in practice hardly used. In practice, safeguarding concerns are typically escalated

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through existing social work structures, and practice concerns are flagged to the NTS team – where relevant – through normal correspondence. Therefore, the Cases of Concerns process will be discontinued.

Note

In the past, a common issue has been the perception of receiving LAs that they have received incomplete information about a child prior to transfer. With the new NTS, children will be transferred more quickly, within a target of 10 working days. Therefore, the receiving LA can expect to receive key basic information about the child prior to transfer, and then plan to build up a fuller picture once the child is under their care. As much as possible the receiving LA should view the child as a 'spontaneous arrival' to their region, and keep in mind that UASC are unlikely to disclose all information about themselves in an initial assessment in the entry authority.

Another common issue in the past has been, differing views over whether a transfer continues to be in a child's best interests if they have spent significant time in the entry LA. It is hoped that with the new NTS, faster transfers will avoid children becoming settled in the entry LA. Clear and timely communication between the entry LA and the child, and the receiving LA and the child, will be key to ensuring a child fully understand the process and reasons for transfer, and will help reduce the risk of a child resisting the transfer.

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The Escalation Procedure:

1. Issue arises between entry LA and receiving LA

2. SW Managers in the respective entry and receiving LAs should first seek to resolve the issue between themselves.
Seek views of relevant stakeholders involved with the case, i.e. Independent Reviewing Officer / Designated Looked-After Nurse / Trafficking Guardian etc.

3. Resolved?

4. No

5. Yes. See Information Sharing box 11

6. SW Managers escalate to respective SMP UASC leads who can facilitate a discussion to seek to resolve the issue.
Input from HO and DfE officials may be sought, to offer guidance on NTS policy intent.
Input from the Home Office's Children's Social Care Lead for the NTS can be sought to provide a view/support.

7. Resolved?

8. No

9. Yes. See Information Sharing box 11.

10. SW Managers escalate to senior staff within the LA (recognising that different LAs are of different sizes and structures. Ultimately, respective Directors of Children's Services (DCS) can nominate senior staff members to work together to determine what course of action is in the best interests of the child and resolve the issue.

11. **Information sharing:** At whichever level the issue is resolved, SW Managers should 'log' information about the nature and outcome with the HO (anonymising information about the individual child), to contribute to periodic updates shared with all LAs to promote best practice and learning (i.e. UASC Leads meeting / Governance Board).

Note on Timescales: Issues that arise before transfer should be resolved within the 10 (calendar) day period prior to transfer. Issues that arise after transfer should be addressed urgently, within a matter of days.

Frequently asked questions**:**

1. *How different is this process to what has happened in the past?*
   In the past LAs have sometimes directed their concerns to the HO UASC NTS Team. Home Office and DfE officials can provide a view on NTS policy intent, and input from the Home Office's Children's Social Care Lead for the NTS can be sought to provide a view/support. Ultimately, however, decisions around the care of unaccompanied minors remains the duty of the local authority.

2. *Should there be a role for the LGA, UASC Working Group, or UASC Governance Board?*
   Not in decisions about the appropriateness of a particular child's transfer, that is for social workers who are close to the child's case. However, they may be invited to take a view on the 'global picture' of the type and frequency of issues, in the interests of promoting best practice and avoiding LAs repeatedly facing the same challenges.

3. *What happens if the two DCSs, or the people they have nominated to come to a decision, can't decide? Don't we need a 'deciding vote'?*
   The consensus among social work practitioners is that they will be able to decide.

4. *Does the Escalation Procedure apply in situations where a child has been transferred to an LA and then run away to the entry LA or another LA, and there is a disagreement between LAs about what is in the child's best interests?*
   Yes it might be helpful in this circumstance.

5. *Does the Escalation Procedure apply in the potential situation of a mandated transfer?*
   This procedure has been drafted with voluntary transfers in mind, as these are going to be the vast majority. It is acknowledged that we may need to revisit the procedure in light of potential mandatory transfers in the future.

6. *Can anyone else use the Escalation procedure, i.e. NGOs, medical staff etc with concerns?*
   No, but they can flag concerns to a child's Social Worker or Independent Reviewing Officer.

