Committee: Cabinet

Date of meeting: 15 December 2016

Title of Report: Resettlement of Syrian Refugees in Cumbria and support for Unaccompanied Asylum Seeking Children

Report by: Dawn Roberts – Corporate Director Resources and Transformation

Cabinet Member: Councillor Stewart Young – Leader of the Council
Councillor Anne Burns – Cabinet Member for Children’s Services

What is the Report About? (Executive Summary)

1. The report seeks agreement for the County Council to act as lead authority for the provision of resettlement support in Cumbria for refugees. This is part of a countywide, multi-agency approach in response to the Government’s Syrian Refugee Resettlement Programme.

2. It also seeks agreement for the County Council to sign the North West regional agreement to offer support to Unaccompanied Asylum Seeking Children (UASC) in response to the Government’s National Transfer Scheme that has been established to help disperse children seeking asylum in areas such as Kent and unaccompanied asylum seeking children leaving Calais or other European Countries.

3. Both of these schemes have been established and are being led by the Government. Partners across Cumbria are collectively responding to the request made by the Home Office to provide resettlement support, with the County Council a part of that wider multi-agency response.

4. A refugee is defined as a person who has been forced to leave their country in order to escape war, persecution or natural disaster. They are defined and protected in international law, and must not be expelled or returned to situations where their life and freedom are at risk. The Syrian Resettlement Programme this report refers to will provide support for refugees.

5. An asylum seeker is someone who has asked the Government for refugee status and is waiting to hear the outcome of their application. Children coming to, or already in the UK under the Unaccompanied Asylum Seeking Children Programme that this report refers to will not have refugee status and will be asylum seekers.
Recommendation of the Corporate Director

6. Recommendation 1: Cabinet agrees that the County Council will act as the lead authority for the provision of resettlement support in Cumbria for refugees under the national Syrian Refugee Resettlement Programme; and in order to avoid unnecessary delay, delegates authority to the Corporate Director Resources and Transformation, in consultation with the Leader and Deputy Leader, to take all necessary action to progress the arrangements, including agreeing a Memorandum of Understanding with delivery partners and associated funding agreements.

7. Recommendation 2: Cabinet agrees that the County Council sign the North West regional agreement to provide support to the National Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme.

Background to the Proposals – Syrian Refugees

8. Members of Cabinet will recall that prior to the flooding that took place in December 2015, planning with partners had started, to take refugees in response to a request for support from the Home Office. However work paused as a result of the flooding and the ability to offer support has been kept under review by the Cumbria Leadership Board (CLB).

9. Following an in principle agreement on 16th September by Cumbria Leadership Board (Chaired by the Leader of Carlisle City Council and with membership from a range of public sector bodies and the third sector), to provide resettlement support to Syrian refugees over the next three financial years, further work has taken place across partners to establish the level of resettlement support that could feasibly be provided across a wide range of partners.

10. Partners across Cumbria will make a collective offer to Government to resettle 285 refugees over three years between 2017-2020.

11. As part of the discussions with partners about the work needed to plan for and provide resettlement support, the need for strategic co-ordination and financial management of the work was identified, and it was felt the County Council was the best placed partner to undertake this lead role. Having a lead partner has been actively encouraged by the Regional Strategic Migration Partnership.

12. It is therefore recommended in this report that the County Council act as the lead authority for the resettlement programme which will entail managing the funding that will be provided by the Government for each refugee; ensuring it is used to secure the range of support specified by the Home Office. It will also require the Council to co-ordinate engagement with the Regional Strategic Migration Partnership and bring together a countywide multi agency Steering Group to oversee the work.
13. The role of lead authority will not mean the County Council takes sole responsibility for the resettlement of refugees; rather the Council will play a strategic co-ordination role as part of a much broader multi-agency approach.

14. The partnership Steering Group has already been established and has already played a critical role in the work to develop a proposal for the Cumbria Offer which all partners have or are in the process of considering.

15. The Group comprises senior representatives from all District Councils, Health (Clinical Commissioning Group and providers), the Police, the Third Sector, AWAZ, the Department of Work and Pensions as well as the County Council; and will support the partnership approach that will be needed to take this work forward.

16. In terms of delivering support to refugees; the proposal is to develop locality based models of support with the District Council, housing providers, third and faith sector and health all playing a role as well as the County Council.

17. Should Cabinet agree the Council will act as lead authority; the intention will be to enter into appropriate arrangements with partner agencies and recipients of funding to ensure delivery of the resettlement support that will be required as set out in the Home office Statement of Requirements. Appendix 1 to the report is the Home Office Funding Instruction which the Council will be expected to comply with. The Home Office Statement of Requirements is set out in Appendix 2.

