



Home Office

Kevin Foster MP
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Sent by email
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Directors of Children's Services, Chief Executives, and Council Leaders,

Formal notice to direct your local authority to comply with the National Transfer Scheme (NTS) under Section 72(5) of the Immigration Act 2016

Following my letter of 23 November, I am writing again on behalf of the Secretary of State to confirm the Government is now directing your local authority to participate in the NTS from the date of this letter. This is pursuant to those powers set out under Section 72(3) of the Immigration Act 2016 (the 2016 Act) providing for the Home Secretary to direct local authorities to comply with the scheme. As stated in the notice letter of 23 November, the 2016 Act provisions were extended in 2018 to Wales, Scotland, and Northern Ireland.

I would like to express my gratitude for the support from many local authorities throughout the UK who have stepped up and provided crucial placements to vulnerable young asylum-seekers, including those who have done so since my previous letter. The Home Secretary shares my appreciation. It remains critical the NTS works effectively, ends the use of hotels for unaccompanied asylum-seeking children (UASC) as soon as possible, and ensures all children are transferred promptly to local authorities to be cared for under the relevant legislation.

Most local authorities did not make any representations in response to my letter of legal notice, while some provided positive responses about the new approach to the NTS which were very welcome. However, for the small number of local authorities who did make representations seeking an exemption from the NTS, or other complex representations, we continue to consider these and will be in contact with those local authorities in due course, once final decisions have been made. This period of consideration is not an indication of any decision as to whether these local authorities will be directed to participate with the NTS, or not.

What happens next?

From today my officials will begin referring young people for placements to local authorities receiving this letter legally directing their participation in the NTS. Young people who have already been referred under the NTS voluntary scheme, but who have not yet transferred, will not be re-referred but will be treated as referrals under the directed scheme.

As far as possible we propose to direct the transfer of children to their new local authorities within the operational framework established for the voluntary rota introduced in July. A new version of the protocol will be published alongside the first mandated transfers, although those local authorities who already participate in the NTS will see us continue to use familiar practices.

If your local authority is new to the NTS I recommend you engage directly with your regional Strategic Migration Partnership structure to gain a clear understanding of best practice on NTS transfers.

There continues to remain a significant number of UASC awaiting permanent placements with local authorities. These young people must be our priority. All local authorities receiving this letter can expect to receive referrals of children from this group in accordance with the allocation previously indicated.

When will final allocations be confirmed?

Modelling was undertaken to determine an effective mandatory scheme within the change plan framework already established for each region or devolved nation's allocation under the new NTS. In line with the principles of the national voluntary rota, the child population in each local authority, along with pressures relating to their child services and supported asylum populations have been taken into account to determine the proposed allocations for each local authority under the next four cycles of the rota. This approach supports our shared ambition of achieving a fair and equitable distribution of UASC across the UK.

Your local authority received an indicative number of transfers from the next 652 referrals into the NTS, and initial transfers will take place against this allocation, with any transfers completed since 23 November taken into account. However, once all the representations have been fully considered, and the most recent data has been considered, final allocations will be refreshed and any changes will be communicated.

The exact numbers of children to be allocated to your local authority over the course of the mandatory scheme will be dependent on numbers of UASC arriving in the UK and the length of time a mandatory scheme remains in place.

Local operational arrangements

I am aware some regions and nations of the UK are keen to consider making local arrangements which reflect existing ways of working. Any such arrangements must ensure local authorities directed to participate in the NTS are ultimately responsible for ensuring children are placed as directed. It cannot result in exemptions except where the Home Office has already considered a local authority exempt.

However, I recognise within a region or nation, local authorities may wish to make local arrangements about how they can work together to meet the overall allocation for their region or nation. Home Office officials are happy to discuss this with any region or nation, on the basis any local operational arrangements operate as part of the national framework in which all directed local authorities formally participate, even if local authorities agree between themselves to share allocations provided by the Home Office in a different way between them.

Funding arrangements

In June of this year, the Home Office announced changes to the additional funding provided to those local authorities supporting UASC and former UASC care leavers.

Local authorities supporting the greatest number of UASC relative to their child population continue to receive the higher rate of £143 per child per night for each UASC. This higher rate applies to local authorities supporting UASC totalling 0.07% or greater of their general child population.

All other local authorities will continue to receive £114 per person per night for each UASC in their care.

However, any local authority accepting responsibility for a UASC from another local authority via the NTS will receive the higher rate of £143 per child per night for each child.

The Home Office further increased the rate for all former UASC care leavers from £240 per person per week to £270 per person per week and will apply to each eligible former UASC care leaver. This represents an increase of 12.5% and follows a significant uplift in funding in June 2020.

The Home Office, the Department for Education and the Department for Levelling Up, Housing and Communities will consider further the feedback from local authorities during the representations process on funding provision, alongside other issues including how the threshold of 0.07% of child population is set, the speed of registration of non-port cases and age dispute cases in dispersal hotels and how they are treated with respect to the NTS.

I look forward to continuing to work with you and colleagues across government to ensure the NTS achieves our shared aims of ensuring vulnerable children are provided with crucial care placements and local authority support, where all local authorities with children's services play their part in this important national responsibility.

The duration of the mandatory scheme will be dictated by a range of factors including intake levels, how long it takes to end the use of hotels and being able to return to a voluntary NTS which works effectively and sustainably. We will therefore keep the operation of the mandatory scheme under review.

With my very best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a flourish at the end.

Kevin Foster MP
Minister for Safe and Legal Migration