

**UNACCOMPANIED ASYLUM SEEKING YOUNG PEOPLE IN ARGYLL AND BUTE**

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**1.0 INTRODUCTION**

- 1.1 In 2016 the Home Office established, in legislation, a National Transfer Scheme (NTS) to ensure the effective resettlement of Unaccompanied Asylum Seeking Children / young people (UASC) arriving in the UK. This covers any young person arriving in the UK who is or who claims to be under the age of 18 years old seeking asylum. Through the scheme UASC could be transferred from the local authority which was their original point of entry to the UK to any other local authority. Initially this was done on a voluntary basis with local authorities offering to care for children when they could. The vast majority of arrivals came across the English Channel and arrived in Kent.
- 1.2 The flow of arrivals in Kent was overwhelming and the number being transferred through the NTS was not deemed to be sufficient. As a result the transfer scheme was made mandatory in November 2021, with the Home Office able to require local authorities to take transfers. A rota is operated in Scotland by CoSLA and a Home Office cap is in place on the number of children transferred to any Local Authority.
- 1.3 No local authority is currently required to take transfers where they have an under 18 years' asylum seeking population of more than 0.1% of their total child population, as per mid 2022 ONS population estimate. This cap is 14 children for Argyll and Bute. This was increased from 0.07% last year when a number of areas were approaching the cap. It would not be unexpected if the cap were to be raised if the numbers of UASC arrivals in Kent continues to rise.
- 1.4 It should be noted that the number of arrivals in Kent is not consistent. Fluctuations appear to be as much to do with the weather and sea conditions in the English Channel as anything else. The nationalities arriving also changes due to war, conflict and natural disasters which creates significant challenges for small local authorities like Argyll and Bute in considering the ethnic mix and in very practical aspects such as sourcing interpretation services.
- 1.5 If a young person is received into our care prior to the age of 18 years they are deemed to have a right under Scottish child care law to through care and after care up to their 26<sup>th</sup> birthday.

- 1.6 This report provides elected members with an update on the support provided in Argyll and Bute for the Unaccompanied Asylum Seeking Children / young people (UASC) who arrive through the National Transfer Scheme (NTS) following an internal review of the programme in autumn 2023. At time of writing this report we are responsible for fourteen UASC under the age of 18 and eight over 18.

## **2.0 RECOMMENDATIONS**

It is recommended that the Community Services Committee:

- 2.1 Endorse the support provided for UASC arriving in Argyll and Bute and note the challenges that the National Transfer Scheme and the associated funding model bring to the authority.
- 2.2 Request an annual review of UASC support is prepared for the Corporate Parenting Board.

## **3.0 DETAIL**

- 3.1 All children and young people transferred through the National Transfer Scheme (NTS) become the responsibility of the receiving local authority, come into care and have the same legal rights as all other care experienced children. The Home Office provide funding which is adequate for those children under the age of 18 years, however for anyone staying with us beyond 18 years old the funding is less resulting in a potential cost pressure. The issue of funding is unique to Scotland due to differing legislation and has been raised in numerous national forums. All children transferring from English local authorities to Scottish local authorities are covered by Scottish laws.
- 3.2 When the NTS scheme first began we accommodated Unaccompanied Asylum Seeking Children / young people (UASC) within our care resources managed by social work. The process was for a NTS referral to go into one of our Children's Houses for a short period of assessment before considering more appropriate accommodation. A number of our UASC subsequently moved on to student accommodation as they entered tertiary education. Argyll and Bute Social Work retain responsibility no matter where the young people move in the UK and we support UASC living in London, Nottingham, Birmingham and Glasgow.
- 3.3 Following a review of the outcomes for UASC in Argyll and Bute a new model of support was developed in Autumn 2023 which has seen the support for UASC over the age of 16 transfer from the Social Work Throughcare team to the Resettlement team and a new Resettlement Throughcare pathway be developed.
- 3.4 We have thus far transitioned five of our existing UASC on to the new pathway and all six UASC who have arrived in 2024 are being supported under our new pathway. Plans are in place to transition all over 16 year old UASC to the new model, though timescales for this cannot be confirmed as it is dependent on the availability of suitable accommodation.
- 3.5 Under our new Resettlement Throughcare pathway model and the associated support those under 16 continue to be accommodated in childrens houses or foster care. For those over 16 they move directly into leased properties where they will be supported to live independently and are taught life skills. The new model of support and our new pathway borrows heavily from the experience of resettling refugees in Argyll and Bute

whilst maintaining our legislative and Care Inspectorate requirements. There are skills, knowledge and experience within the resettlement team along with comprehensive, and for some of the team the lived experiences of arriving in Argyll and Bute from a different culture, speaking a different language and practicing a different religion.