7. *Do children have a voice in the escalation procedure?*
   Children have Independent Advocates and Independent Reviewing Offices who are positioned to review the care plan and provide challenge to a child's social worker.

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Annex G: Unique Unaccompanied Child Record (UUCR)

This form is used to facilitate the **safe transfer of an unaccompanied asylum seeking child (UASC)** from one local authority (the entry authority) to another local authority (the receiving authority).

The form has five parts relevant to each stage of the transfer process:

Part A: **UASC Transfer Request form** – to be completed by the entry local authority, to provide all relevant information about a child in their care that they wish to transfer. It is essential that the entry local authority completes this part fully as it will be used to inform any prospective local authority about how to support the child.

Part B: **Allocation to region/nation** – the formal request sent by the Home Office UASC NTS Team to the region or nation on duty to source a suitable placement for a child to be transferred to. This form and Part A are sent to the SMP UASC lead of the region or nation on duty, who will allocate the transfer to a local authority in their area.

Part C: **Transfer acceptance** – to be completed by the receiving authority, and sent by the relevant SMP UASC lead to the HO UASC NTS Team and entry authority, to inform them that the receiving authority accepts the transfer of the child into their care, and to provide contact details of the social worker responsible for the transfer.

Part D: **Transfer Completion** – to be completed by the SMP UASC lead and sent to the HO UASC NTS team to confirm the transfer is complete and that the receiving authority is now legally responsible for the child.

This form **must** also be completed if an unaccompanied child has been transferred from one local authority to another without the involvement of the HO UASC NTS Team.

Part E: **Withdrawal of referral/ change in circumstances –** to be completed by the entry authority to update the HO UASC NTS Team that the entry authority withdraws the referral, or that there have been relevant changes in circumstances e.g. to the looked after status of the child or the child has gone missing during the transfer process, before legal responsibility has transferred to the receiving authority.

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Part A: Transfer request

This part is completed electronically by the entry local authority social worker for each unaccompanied child where a transfer to another local authority is requested.
It is important that the form is completed fully and accurately. Entry authorities have a responsibility to ensure receiving authorities have all relevant information about the child known at the time to inform planning and provision of services, recognising that information available within the expected transfer timeframes will be limited.

Once completed the form must be submitted by the entry local authority to the to the HO UASC NTS Team at UASCNationalTransferTeam@homeoffice.gov.uk and copied to the SMP UASC lead in their region/nation.

It is important to ensure that the HO UASC NTS Team is continually updated if new information comes to light or circumstances change.

<table>
<tr><td colspan="3">Section 1: About the local authority making a UASC transfer request</td></tr>
<tr><td>Entry LA requesting transfer</td><td colspan="2"></td></tr>
<tr><td>Social Worker</td><td colspan="2"></td></tr>
<tr><td>Date Part A completed</td><td colspan="2"></td></tr>
<tr><td colspan="3">Section 2: About the child</td></tr>
<tr><td colspan="2">Port/HO ref:</td><td>Location of entry to the UK:</td></tr>
<tr><td colspan="3">First name:</td></tr>
<tr><td colspan="3">Middle names:</td></tr>
<tr><td colspan="3">Family name:</td></tr>
<tr><td colspan="2">Any other names known by:</td><td>Any other names used:</td></tr>
<tr><td colspan="3">DOB:</td></tr>
<tr><td colspan="3">Age:</td></tr>
<tr><td colspan="3">Gender:</td></tr>
<tr><td colspan="3">Is this age disputed? Yes/No
If yes complete section 9</td></tr>
<tr><td colspan="2" rowspan="3">Nationality:

Are there any documents to support the stated nationality and age? If yes, please list</td><td>Language:</td></tr>
<tr><td>Dialect:</td></tr>
<tr><td>Does the child speak any English? Please indicate (e.g. easily, a little, none)
Speaks
Understands
Reads
Write</td></tr>
<tr><td colspan="2">Religion:</td><td>Practising?</td></tr>
<tr><td colspan="3">Any dietary considerations?</td></tr>
</table>

Section 3: **Health**		
Allergies:	Medication:	
Smoke?	Alcohol?	Drugs/Substance misuse?
Are there any obvious signs of trauma/vulnerability?		
Does the child require any emergency health treatment?		
Are there any physical marks, scars or identifying features that would enable this child to be identified if necessary?		
Any long-term health concerns?		
Are there any other health issues that any receiving local authority should be made aware of?		
Has the child been assessed as fit to travel to a new local authority?		
Section 4: Education/Work history		
Have they attended school?	Number of years attended?	
Grades completed:		
Work History:		
Section 5: **Trafficking**		
Are there any indications that the child may have been trafficked?		
Does the child have an Independent Child Trafficking Guardian, please provide contact details.		

