

**Welsh Local Government Association
National Transfer Scheme consultation questionnaire response**

1.What is your feedback on the proposal outlined at Annex A?

About the Welsh Local Government Association (WLGA)

The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members. The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA also appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government. The WLGA works closely with and is often advised by professional advisors and professional associations from local government, including the Association of Directors of Social Services in Wales (ADSSC), however, the WLGA is the representative body for local government and provides the collective, political voice of local government in Wales. The WLGA also hosts the Wales Strategic Migration Partnership.

Summary of views

The WLGA supports the concept of a National Transfer Scheme for UASC, to reduce significant pressures on some local authorities where the number of UASC are highly disproportionate to other areas. However, there remain issues and concerns about whether and how this Scheme can be successfully delivered across all parts of the UK, particularly as some local authority areas, including many in Wales, who have little or no experience of working with or caring for UASC. There is also a question as to whether such a Scheme can always operate with the best interests of the child at its heart, for example, in terms of ensuring that a placement is the most appropriate for that individual child or young person.

The WLGA remains concerned that the costs of care for UASC are not reimbursed by the Home Office and believes this is a significant barrier for voluntary participation in the NTS. Local government has experienced significant cuts in its budget over the past decade of austerity and in the last year, over half of Welsh Children's Services departments overspent on their budgets. This reflects the increasing demands and pressures being experienced by Children's Services, with a significant cost pressure being specialised placements for children with complex needs. As such, the care of UASC becomes an additional financial pressure for local authorities. In addition to paying for the care of the child, there are additional expenses incurred by a local authority including access to interpretation; legal advice on their asylum claim; and the social work support that is required. While we acknowledge that funding for UASC, including for care leavers, has increased over the recent period, we believe that full cost recovery is necessary.

The proposal set out in Annex A is clear (apart from the weightings – please see below) and is helpful in better understanding how the NTS rota system could work and also in helping the nation (in our case, Wales) in planning for when accommodation may need to be identified for UASC. The high-level process flowchart is also helpful in understanding the roles and responsibilities of the entry and receiving authorities and while much more detail is available on this process, the flowchart is an easy to understand guide.

2a. It remains our clear preference that participation in the NTS is on a voluntary basis. How likely is it that your local authority would participate in a rota based NTS as outlined at Annex A?

The WLGA fully support maintaining the National Transfer Scheme on a voluntary basis.

The proposed rota system allows for flexibility within the region/nation while providing better forecasting information that will aid the planning and commissioning of appropriate placements. In encouraging voluntary participation in the NTS, along with WSMP, WLGA has been working closely with Heads of Children's Services in Wales to discuss ways in which a model, based on a rota system, could operate.

There are however a range of considerations to address in supporting all local authorities to participate in the scheme voluntarily. While many Welsh authorities have a strong track record in supporting UASC (some even with low numbers), some authorities have little or no (recent) experience and as such, do not have the knowledge or experienced staff to take on such additional responsibilities, and do not have the resources to build up the support mechanisms that would be needed in supporting UASC, for example, some of these authorities are in areas with very low numbers of diverse people locally so any specific language, religious and cultural needs may not easily be met.

2b. If unlikely, please explain why not and what barriers to participation remain.

The clear majority of local authorities we have engaged with fully recognise and support the international obligations that rest on the UK and legal duties on individual local authorities in caring for children and young people who arrive in the UK and claim asylum and who have no parent or responsible adult to look after them. These are some of the most vulnerable children in our communities, many have experienced traumatic events, both in their home countries and during the journey to the UK, and in some cases specialised support is required to address both physical illness and mental ill health.