- 3.6 The resettlement team has a good understanding of the push and pull factors that bring UASC to the UK, travelling alone on very perilous journeys where they are subjected to trafficking, abuse and arrive bewildered and confused with very little in the way of possessions.
- 3.7 Capacity in the resettlement team has been increased and a small team of UASC support workers recruited who provide the day to day support for our young people. Two of this team are bilingual and have experience of immigration processes and our own refugee programme. In developing our pathways and building capacity we also arranged training sessions from International Organisation of Migration. All of our practice is trauma informed.
- 3.8 Our new pathway promotes the development of life skills and teaches independence from day of arrival. UASC are generally very resilient and capable of living independent lives, having travelled to the UK alone. We have secured tenancies for properties, thus far in Rothesay and Helensburgh and up to two young people share a house. Learning life skills, budgeting and integrating into their community are important foundations of the new pathway.
- 3.9 For our newly arrived UASC in Rothesay they have been supported by the wider and very settled refugee community who welcomed them from day 1 and include the UASC in all community events and activities. Joining a resettled community has enabled our UASC to follow the same pathways as many of our refugees' i.e attending school. Our refugees mentor our UASC and there are similar age young people to befriend with shared language, common culture and interests. Our resettled refugee community also provide really good role models. We are continuing to explore more opportunities to accommodate UASC in Rothesay and benefit from the community and established multi agency partnership working for refugees.
- 3.10 All of our UASC are supported to learn English by attending ESOL classes, enrolled in college or school. They are also supported to apply for NEC (Young Scot Card) to allow for free bus travel and discounted rail fares, The young people will be supported to familiarise themselves with travel routes so they can then travel independently.
- 3.11 On arrival of a UASC we make a referral to Guardianship Scotland and each young person will be allocated a guardian. The guardian then acts as an advocate for the young person and, most importantly, supports them with the asylum application process including sourcing lawyers.
- 3.12 It is worthy of note that even if a UASC's asylum application is refused they will remain the responsibility of the local authority until at least their 18<sup>th</sup> birthday or beyond. Three of our UASC have had their applications refused however all are in an appeal period. Young people who remain based in Scotland have recourse to legal aid to support their appeal. Young people who move to England do not have access to legal aid. It is not clear whether there is any responsibility placed on the local authority to support the costs of appeal outside Scotland. This is being investigated.
- 3.13 UASC are supported financially through a weekly allowance and are also given money for fares, clothing and trips, from their allowance they are expected to budget for food and

energy costs. This support is provided by the local authority and is drawn from the funding received from the Home Office. Young people are encouraged to learn skills they will need to live independently. This includes budgeting and they will also be supported to open up bank accounts and are shown how to use these. The young people are encouraged to exercise and join local clubs such as football and boxing. They are given a sports centre membership which also allows them to access swimming facilities and the gym.

- 3.14 When young people arrive they are registered with the GP, dentist and opticians and are supported to make and attend these appointments. They will also have input from the specialist nurse for care experienced children and young people. UASC often suffer from poor mental health and referrals are made to the care experienced CAMHS team.
- 3.15 In addition to the eleven UASC supported by Resettlement in our new pathway, there are four UASC under 18 and seven UASC over 18 who continue to be supported by Social Work's Throughcare and Aftercare Team (TCAC). The under 18s will transition over to the new resettlement pathway as suitable accommodation becomes available, two have recently begun this process. The over 18s will continue to receive light touch support, as many now have refugee status, from Throughcare until their 26th birthday.
- 3.16 The TCAC UASC's receive the same support as all aftercare young people. Young people are given advice and guidance in line with the Scottish Care Leave Covenant and Children and Young People's (Scotland) Act 2014, Children (Scotland) Act 1995.
- 3.17 All young people age 16-18 have an allocated social worker who has responsibility for assessing needs and progressing each young person's pathway plan. As indicated within the resettlement pathway UASC will have regular resettlement reviews co-chaired by TCAC and the Resettlement team. All UASC young people have regular access to their allocated social worker, visiting frequency is established on the needs of the individual young people.
- 3.18 Both social workers in the TCAC have undertaken Age Assessment Training and are responsible for undertaking an age assessment for young people coming to Argyll and Bute whose age is disputed. UASC may claim to be under the age of 18, on arrival in the UK, however it is very difficult to determine actual age. Most UASC arrive without any documentation such as birth certificates, passports etc.
- 3.19 For any UASC arriving into our care under 16 years of age, they are supported by social work as per the relevant legislation and would be allocated a social worker within the Children and Families team. Under 16s will be supported in childrens' residential house or, if places are available, foster care. We currently have one under 16 year old UASC in our residential house.
- 3.20 When a young UASC arrives at our residential house they will arrange an interpreter on the phone to welcome them to the house, reassure them they are safe, and find out a bit about them including any concerns they may have. Religious and cultural beliefs are respected and the house staff will purchase any religious items they require as well as providing food in line with dietary requirements. Young people will be supported to attend their place of worship if they wish and will be helped to observe and celebrate religious holidays. As well as respecting their own cultural traditions, they are invited to understand and join in with Scottish traditions and celebrations too.
- 3.21 UASC in residential houses will follow the same processes in regards to review meetings and plans. They will have an initial meeting within 72 hours where everyone involved with

