

**ANGUS COUNCIL**

**CHILDREN AND LEARNING COMMITTEE – 21 SEPTEMBER 2021**

**NATIONAL TRANSFER SCHEME— SECTION 69 OF THE IMMIGRATION ACT 2016**

**REPORT BY KATHRYN LINDSAY DIRECTOR – CHILDREN, FAMILIES AND JUSTICE**

**ABSTRACT**

This report outlines changes to the National Transfer Scheme announced by the UK Government on 10 June 2021 and its possible implications for Scottish Local Authorities. This report is further to [Report No 215/20](#) "Our turn initiative and refugee settlement programmes" which was approved at Angus Council on 10 September 2020.

**1. RECOMMENDATIONS**

It is recommended that Committee:

- (i) Note the national developments impacting on the lives of Unaccompanied Asylum-Seeking Children and the introduction of the revised National Transfer Scheme
- (ii) Agree Angus Council's participation in the National Transfer Scheme as part of a national rota across Scotland
- (iii) Authorise the Director of Children, Families and Justice to write to COSLA to confirm that Angus Council will participate in the National Transfer Scheme
- (iv) Agree the development of targeted supported lodgings provision and other services as required in anticipation of the arrival of UASC to ensure that the needs of children arriving as part of the National Transfer Scheme are met

**2. ALIGNMENT TO THE COUNCIL PLAN**

This report contributes to the following outcomes contained within the Angus Community Plan 2017-2030 and the Tayside Plan for Children, Young People and Families.

- Children are given the best start in life;
- Physical, mental and emotional health and wellbeing is improved;
- There are more opportunities for people to achieve success.
- Our children and young people who experience particular inequalities and disadvantage will achieve health, wellbeing and educational outcomes comparable with all other children and young people.

**3. BACKGROUND**

The National Transfer Scheme (NTS) aims to ensure that Unaccompanied Asylum-Seeking Children (UASC) receive the support and accommodation they need, whilst delivering a fairer and more equitable distribution of responsibility for UASC across the United Kingdom. The previous version of the scheme made significant progress, with 1582 children being transferred via the scheme between 2016 and 31 March 2021. However, since 2018, there have been national operational and systemic challenges, which led to a joint Home Office and Department for Education consultation with local authorities in August 2020 on proposals to improve the scheme. Engagement between the Home Office and Scottish Local Authorities has taken place primarily through COSLA.

Following recent consultation across the United Kingdom, the Home Office launched an updated NTS on 26 July 2021. The revised scheme seeks to make clear with which agency the responsibility for placing an individual referred child lies. It is intended that the rota approach will remove the need for ad-hoc requests to be made of all local authorities to find a placement. Furthermore, for the period that a region (or nation) is not active on the rota, it will be able to plan ahead for a future intake. It is intended that this approach will allow areas to build capacity

and identify potential placements ahead of receiving requests and enable the delivery of timely support to children.

The new scheme has been designed to address key barriers to local authority participation . In Scotland, there is a commitment to take responsibility for the delivery of support for 45 UASC per full cycle.

In terms of the demographic profile of UASC, 93% of are male, 21% are 14-15 years of age and 77% are 16-17 year olds. Current data indicates that most of the young people are from Africa. UASC need access to expert legal advice. Support and expertise in this area of law is currently concentrated in Glasgow. All UASC are also entitled to support from the Scottish Guardianship Service. This is a service funded by the Scottish Government and delivered by a third sector organisation to provide independent advice and support to UASC and trafficked children and young people.

It is important to note that UASC received in Angus have the same status as other children and young people who are looked after. Therefore, if they are accommodated on their 16<sup>th</sup> birthday, they are also eligible for throughcare and aftercare support. The experience of other local authorities shows that UASC tend to have different needs to young people who are looked after and so the type of placement they are likely to need will be different to that of other looked after children and young people.

The Council response must also be compliant with the Children (Scotland) Act 1995, the Adoption and Children (Scotland) Act 2007 and the Children and Young People (Scotland) Act 2014 and associated Regulations. Crucially, the Council's duties to provide both Continuing Care up to the age of 21 years and After Care up to the age of 26 years may mean that support will extend beyond the age of 18 years if the young person is permitted by the Home Office to remain in the UK.

A further challenge may be that if UASC have their application to reside in the UK rejected, they may not necessarily be deported and would have no rights to access public funds which could make them extremely vulnerable and susceptible to exploitation. The local authority thereafter would have responsibilities to consider the appropriateness of offering support under No Recourse to Public Funds arrangements which are currently unbudgeted.

