

**Home Office:
Planning Better Outcomes and Support
for Unaccompanied Asylum Seeking Children**

This response represents the collective views of over 80 organisations, including local authorities and leading voluntary organisations. All local authorities are represented on the Action on Aftercare Consortium through delegates from the Regional Leaving Care Forums. Thousands of young people in and leaving care access our services.

The Action on Aftercare Consortium brings together over 25 statutory and voluntary service providers and associated specialist agencies committed to working together to support the development of improved leaving and aftercare services for young people. Membership includes the nine English Regional Leaving Care Forums, Barnardo's, Centrepoin, the Fostering Network, A National Voice, NCB, NCH, NCY Trust, nlcas, the Prince's Trust, Rainer, St. Basil's Centre, Save the Children, Shaftsbury Young People, Spurgeon's Child Care, Voice, and The Who Cares? Trust. It aims to incorporate the views of young people into its discussions and proposals. It provides a forum for the sharing of research and good practice with the objective of undertaking and supporting activities and initiatives for positive changes in policy, training, practice and resource allocation as they relate to leaving and aftercare services.

The National Leaving Care Advisory Service is a national organisation, supported by the young people's charity Rainer, which is devoted to improving the life chances of young people leaving care. It works to assist and where necessary, challenge government, local authorities and other agencies with a responsibility for developing policy concerning young people in and leaving the care system.

What Makes The Difference? is a national partnership which aims to help overcome the issues which lead to poor education, training and employment outcomes for many looked after young people in England. During the period of the project (July 2005 – December 2007) the partnership will pilot and evidence good practice across a range of leaving care services. Its objective is to influence national policy and practice through the re-engineering of the education, training and employment support process for those in and leaving public care, increasing their opportunity for sustainable employment and enabling them to reach their full potential. Partners are drawn from all sectors – national and local government, and the voluntary sector, with young people's charity Rainer as lead partner.

1. Introduction

We welcome the opportunity to respond to the Home office consultation paper, Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children.

Many member organisations will also be submitting individual responses based on the work each undertakes with children seeking asylum. This response represents an agreed view by all agencies on some of the principles underlying the Home Office's proposals as well as addressing specific questions and issues raised in the paper relating to leaving care. The response therefore comprises some general comments in addition to responses to the issues raised in specific sections of the paper, under the same headings.

In our response, we start from the premise that unaccompanied asylum seeking children are children first and foremost. Every looked after child is unique and has a diverse range of needs - hence the need for a " *flexible, diverse range of responses.*" (Care Matters 2006). Although the common factor for asylum seeking children will be needs and issues relating to immigration matters, again the response to every child has to be tailored to take into consideration the unique, personal needs of each individual child. We strongly urge that future developments in reforming services and support for unaccompanied asylum seeking children do not lose sight of this.

We agree that there is a need for improvement in the support and services provided to unaccompanied asylum seeking children, but this has to take into consideration the broader developments for all children in care and care leavers.

Within our response we have made reference to Care Matters. Although Care Matters has been quoted in the consultation paper, this does not apply across the whole of the UK. We have noted that despite this being a UK wide consultation, there has been no reference to the relevant child care legislation and policies in the devolved administrations.

The Action on Aftercare Consortium seeks to promote the best interests of young people who are leaving or have left the UK care system. However this response does not address the issue of how the proposals for reform would apply or be implemented in the parts of the UK with devolved administrations.

We ask that the Government outline their plans explaining how the reforms would work in practice in Scotland, Wales and Northern Ireland.

We would also like to add that in this response where we refer to the Every Child Matters framework, we assume inclusion of *Getting It Right for Every Child*.

2. The consultation process

Several years ago, when the Government published *Learning to Listen*, it made a commitment to seek out the views of children and young people when their policies would have a significant impact on their lives.

We are disappointed that a young people's version of the consultation document was not published, given that these proposals will have a significant impact on the lives of unaccompanied asylum seeking children and young people.