Further information

National Referral Mechanism: When an agency comes into contact with a child who may have been trafficked Children's Services and police should be notified immediately. All children, irrespective of their immigration status, are entitled to protection. For further information including the referral process see National Referral Mechanism: guidance for child first responders

Independent Child Trafficking Guardian

Independent Child Trafficking Guardians (ICTG) are professionals who support children who have potentially been trafficked. Please also complete the ICTG referral form at Interim guidance for Independent Child Trafficking Guardians early adopter sites - GOV.UK if the child you are concerned about lives in or has links to:

Greater London; Surrey; Essex; West Yorkshire; Merseyside; Kent; Warwickshire; North Yorkshire; Gloucestershire and Bristol; Lancashire; Bedfordshire; Wales; Hampshire; Greater Manchester; West Midlands; East Midlands; and the Isle of Wight.

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Section 6: Family		
Mother's name:	Age:	Location:
Father:	Age:	Location:
Brothers:		
Sisters:		
Did this child arrive with a close relative? If so, please provide further details. Has this child asked to be kept together with this relative?		
Has the child asked to be kept together with another accompanied child? If so, please provide further details.		
Section 7: Family links in the UK		
Does the child have any family in the UK?		
How are they related to this child?		
Location: Full address: Contact details (including email and mobile number if known):		
Has this child expressed a desire to live with this relative?		
What attempts have been made to find out whether it is possible for this child to be reunited with their relative? Have you considered the following: • Is it in the child's best interests to live with and be cared for by their relative? • If it is not in their best interests to live with their relative, is it in their best interests to live near and have contact with their relative? Provide further details on when the relative was contacted and why in your view it is not appropriate for the child to be reunited.		
Section 8: Journey to the UK		
Which country was the child living in prior to arriving in the UK?		
How long ago did they leave their home country?		
Background: What was the route and journey? Provide timeframe if known		
Section 9: Age disputes		
Has the age been disputed?		
Who has disputed the age? Please provide further details.		

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Has an age assessment been undertaken?
What form of assessment has been undertaken? • Short form assessment ☐ • Comprehensive Merton Assessment ☐ • Opinion of the Immigration Officer that young person is being treated as under 18 until further assessment of their age ☐
What was the date of the assessment? Please send the assessment proforma with this transfer request.
Section 10: **Other concerns (also see Section 5 on trafficking)**
Has a risk assessment been undertaken to identify if the child is likely to go missing?
Do you have any other concerns about this child?
Section 11: Possessions
Do they have a mobile phone? Mob No: If yes, has the phone been seized? Can they provide any further information?
Do they have money?
Do they have belongings?

Section 12: **Current Placement**
Date the current placement commenced?
Type of placement (e.g. reception centre/foster placement)
Address of placement
Section 13: Child's Best Interests
Summary explanation of why it is in the child's best interests to transfer, including the child's feelings and wishes (the transfer decision should continue to be reviewed by the entry local authority to reflect new information or changes in the child's circumstances that could mean transfer ceases to be in the child's best interests):
Has the child been counselled about moving to a local authority in another region/nation?

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Section 14: Confirmation a transfer to another local authority is requested
This authority has reviewed the best interests of the child and considers it appropriate for the child to be moved to another region/nation. **Responsible social worker:** **Contact details:** **Responsible Social Worker Manager:** **Contact details** (All case notes pertaining to this child will need to be transferred to the receiving local authority once transfer acceptance has been confirmed)
Details for person to be contacted for a transfer to be arranged: **Name** **Secure e-mail** **Telephone**
Date/time of request:

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Part B: Allocation to region/nation

To be completed by the HO UASC NTS Team and submitted to the SMP UASC lead for the relevant region/nation on duty under the national rota.