#### **4. CURRENT POSITION**

At the COSLA Leaders meeting on Friday 27 August 2021 it was agreed that Scotland would participate in the NTS with the following agreements:

- i. Participation is on the same weighted basis as the English regions to maintain the underlying principles of proportionality and sustainability;
- ii. Participation is on the basis that Scottish local authorities will only be able to accept young people who are 16 or over, unless by exception;
- iii. Participation at a Scotland level is applied on the same or similar weighted basis to maintain the underlying principles; and
- iv. Scottish participation will commence in October 2021.

The approach agreed by COSLA is to weight the number of placements in line with the percentage of the local child population and numbers of LAC children, this would equate to Angus receiving two young people per cycle. Such a low number of arrivals is considered to have negative impact on the young people who without access to opportunities to share experiences locally, may migrate towards more central regions. Operationally, there are also no benefits of scale in terms of service delivery, expertise, and familiarity with what is a highly complex area of practice.

It has been suggested that offering at least 2-3 places per LA in a cycle every few rounds would be preferable, enabling areas to build up sufficient expertise and resource.

Care services in Angus are under significant pressure to meet the demands arising from our local population. These pressures are experienced across Foster Care, Residential Care and Supported Lodgings. There is limited capacity within the Council's Housing Support Service for young people aged 16 to 24 years. However, experience across the UK has shown that this, together with a supported lodging offer, is often the best option to provide the support required to meet the needs of UASC.

Experience from other councils is that an expansion of Supported Lodgings provision is an effective way of caring for UASC. This view is shared from lessons learned from our Horizon (throughcare and after care) team in their support of UASC's to date. This is the approach we would aim to take locally. Evidence suggests that those who come forward as supported lodgings providers are a different cohort than those wishing to foster or adopt.

The provision of interpreting services, language support, access to appropriate education and training and access to comprehensive health assessment and treatment are all under consideration. Discussions have also begun with neighbouring authorities to consider the potential for closer collaboration.

## **5. PROPOSALS**

The agreement of the new National Transfer Scheme to include Scotland, and including further detail regarding the available resource to support the delivery of care, has brought a requirement for members to further consider and agree a position on whether Angus Council will participate in the NTS to enable the transfer of UASC from entry local authorities struggling to support high numbers of young people. Participation in the transfer scheme continues to be voluntary but may become mandatory if not successful.

It is proposed that members:

- (i) Note the national developments impacting on the lives of Unaccompanied Asylum-Seeking Children and the introduction of the revised National Transfer Scheme
- (ii) Note that the COSLA Leaders meeting agreed Scotland will participate in the National Transfer Scheme
- (iii) Agree Angus Council's participation in the National Transfer Scheme as part of a national rota across Scotland
- (iii) Authorise the Director of Children, Families and Justice to write to COSLA to confirm that Angus Council will participate in the National Transfer Scheme
- (iv) Agree the development of targeted supported lodgings provision and other services as required in anticipation of the arrival of UASC to ensure that the needs of children arriving as part of the National Transfer Scheme are met

## **6. FINANCIAL IMPLICATIONS**

The level of funding provided to local authorities by the Home Office will be drawn down per individual young person and is intended to cover the cost of that young person living in a Housing Support Service or within their own tenancy. It incorporates a level of funding for their daily living. There is a risk with this type of funding arrangement that income ceases either when the young person reaches the end of their asylum application and appeal process and is therefore "appeals right exhausted", or when they reach their 26<sup>th</sup> birthday and so the end of the care journey. Once the young people become "appeal rights exhausted" funding from the Home Office will cease. If they are not deported, they may no longer have recourse to public funds and be at risk of exploitation and potentially the council having to provide financially for them. If this does occur we would need to reconsider the nature of the costs and how to fund it.

It is not possible to determine with accuracy the cost of providing placements to individual children and young people arriving under the NTS. As part of the review of the Scheme, the Home Office increased the care leaver tariff from £240 per week to £270 representing a 12.5% increase. This is accompanied by a higher UASC daily rate of £143 to 'follow the child' upon transfer to a new local authority. Payments are made in relation to specific individual children. In addition, there is a modest 'exceptional cases fund' of £3m, to support local authorities facing particularly high costs for individual children. Overall, this represents an improved package of funding support, but it remains a fluctuating and short-term method of income for services which will need to be put in place pre-emptively and maintained on a "just in case" basis.