The Separated Children in Europe Programme Statement of Good Practice (2004) makes it clear that,

The views and wishes of separated children should be sought and taken into account whenever decisions affecting them are being made. Measures should be put in place to facilitate their participation in line with their age and maturity.

Although some organisations and local authorities represented through this response have themselves been seeking young people's views on the Home Office proposals, we are concerned with the lack of investment by the Home Office into young people's participation through out this whole process so far.

Amongst the proposals set out in the final chapter of *Care Matters* is ensuring the views of children in care can influence planning and provision. We ask that any further development of these proposals must include the participation of young people.

3. Care Matters and the Every Child Matters agenda

From the outset we wish to voice our concerns in regards to the lack of cohesion with the DfES Green Paper on looked after children *Care Matters*. Whilst we recognise that unaccompanied children have additional needs specifically around immigration, every looked after child in fact is unique and has different needs.

We concur with the Government's concern about the lack of consistency among local authorities. We are also concerned about lack of consistency between Central Government departments (DfES and the Home Office).

Unless there are plans to exclude unaccompanied asylum seeking children from the looked after system, which in itself would require legislative changes, which we would oppose, then we would like to reiterate that the law and accompanying policies that cover children in care apply to all looked after children, including those children with immigration needs.

We are also concerned that despite the stated recognition that UASCs "*matter every bit as much as other young people,*" attention has not been paid to addressing the links to the Every Child Matters agenda, which applies to all children including those with immigration needs.

We would therefore ask that serious consideration be given to how the proposals for reform of the support and services for unaccompanied asylum seeking children will be reconciled and made compatible with the Every Child Matters agenda and the forthcoming White Paper and Bill following on from Care Matters.

Whilst we recognise the central role of the Home Office in matters relating to immigration and asylum, the DfES has the lead responsibility for matters relating to children in public care and care leavers.

We believe that the DfES must take a visible lead on the welfare aspects of the reforms so they will be compatible with the wider developments for children in public care and care leavers and so there is not a creation of a separate care system specifically for asylum seeking children. We would suggest that the next steps on from this consultation paper involve joint collaboration between the Home office and DfES to carry this work forward.

4. Specialist authorities

We would agree that all services and support to unaccompanied asylum seeking children along with the rest of the looked after population should be of a high quality and consistent in practice. Authorities should have the expertise and knowledge to address the needs of the children and young people they provide for.

In the case of asylum seeking and refugee children there are a number of authorities who have by necessity and demand built up their expertise and resources to meet the needs of this specific client group. It is hoped that the reform programme does not “re-invent the wheel” and ignore the learning from these authorities nor dismiss certain local authorities on account of geography.

One of the salient points that seems to be missing from the consultation paper’s list of likely criteria for a specialist authority is the local authority’s availability, access to or ability to develop appropriate placements for asylum seeking children and young people. If for example a specialist authority was asked to take a specific number of children and young people, given the unpredictability over numbers of new arrivals, how will the cost of under- occupancy be covered and how would an increase in the numbers of children be dealt with? These are issues that will need to be addressed in terms of planning and commissioning services.

The paper indicates clearly that there is a need for consistency in practice and service delivery. We would suggest that an important aspect of this is having a workforce who is skilled in undertaking quality needs- led assessments, which are set in the context of an understanding of the needs of children and young people who have come from diverse countries with diverse needs.

This skilled workforce must also have knowledge and skills in supporting children and young people who may have experienced trauma, war, violence; who are bereaved; who may be in physical, emotional or mental distress, etc. All these children regardless of circumstances are in the UK separated from parents or customary care giver and all are potentially vulnerable to exploitation.

We also recognise that those tasked with the role of assessment and planning have to understand the immigration process and the needs that arise as a result. We would suggest that it would be advisable to ensure that all staff supporting asylum seeking children and young people understand all these complexities.