Child's name: Nationality: DoB: Home Office/Port Reference:
Allocated region/nation:
Date and time of allocation:

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Part C: Transfer acceptance

To be completed by the receiving local authority once they have agreed to accept the transfer, and sent by the SMP UASC lead to the HO UASC NTS Team at UASCNationalTransferTeam@homeoffice.gov.uk, copied to the entry authority.

Child's name: Nationality: DoB: Home Office/Port Reference:
Receiving local authority accepting transfer:
Date and time of acceptance:
Date and time transfer expected to take place:
Contact details for person in receiving authority to arrange transfer: **Name** **Secure e-mail** **Telephone**

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Part D: Transfer completion

To be completed electronically by the SMP UASC lead **as soon as possible upon completion of transfer.**

This form should be completed in all cases including where:

- the transfer is within the same region
- the transfer is to another region
- the Home Office UASC NTS Team has not been involved in the transfer.

The form should be sent to the HO UASC NTS Team at: UASCNationalTransferTeam@homeoffice.gov.uk.

Child's name: Nationality: DoB: Home Office/Port Reference:
Entry local authority:
Receiving local authority: This authority confirms its acceptance of legal responsibility for assessing and looking after the aforementioned child, by way of transfer between local authorities by mutual agreement in accordance with section 69 of the Immigration Act 2016.
Address of placement in receiving authority:
Date of acceptance of legal responsibility:
Was this a transfer agreed outside of the national rota?

Part E: Withdrawal of referral/ change in circumstances

This part is to be completed by the entry local authority and sent to the HO UASC NTS Team at: UASCNationalTransferTeam@homeoffice.gov.uk to notify of relevant changes in circumstances of the unaccompanied child where they have been referred to the HO NTS Team for transfer as set out in pages 9, 12 and 13 of the protocol.

Local authority:		
Contact in case of query: **Name**	**Secure e-mail**	**Telephone**

Details of child/young person

Port/HO Ref:	**LA ref:**
Family/Tribal name:	**Nationality:**
First name:	**Middle names:**
Any other names known by:	**Any other names used:**
DoB:	**Gender:**

E1 – to be completed if the child/young person has ceased to be looked after

Reason for child or young person ceasing to be looked after:	
a. Missing: Police authority to which reported	
b. Age determined as over 18	
c. Reunified with responsible adult (name and address)	
d. Other (please specify)	
Date on which child/young person ceased to be looked after by this authority:	

E2 – to be completed if the child/young person has resumed being looked after

Reason for resumption of child being looked after (please state):
Date on which authority resumed looking after the child:

E3 – to be completed if the region/nation wishes to withdraw the transfer request

Reason for looking after in this local authority (please state):
Date responsibility commenced:

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Scrutiny Report

Performance Scrutiny Committee – Partnerships

Part 1

Date: 17 November 2021

Subject Scrutiny Adviser Report

Author Scrutiny Adviser

The following people have been invited to attend for this item:

Invitee:	Role
Neil Barnett (Scrutiny Adviser)	Present the Committee with the Scrutiny Adviser Report for discussion and update the Committee on any changes.

Section A – Committee Guidance and Recommendations

Recommendations to the Committee

The Committee is asked to:

1. **Committee's Work Programme:**
   Consider the Committee's Forward Work Programme Update **(Appendix 1)**:
   - *Are there any amendments to the topics scheduled to be considered at the next Committee meeting?*
   - *Are there any additional invitees that the Committee requires to fully consider the topics?*
   - *Is there any additional information that the Committee would like to request?*

2. **Action Plan**
   Consider the Actions from previous meetings **(Appendix 2)**:
   - *Note the responses for the actions;*
   - *Determine if any further information / action is required;*
   - *Agree to receive an update on outstanding issues at the next meeting.*

3. **Information Reports**
   Note that no Information Reports have been circulated to the Committee

2 Context

Background

2.1 The purpose of a forward work programme is to help ensure Councillors achieve organisation and focus in the undertaking of enquiries through the Overview and Scrutiny function. Effective work programming is essential to ensure that the work of Overview and Scrutiny makes a positive impact upon the Council's delivery of services.

2.2 Further information about the work programming process, including the procedures for referring new business to the programme, can be found in our Scrutiny Handbook on the Council's Scrutiny webpages (www.newport.gov.uk/scrutiny).