However, a number of authorities have concerns about their capacity and capability to voluntarily take on additional responsibilities for the care of UASC, particularly where there has been no relevant experience over recent years and this can be particularly relevant for rural authorities. Many of these concerns and barriers to participation have been

highlighted in previous consultation responses on the NTS and in ongoing discussions with Home Office officials but can be summarised as follows (this is not an exhaustive list):

- Lack of full cost recovery for costs associated with caring for UASC
- Severe lack of available placements - securing placements is a significant concern as existing placements are under severe pressure, plus there is a lack of suitably trained foster carers
- Limited or lack of appropriate knowledge and experience of social workers and other staff in caring for UASC in some authorities, including lack of knowledge of age assessment process and the need to develop new systems and processes to support UASC (translation and interpretation; access to legal advice) at a time of increasing demand and pressure on existing services, budgets and caseloads
- The risk of children who run away or go missing due to unhappiness of location of placement – this can result in the children being at increased risk of exploitation and impacts on public services (including the police) in tracing and returning the child
- Loneliness and isolation of UASC when placed in areas with very small BAME communities and lack of opportunities for child to engage in appropriate religious and cultural activities
- Ensuring the best interests of the child or young person are protected in any transfer that takes place and that the rights of the child are safeguarded
- The complexity and implications of the age assessment process and the immigration legal system and legislation covering UASC and their claim for asylum
- Securing the active support and involvement of other support services, such as schools and education including ESOL and language support, health (including mental health services), youth workers etc when there is no additional funding available. This will start to become more of an issue as numbers of UASC in an area may increase
- Greater exit planning with and for UASC in the care system, whether at 18 or 25 (as a care leaver in Wales) to aid transition and minimise risk of negative outcomes.

3. Should efforts to increase participation on a voluntary basis fail, it may be necessary to exercise the provisions of the Immigration Act 2016 to mandate transfers under the NTS. This could operate either as a permanent replacement to the voluntary NTS as the primary mechanism for transfers or deployed only when required by exceptional circumstances. While a mandatory scheme is not our preference, we would be grateful for your views on a potential mandatory approach to transfers if participation in the voluntary scheme does not achieve a more equal distribution of UASC?

While the WLGA would wish to better understand how any proposed mandatory system for UASC would operate in practice, we would find it difficult, and indeed unlikely to support the option of mandating transfers of UASC under the NTS.

While it is recognised that participation on a voluntary basis has not always provided the number of placements needed through the NTS, we do not believe that mandation is the

appropriate response. Any move to mandation should be the last and final option after all other options to make the NTS work have failed. This is not currently the case and the focus should be on making the rota system work. There are other key issues that need to be addressed first in making the NTS and any rota system work as effectively as possible, with the clear aim of all (or at least the clear majority of) authorities participating voluntarily as the issues and concerns have been worked through, in partnership and resolved. Many of these issues are highlighted above, some of which are fundamental to gaining the level of engagement and voluntary involvement of authorities needed to make the NTS effective. Moving to a mandated system without addressing these issues would also be ineffective.

In a Welsh context, it is crucial that the Welsh Government and Home Office work together closely on this agenda as often the wider legislative and policy contexts covering looked after children in Wales are different to other parts of the UK. These nuances of difference need to be fully understood and addressed as a matter of course in all elements of the NTS. The different legislation and entitlement for care leavers is one area where the additional responsibilities of Welsh authorities under Welsh legislation are not taken fully into account by the Home Office in how long funding for care leavers is provided, potentially putting Welsh authorities at a financial disadvantage. Such anomalies need to be identified, acknowledged and addressed to ensure there is a fair and even playing field for all participating authorities across the UK.

The WLGA also understand that should the Home Office decide to pursue mandated transfers, the legislative consent of the Senedd would be required.

4. The threshold at which a Local Authority can make referrals to the NTS is currently reached when it is supporting UASC at, or above, 0.07% of their general child population. This threshold is also used to determine the rate for additional Home Office funding to Local Authorities for UASC in their care.

What are your views on the current threshold? For example, should the 0.07% also include the number of former UASC care leavers within a local authority or be adjusted in some other way?

Councils (and partners) need a shared understanding of how the 0.07% threshold was set and whether it remains the right ratio to use moving forward. For example, the majority of arrivals are in the 16/17 age group so how is this reflected in how the ratio is set (as opposed to comparison across all age ranges of children)? Given the age range of those arriving, councils are also seeing increased demand for support for those leaving care. Weighting for care leavers should be included in the current threshold to recognise this additional pressure.