As we also recognise however local authority support and services are not enough; these young people also require:

- Access to appropriate, reputable legal services in the community to assist with their claim
- Access to communities that can provide/meet cultural, religious, social, emotional and psychological needs and provide the environment to meet these needs
- Access to general/specialist health care provision that understands and can meet the diverse range of health needs
- Access to specialist provision that can address the issues that can impact on mental health for this group of young people: trauma, multiple level loss, the impact of war, conflict, poverty and displacement
- Access to appropriate education and training opportunities that can provide literacy, language skills, access to opportunities to build on gaps/disruption to developmental needs
- Access to interpreters, translators
- The opportunity to settle, integrate and to rebuild their lives; develop resilience and coping strategies; build secure attachments and be supported
- Access to services that prepare them for independence and adult life.

The paper proposes a system of specialist authorities tasked with the responsibility of supporting and providing services to unaccompanied asylum seeking children. The suggestion is that these are likely to be outside of the South East of England to develop a more rational geographical distribution. The important question is whether these specialist authorities will receive adequate funding and importantly have the expertise and resources to provide the necessary services.

We would also like to ask what contingency plans have been put in place should there not be enough interest in becoming a specialist authority? What impact will this have on the ability to implement the other parts of the reform programme?

5. Care planning/placements

We are clear that a care plan must be based on a holistic assessment of need and that each young person must have a care plan that is tailored to the individual needs of that particular child. It is important that those tasked with the responsibility of carrying out assessments have an understanding of the immigration process and how the outcomes of that process will impact on the needs of the young person and address those accordingly.

We also wish to reiterate that care planning is a continuous process. We know from experience that information about a child, their experiences and needs may not come to light immediately and therefore the care plan has to reflect the changes in assessment as new information comes to light.

The consultation paper predominately focuses on unsuccessful asylum cases but there has been little reference to those children and young people who have a successful asylum case or whose initial negative decision has been overturned. There should be additional guidance and recognition of the needs of this group of children and young people.

The consultation paper makes reference to the distinct roles of NAM case worker and local authority social worker, but no reference is made to the independent reviewing officer or the statutory child care review. As well as being an important part of the care planning process, statutory child care reviews are a statutory requirement.

In creating a seamless approach to care planning for children and young people with immigration needs, it is important that the Home Office factor in all the statutory requirements and timescales for the care planning process into the asylum system. This would avoid potential problems for both the local authorities and NAM.

Care Matters identified the need for improvements to care planning (including pathway planning) for all looked after children and care leavers. Any developments in regards to care planning for unaccompanied asylum seeking children must take account of developments around care planning for all children and young people. We would oppose a separate care planning system for unaccompanied asylum seeking children.

We are concerned with the apparent age determinant approach to placements. Decisions regarding placements have to be based on the assessment of need, not based on age.

The suggestion that unaccompanied asylum seekers can move to supported accommodation when 16 or 17 is in direct conflict with the spirit of Care Matters that young people should remain in care placements longer and the specific proposal to give young people the power to veto a decision that they leave care before they are 18.

As with other looked after young people, there will be those unaccompanied asylum seeking young people with the necessary skills, maturity and emotional readiness to be able to cope with semi-independence before they reach 18; however, an assessment of need is necessary to determine this.

We welcome the fact that foster care has been mentioned as an appropriate placement for children. However, it is concerning that the general assumption is that it might be more appropriate to place older children in " more independent living " type placements.

We recognise from experience that a range of placements has to be made available to meet the diverse needs of care leavers, including those who are also young people with immigration needs.

Despite the fact that an asylum seeking young person might be 16 or over when they first come to the UK does not necessarily mean that they have the skills and the capabilities to be able to look after themselves. As Kane (2006) states in the NCB training pack on planning for asylum seeking children and young people,

"Some asylum seeking and refugee young people will have some practical skills developed within their family and in their country of origin but may need assistance in translating those skills into living in the UK."

There will be other young people, who will not have the practical skills from the outset to manage the responsibilities of, as the consultation paper states, " *more independent living* " type placements. Care needs to be taken not to make the assumption of competence and maturity because a young person has managed to get to the UK or the reasons that led to the young person's leaving.