2.3 The Centre for Public Scrutiny's Good Scrutiny Guide recognises the importance of the forward work programme. In order to 'lead and own the process', it states that Councillors should have ownership of their Committee's work programme, and be involved in developing, monitoring and evaluating it. The Good Scrutiny Guide also states that, in order to make an impact, the scrutiny workload should be co-ordinated and integrated into corporate processes, to ensure that it contributes to the delivery of corporate objectives, and that work can be undertaken in a timely and well-planned manner.

Forward Work Programme Update

2.4 The Committee's work programme was set in October 2020, including estimated timescales for when the reports will be considered by the Committee. This programme is then managed and implemented by the designated Scrutiny Adviser for this Committee under the direction of the Committee Chairperson.

2.5 Attached as **Appendix 1** is the Committee's Forward Work Programme Update. The Committee is asked to consider:

- *Any amendments to the topics scheduled to be considered at the next Committee meeting?*
- *Are there any additional invitees that the Committee requires to fully consider the topics?*
- *Is there any additional information that the Committee would like to request?*

The Committee agreed to keep a degree of flexibility within its work programme to enable the Committee to respond to urgent / emerging issues. This item is an opportunity for the Committee members to raise any suggested amendments to the Work Programme.

Action Sheet from Previous Meetings

2.6 Attached at **Appendix 2** is the Action Sheet from the Committee meetings. The updated completed actions are included in the table.

2.7 Any actions that do not have a response will be included on the Action Sheet at the next meeting to ensure that the Committee can keep track of outstanding actions.

Information Reports

2.8 There were no Information Reports circulated to the Committee.

3 Information Submitted to the Committee

3.1 The following information is attached:

Appendix 1: The Committee's Forward Work Programme Update;
Appendix 2: Action Sheet from Previous Meetings.

4. Suggested Areas of Focus

Role of the Committee

The role of the Committee in considering the report is to:

- **Forward Work Programme Update - Appendix 1**
  Consider:
  - Are there any amendments to the topics scheduled to be considered at the next Committee meeting?
  - Are there any additional invitees that the Committee requires to fully consider the topics?
  - Is there any additional information that the Committee would like to request?

- **Action Sheet from Previous Meetings - Appendix 2**
  - Consider the responses to the actions from the meeting;
  - Are you satisfied that you have received the necessary information?
  - Are there any further issues arising from the responses that you would like to raise?
  - For the actions that do not have responses – these actions will be rolled over to the next meeting and reported back to the Committee.

- **Information Reports**
  Note that no Information Reports were circulated to the Committee.

Section B – Supporting Information

5 Supporting Information

5.1 The Corporate Assessment, and the subsequent follow up assessment provide background information on the importance of good work programming. Specific reference is made to the need to align the Cabinet and Scrutiny work programmes to ensure the value of the Scrutiny Function is maximised.

5.2 The latest Cabinet work programme was approved by the Cabinet on a monthly basis for the next 12 months and includes the list of reports scheduled for consideration. Effective forward planning by both Cabinet and Scrutiny needs to be coordinated and integrated in relation to certain reports to ensure proper consultation takes place before a decision is taken. A link to the Cabinet work programme is provided here to the Committee as part of this report, to enable the Committee to ensure that the work programmes continue to reflect key decisions being made by the Cabinet.

6. Links to Council Policies and Priorities

6.1 Having proper work programming procedures in place ensures that the work of Overview and Scrutiny makes a positive impact upon the Council's delivery of services, contributes to the delivery of corporate objectives, and ensures that work can be undertaken in a timely and well-planned manner.

6.2 This report relates to the Committee's Work Programme, Actions from Committee's and Information Reports that support the achievement of the Scrutiny Committee, in accordance with the Law and Regulation Service Plan, Objectives, Actions and Measures and the Wellbeing objectives:

Well-being Objectives	Promote economic growth and regeneration whilst protecting the environment	Improve skills, educational outcomes & employment opportunities	Enable people to be healthy, independent & resilient	Build cohesive & sustainable communities
Corporate Plan Commitments	Thriving City	Aspirational People		Resilient Communities
Supporting Function	Modernised Council			

7 Wellbeing of Future Generation (Wales) Act

7.1 The Wellbeing of Future Generations Act 2015 which came into force in April 2016 sets the context for the move towards long term planning of services.