We also think there should be further discussion on whether and how the existing number of Looked after Children in an authority could be factored into any agreed ratio or rota

system. Unfortunately, the UK comparison reflects that Wales as a whole has a higher number of Looked After Children than other parts of the UK, which means increased pressure on the care system, impacting on social worker capacity and caseloads, as well as on the availability and suitability of placements for children and young people and the financial budgets for Children's Services. Welsh Government have also sought 'targets' from each authority on how they can reduce the number of Looked after Children in their care. While it has been agreed that the number of UASC will not be included as part of this work, it should be recognised that this is another pressure on Children's Services and runs contrary to voluntarily accepting more UASC into their care. Welsh Government, given its devolved responsibility for Children's Services (and other related services such as health), will also need to maintain a strategic oversight of how the NTS is impacting on services in Wales.

While this threshold is used to provide a higher rate of funding for some UASC in the care of an authority where there are more children than 0.07%, the WLGA believes that funding for all UASC should be significantly increased so that the costs incurred by authorities in caring for UASC are met by the Home Office. Financial considerations are crucial issues for authorities, especially given the many years of austerity, concomitant cuts to local authority budgets and many Children's Services budget overspends in the past financial year due to other increasing pressures.

While we support the concept of weighting the rota to take count of wider asylum pressures in an area and appreciate the methodology for making such weightings has been shared to aid understanding, the methodology is extremely complex and not at all easy to understand, including how this impacts on numbers across a region/nation, especially when not all authorities have the same pressures. As such, if such a weighting is to be used, the methodology must be clearer so that it is well understood. It would also be helpful to have a better understanding on whether such weighting impacts across a region or on an individual local authority (where not all authorities participate in asylum dispersal).

5. Who do you think is best placed to run a voluntary rota based NTS? The Home Office (as now) or someone else? Please give details.

We are supportive of the Home Office running the NTS on a voluntary UK wide basis but believe how it operates in practice in terms of any rota should be agreed at the national/regional level, with the support and facilitation through the SMPs. However, it is important that Welsh Government is involved in all discussions on the NTS given that Children's Services are a devolved function and they need to maintain an oversight on how the NTS is impacting in Wales. It is also important that professional social work expertise and input is maintained in developing detailed operational arrangements for the NTS, ensuring that the best interests of the child and safeguarding are maintained as the core underpinning principles.

6. Do you have any other suggestions on how the NTS could be improved?

It should be recognised that the development and refinement of the NTS is being undertaken jointly with local authority representatives and this level of engagement is welcomed and should be maintained.

The increased levels of funding are also welcomed but are not sufficient.

There are a number of challenges in ensuring a rota system works effectively across all regions/nations and ongoing communications, support and mutual understanding of the barriers and challenges being faced will be required between the Home Office and local authorities as we seek solutions.

There is a need for improved access to information and data, including in terms of the information on the child or young person to be transferred. Data across the system also needs to be shared on a regular basis, including the analysis of the rota system (as per Annex A) and the weightings. Improved information on 'out of county' placements would also be helpful to better understand how such placements might affect the operation of the NTS

More opportunities to facilitate shared learning and knowledge across local authorities, including specific support for those with less experience or operating in rural areas. With appropriate resource, this is an area where UASC Coordinators can add value to their current important roles.

There are many issues and concerns with the current complex age assessment process that need to be addressed and improved as a matter of urgency with the aim of reducing legal challenges. There is also a need for specialist support for social workers who undertake age assessments, including those with limited or no experience

Quicker and high quality decision-making on asylum claim for UASCs, reducing pressure and tension uncertainty places on someone and enabling earlier and better planning on future options

More opportunities for the voice of UASC to be heard in how the NTS develops and operates – what are the mechanisms for engaging with UASC in how best their needs can be met, opportunities for focus groups?

While the Home Office engages across government in promoting the needs of UASC, this can miss engagement with relevant devolved departments such as health and education. Cross government approaches to the care and support of UASC is needed and better

engagement with and across Welsh Government is needed. This also includes fairness in funding opportunities across all nations.

**Please return your completed questionnaire to
NTSconsultation@homeoffice.gov.uk by 30 September**