For many young people their experiences in their country of origin and/ or during the transit to the UK may have physical, emotional or psychological impacts.

There have been growing concerns about the risks to mental health and psychological well being of asylum seeking children and young people. At a meeting of the Association of Child and Adolescent Mental Health on 17 May 2006, Dr Matthew Hodes, Senior Lecturer in Child and Adolescent Psychiatry at Imperial College London, presented research that highlighted concerns over the "*psychiatric distress and disorder, especially amongst recently arrived asylum seeking children who may have suffered the trauma of war and persecution or seen the murder of their family and friends*".

A literature review found that children and young people who experience multiple bereavements, or bereavement alongside other difficulties, are statistically at risk of experiencing negative outcomes in areas such as education, depression, self-esteem and risk-taking behaviour later in life. (Penny forthcoming) The British Psychological Society and Royal College of Psychiatry (2005) have identified refugees and asylum seekers as a high group for depression.

Given the complexities and range of needs of young people with immigration needs, we believe that foster care should not be ruled out as an option. Foster carers are trained to deal with separation and loss. From this stable base foster care can also provide the preparation and support a young person needs to manage any future changes. Historically, foster care has also provided many care leavers with the skills they have needed to move into independence and adulthood. For some young people it would be entirely appropriate for them to remain in foster care until they reach 18. The decision must be based on an assessment of individual needs and wishes.

Sometimes the assumption is made that supported housing is cheaper than foster care. If it provides proper levels of support, it is not necessarily cheaper. If the decision is to use supported accommodation more extensively, there need to be greater regulation and inspection to ensure quality. Again we would strongly suggest that placement decisions must be based on an individual assessment using the same measures as would be used for any other young person in care.

6. Commissioning of services

The local authority is the provider of services and in the best place to commission services as they do for other young people. As far as possible the level and quality of services provided to UASC should be the same as for other children in care and care leavers.

7. Voluntary returns programme

We would not endorse any voluntary returns programme that uses a system of reducing financial support as a means to encourage young people to leave the UK.

Some young people are not aware of why they are in the UK. Some young people may have been trafficked. The Corporate Parent, to which this paper has made no reference, has a responsibility to ensure that the plans in place for a young person are in their best interest.

For those under 18, there has to be proper assessment that addresses all the child's welfare and protection needs and that includes a thorough assessment of the arrangements proposed in the country of origin. Local authorities would make the necessary assessments for any child in their care who either wished to live in another country or was going to live with a relative outside the UK. The same detailed assessment must be made in the case of unaccompanied asylum seeking children and young people. There have been no details or proposal on what the monitoring arrangements would be. Given that voluntary returns are already in operation, it would have been interesting and helpful to have a detailed account of how this was carried out and how the welfare of those children who participated was assured by those agencies involved.

8. Young people turning 18

The consultation paper suggests that changes to the asylum process will significantly reduce the pool of former unaccompanied asylum seeking children who will have an entitlement to leaving care assistance. The New Asylum Model (NAM) is relatively new and the impact of this on young people and the local authorities concerned is yet to be tested out.

We are concerned that there has been a reliance on immigration cases being resolved which is yet to be seen and no details on resolving the ongoing funding issues for those who have turned 18 until such time as the system proposed has been tried and tested. Failure to resolve these issues could be a disincentive to becoming a specialist authority.

There are major concerns over the support for young people who have come to the end of the line of their asylum claim but cannot return home. Support needs to be available to prevent breaches in human rights. Those that cannot be returned should be granted temporary leave.

We would suggest that in order to avoid the potential for breaches in human rights and local authorities being at risk of judicial review, young people who have been looked after should be provided services and support up to the point that they do not comply with removals directions.

Finally we would oppose any efforts to remove former unaccompanied asylum seeking children from the provisions of the Children (Leaving Care) Act 2000

Thank you for the opportunity to feed into the Home Office consultation.

Yours sincerely

The Action on Aftercare Consortium
The National Leaving Care Advisory Service
What Makes the Difference?

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