7.2 **General questions**

- How is this area / policy affected by the new legislation?
- How will this decision / policy / proposal impact upon future generations? What is the long term impact?
- What evidence is provided to demonstrate WFGA has been / is being considered?
- Evidence from Community Profiles / other data?
- Evidence of links to Wellbeing Assessment / Objectives / Plan?

7.3 **Wellbeing Goals**

- How are the Wellbeing goals reflected in the policy / proposal / action?
  - *A prosperous Wales*
  - *A resilient Wales*
  - *A healthier Wales*
  - *A more equal Wales*
  - *A Wales of cohesive communities*
  - *A Wales of vibrant culture and thriving Welsh language*
  - *A globally responsible Wales*

7.4 **Sustainable Development Principles**

- Does the report / proposal demonstrate how as an authority we are working in accordance with the sustainable development principles from the act when planning services?
  - ***Long Term***
    The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs
  - ***Prevention***
    How acting to prevent problems occurring or getting worse may help public bodies meet their objectives
  - ***Integration***
    Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies
  - ***Collaboration***
    Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives
  - ***Involvement***

The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

8 Background Papers

- The Essentials - Wellbeing of Future Generation Act (Wales)
- Corporate Plan 2017 - 2022
- The Corporate Assessment and follow up assessment.

Report Completed: 17 November 2021

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Appendix 1

Performance Scrutiny Committee – Partnerships – Forward Work Programme Update

Wednesday, 1 December 2021 at 5pm		
Topic	**Information Required / Committee's Role**	**Invitees**
Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV)	Examine proposals for the next steps in the developments of the Violence against Women, Domestic Abuse and Sexual Violence regional team.	**Strategic Director – Social Services** **Head of Corporate Safeguarding**
Shared Resource Services (SRS) Update	**Performance Scrutiny – Effectiveness of Partnership Arrangements** The Committee received a performance update in April 2019 and requested an updated Action Plan to monitor progress in 6 months.	**SRS Chief Officer** **Strategic Director – Transformation and Corporate Centre/Head of People and Business Change** **Digital Services Manager** **Digital Information Project Officer**

Wednesday, 2 February 2022 at 5pm		
Topic	**Information Required / Committee's Role**	**Potential Invitees**
Education Achievement Services (EAS) Business Plan	**Performance Scrutiny – of the EAS Partnership and its achievement of the objectives within the Business Plan and consider the impact of the plan for communities within Newport** The Business plan is the regional strategic plan for accelerating educational outcomes during 2017-2018. It sets out the priorities, programmes and outcomes to be achieved by the Education Achievement Service on behalf of the South East Wales Consortium. The South East Wales Consortium is required to submit to the Welsh Government a three-year Business Plan that will be updated annually and the local	**EAS Representative** **Chief Education Officer** **Deputy Chief Education Officer**

	authorities Scrutiny Committees are consulted as part of this process.	
One Newport Wellbeing Plan 2021-22 Q2 Performance	**Performance Monitoring of the delivery of the Wellbeing Plan by the PSB** Statutory obligation within the Wellbeing of Future Generations (Wales) Act 2014 for this item to be included on the work programme.	**One of the Leads for each of the interventions which are:** **- The Newport Offer;** **- Strong Resilient Communities;** **- Right Skills;** **- Green and Safe Spaces;** **- Sustainable Travel.**

APPENDIX 2

Performance Scrutiny Committee - Partnerships

ACTION SHEET –3rd November 2021

	Agenda Item	Action	Responsibility	Outcome
1	**Norse Joint Venture Partnership**	The Committee **noted** the briefing paper and presentation on the Newport Norse Joint Venture partnership, and concluded by making a number of comments to the partners.	**Scrutiny / Norse JV**	**Actioned – Comments from the Committee forwarded to the Partners on 2th November 2021.**
2	**Education Achievement Service (EAS) Value for Money 2020 – 2021**	The Committee concluded by making a number of comments to Cabinet and EAS upon the Education Achievement Service Value for Money Financial Year 2020-21 report.	**Scrutiny / EAS**	**Actioned – Comments from the Committee forwarded to Cabinet and EAS on 5th November 2021.**

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