Our plan is to increase our supported lodgings provision capacity by recruiting additional members of the public as humanitarian supported lodgings providers. We will use existing resources to target recruitment for UASC specifically. Thereafter when the providers have UASC in placement, costs will be met from the home office funding.

Support for UASC requires a whole council, multi-agency approach, which will be led by the team at Horizon. Considering the above, it is anticipated this will be managed through Children,

Families and Justice existing revenue budget. However, we shall require to monitor and review our approach, as should demand increase we may need to consider how we better align available funding across service directorates to best support the needs of UASC.

## **7. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment has been carried out and is attached.

**NOTE:** No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices: N/A



Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

**Step 1**

**Name of Proposal - NATIONAL TRANSFER SCHEME (NTS) — SECTION 69 OF THE IMMIGRATION ACT 2016**

**Step 2**

Is this only a **screening** Equality Impact Assessment No

**(A)** If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people Yes/No

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics  
Yes/No

(iii) It is for information only Yes/No

(iv) It is reflective e.g. of budget spend over a financial year Yes/No

(v) It is technical Yes/No

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

**(B)** If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment Yes

Is this a Fairer Scotland Duty Assessment No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

### Step 3

(i) Lead Directorate/Service: Children, Families and Justice

(ii) Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

Immigration Act 2016 Children Scotland Act 2011

(iii) What is the aim of the proposal? Please give full details.

Outline the national developments impacting on the lives of Unaccompanied Asylum Seeking Children and the introduction of the revised National Transfer Scheme and to agree Angus Council's participation in the National Transfer Scheme as part of a national rota across Scotland.

(iv) Is it a new proposal? Yes Please indicate OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? No Please indicate

It is to consider a new proposal in respect of the around the National

### Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees	No
Job Applicants	No
Service users	Yes
Members of the public	Yes

### Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

**Internal data** (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

Social work data on Looked after child and use of resources

Experience of previous UASC is that not suitable to live independently or in mixed accommodation  
Challenges of UASC integrating into local community as cultural needs were hard to meet – e.g. no mosques in Angus or sources of Halal meat

**Internal consultation** (e.g. with staff, trade unions and any other services affected).

Housing Service, Horizons Team

**External data** (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

Information from Home Office on numbers of UASC

**External consultation** (e.g. partner organisations, national organisations, community groups, other councils).

Home Office

COSLA  
Neighbouring Local authorities

**Other** (general information as appropriate).

**Step 6: Evidence Gaps.**

Are there any gaps in the equality information you currently hold? No

**Step 7: Are there potential differential impacts on protected characteristic groups?** Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

**Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.**

Age - **Impact** - Positive – as this is aimed at 16 plus UASC

Disability – **Impact** - Positive – proposal applies to UASC with disabilities

Gender reassignment – **Impact** - Neutral

Marriage and Civil Partnership – **Impact** - Neutral

Pregnancy/Maternity – **Impact** - Neutral

Race (includes Gypsy Travellers) – **Impact** - Positive – focus on UASC joining Scotland from other countries

Religion or Belief – **Impact** – Negative – focus on UASC from other nations/ religious backgrounds/beliefs

Sex – **Impact** - Neutral but data suggests that UASC are much more likely to be male

Sexual orientation – **Impact** - Neutral

**Step 8: Consultation with any of the groups potentially affected**

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

Feedback was provided from previous UASC and from other councils who have had a number of UASC. This is the reason why we wish to develop our supported lodgings provision as opposed to place in own accommodation on arrival.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

**Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?**

Our plan is to increase our supported lodgings provision capacity by recruiting additional members of the public as humanitarian supported lodgings providers in order to help UASC connect with adults in the community that they will live in. UASC will be supported to connect with Mosques in neighbouring local authorities if they wish and access halal meat via online shopping or in neighbouring local authorities.

**Step 10: If a potentially negative impact has been identified, please state below the justification.**

N/A

**Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to:** eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

The proposal outlines a scheme that will help and support vulnerable UASC and they will be given the status of Looked after children and the relevant support and assistance. This scheme will advance opportunity for UASC and foster good relations between the indigenous population and their country of origin.

**Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?**

NO

**Step 13: FAIRER SCOTLAND DUTY**

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

NA

**Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?**

NA

**Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?**

Yes with the committee report

**Step 16: Sign off and Authorisation.** Please state name, post, and date for each:

Prepared by: Eunice McLennan, Service Leader, 21/08/21

Reviewed by: Doreen Phillips, Equalities Officer – 3/9/21

Approved by: Kathryn Lindsay, Director Children, Families and Justice 30.8.21

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.

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