

**ANGUS COUNCIL**

**CHILDREN AND LEARNING COMMITTEE – 11 JANUARY 2022**

**NATIONAL TRANSFER SCHEME – UNACCOMPANIED ASYLUM-SEEKING CHILDREN**

**1. BACKGROUND**

Report 303/21 outlined the background relating to the development of a National Transfer Scheme for unaccompanied asylum-seeking children and young people (UASC). The report indicated that the scheme was introduced on a voluntary basis in June 2021. The Children and Learning Committee approved participation in the scheme on a voluntary basis.

Following assessment by the Home Office that the voluntary scheme could no longer respond to the scale of intake into the asylum system, all local authorities in the United Kingdom were issued with a formal notice to direct the local authority to participate by the Minister for Safe and Legal Migration.

Following a period of notice, a further letter was received from the Minister on 14 December 2021 confirming that participation in the National Transfer Scheme by Angus Council has become mandatory (see Appendix 1).

**2. SIGNIFICANT INFORMATION**

The effect of the Direction in respect of a particular UASC is to remove the legal responsibilities of the transferring local authority in respect of the Children Act 1989 (in England) or the corresponding legislation elsewhere in the United Kingdom (which in Scotland means Part II of the Children (Scotland) Act 1995 and related legislation) and place these legal responsibilities with the receiving local authority (Angus Council).

What this means is that when Angus Council receive an UASC under a direction, then we become legally responsible for the exercise of functions in respect of that child under Part II of the Children (Scotland) Act 1995 and related legislation. To all intents and purposes the child is to be treated no differently than any other child resident in Angus and to whom we are required to exercise functions in respect of.

The Children, Families and Justice Directorate will continue to exercise the Council's functions under the Children (Scotland) Act 1995 to ensure that the needs of UASC who move to Angus are met.

The financial implications remain unchanged at this time.

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List of Appendices: Copy of letter of Direction 14 December 2021