the young person will come together and make a plan for the young person. The young person is included in this and will be able to have their views included through an interpreter. An interpreter is always provided for meetings, important appointments and also used frequently for other discussions.

## **4.0 CONCLUSION**

- 4.1 The NTS is a mandatory scheme which all local authorities in the UK must take part in. It places a burden on Social Work which has at times been challenging to manage. With no control over pace and dates of referrals having to scale up and provide accommodation has been difficult leading to us having to delay the arrival date for some of our referrals. Moving into our new model where UASC arrive directly into supported accommodation has eased this burden somewhat and will help Social Work meet NTS requirements. This offers a better model of support as UASC having travelled to the UK, in the most part, are very resilient and capable of living independent lives. The new model is deemed a success with young people feeling welcomed into Argyll and Bute.
- 4.2 We will continue to engage with our RSL partners to identify and lease suitable accommodation where we have existing refugee communities most notably Helensburgh and Rothesay and aim to transition all under 18 UASC into our new Resettlement Throughcare pathway. All new arrivals through the NTS aged over 16 will be supported under this pathway.
- 4.3 UASC support will continue as per our new pathway which we will monitor closely. Experience and knowledge continues to grow in Social work and Resettlement Services as does the involvement of our partner agencies. Guardianship Scotland provide support with the asylum process and assist our UASC with accessing specialist legal advice. The Guardianship service also arranges events which bring UASC across local authorities together and are an invaluable source of advice and support.
- 4.4 Within Argyll and Bute we have been able to include our UASC in many of the events organised for refugees including day trips and activity weeks. Many of our UASC are volunteering. We have also been able to link up UASC with similar language and ethnicity in different areas and arrange for them to spend time together. We have arranged specialist English classes and actively encourage sport and promote a healthy lifestyle.
- 4.5 Our UASC are all individual and we promote and support their individuality and establish an environment of mutual respect, kindness and a deep understanding of the traumas they have been through. We support maintaining contact with family in their country or origin when it is possible to do so, however this is not always easy where countries are in conflict.
- 4.6 We are up front and honest with our UASC and whilst we acknowledge that while making that very difficult journey to the UK all alone, that it was not the towns of Argyll and Bute that they were dreaming of, we are all deeply committed whilst our UASC are with us to provide the best possible support and teach the skills to rebuild a life in the UK, should their asylum claim be granted.

## **5.0 IMPLICATIONS**

- 5.1 Policy No policy implications
- 5.2 Financial Funding is provided by the Home Office. Financial support received for UASC over 18 who are entitled to support in Scotland until their 26 birthday.
- 5.3 Legal UASC are supported under section 25 of the Children (Scotland) Act and the Children and Young People's (Scotland) Act 2014
- 5.4 HR No HR implications
- 5.5 Fairer Scotland Duty:
  - 5.5.1 Equalities - protected characteristics In supporting UASC we ensure we meet their cultural and ethnic needs
  - 5.5.2 Socio-economic Duty No implications
  - 5.5.3 Islands No implications
- 5.6 Climate Change No climate change implications
- 5.7 Risk The local authority has no control over the rota and pace of arrivals through the NTS nor the age, ethnicity and needs of the UASC. This poses a considerable risk in ensuring we have the correct support in place at very short notice.
- 5.8 Customer Service No implications
- 5.9 The Rights of the Child (UNCRC) This paper relates directly to addressing our responsibilities under UNCRC Article 22 (refugee children) If a child is seeking refuge or has refugee status, governments must provide them with appropriate protection and assistance to help them enjoy all the rights in the Convention. Governments must help refugee children who are separated from their parents to be reunited with them. As this paper directly relates to the provision for children and young people, the UNCRC underpinning articles (2, 3,6 & 12) have been considered. A number of other articles are highly relevant: Articles 2, 3, 6, 12, 20, 22, 25, 27, 29, 30, 31, 35, 36, 37, 38, 39 42. Statutory duties require us to report to children and young people on all matters that affect them. An UNCRC Impact Assessment will be included in the forthcoming review of our UASC support.

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