18. Cabinet is asked to agree that the County Council will act as the lead authority for the provision of resettlement support in Cumbria for refugees under the national Syrian Refugee Resettlement Programme; and in order to avoid unnecessary delay, delegates authority to the Corporate Director Resources and Transformation, in consultation with the Leader and Deputy Leader, to take all necessary action to progress the arrangements, including agreeing a Memorandum of Understanding with delivery partners and associated funding agreements.

**Background to the Proposals – Unaccompanied Asylum Seeking Children**

19. In relation to unaccompanied children there are two groups of children local authorities are being asked by the Government to support.

20. The first of these are children already in the UK in entry local authority areas such as Kent. These children are seeking asylum, are from a range of countries and have often entered the country in a spontaneous and unplanned way. They do not have refugee status.

21. The Government introduced a National Transfer Scheme in July 2016 to facilitate the dispersal of these children across the UK, because of the pressures being experienced in authorities such as Kent.
22. Local Authorities across the country have been asked by the Government to respond to this dispersal scheme - which is in addition to the provision of support for any children that could arrive unaccompanied into Cumbria out with the planned programme.

23. The second group of children local authorities are being asked by Government to support are unaccompanied children from the camps in a number of European countries. These children are being supported via what is referred to as the “Dubs Amendment” route and are also seeking asylum. Where there are family members in the UK, the children under this scheme will be reunited with family members if this is appropriate; but in other cases the children will enter the care of a local authority as per the National Transfer Scheme.

24. A number of letters have been sent to local authorities urging them to provide support to children under both these schemes. The most recent came on 10th November from the Secretary of State for Communities and Local Government, the Home Secretary and the Minister of State for Vulnerable children and families, asking the Council to offer more places; and announcing a new Controlling Migration Fund which the Council can bid into to seek funding to support activity such as the training of social workers and foster carers or the provision of specialist counselling.

25. The response to the request for support from the Home Office for the dispersal scheme was considered through the North West RSMP and North West Association of Directors of Children Services (NWADCS) in September; and more recently consideration has been given to how children under the Dubs Amendment scheme can be supported.

26. There is in principle agreement between the NWADCS and RSMP that a collective regional offer should be made to the Home Office to receive 100 children by the end of the financial year; which equates to the 23 local authorities with responsibility for Children’s Services in the region each agreeing to take up to 4 Unaccompanied Children from either the dispersal scheme or under the Dubs Amendment.

27. Cabinet is asked to agree the Council sign the North West Regional Agreement which is provided as Appendix 3 to the report. This document sets out an in principle agreement to provide support to the programme of support being co-ordinated by the RSMP in response to the Home Office requests for support for unaccompanied children through the National Transfer Scheme and support for children under the Dubs Amendment.

28. The request from the RSMP is to provide support for 4 children before the 31st March 2017. This is not an annual commitment. The need for the region to offer further support through these schemes will therefore be reviewed by the region after March 2017. Should asylum seeking children arrive spontaneously in Cumbria, out with these schemes, they would be the Council’s responsibility as
Children Looked After; and be in addition to the 4 children that could be taken under the Government programme.

29. It should be noted the numbers of children the Council is being asked to take under these schemes are driven by the RSMP and their discussion with the Home Office about the level of support needed.

30. The Home Office Funding Instruction for this scheme is provided as Appendix 4.

Options Considered and Risks Identified

31. There are two options for Cabinet to consider for each recommendation:

   **Recommendation 1: Option (a)** - To agree that the County Council will act as the lead authority for the provision of resettlement support in Cumbria for refugees under the national Syrian Refugee Resettlement Programme; and in order to avoid unnecessary delay, delegates authority to the Corporate Director Resources and Transformation, in consultation with the Leader and Deputy Leader, to take all necessary action to progress the arrangements, including agreeing a Memorandum of Understanding with delivery partners and associated funding agreements.

   **Recommendation 1: Option (b)** – To agree the County Council will not act as lead authority for the provision of resettlement support for Syrian Refugees.

   This option would mean another organisation in Cumbria would need to take on this particular role to manage the funding from the Home office and provide strategic co-ordination of the multi-agency approach to the resettlement of Syrian refugees.

   **Recommendation 2: Option (a)** – To agree the County Council sign the North West regional agreement to provide support to the National Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme.

   **Recommendation 2: Option (b)** – To agree the County Council will not sign the North West regional agreement to provide support to the National Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme.

   This option would mean the Council would not voluntarily take part in the provision of support to UASCs and would therefore not receive and support children from Calais or other parts of the country under this national scheme. The Home Office could chose to direct the Council to take part in the provision of support under this scheme if the Council did not sign up voluntarily.
Risks

32. There are no significant risks identified with the County Council acting as lead local authority for the provision of resettlement support for refugees under the Syrian Refugee Resettlement Programme or Vulnerable Child Refugee Scheme.

33. The County Council will be expected to manage and disperse appropriately the funding for this programme, in line with the scheduled intake of refugees, however the Council has substantial experience of managing this type of arrangement.

34. The County Council and partners will need to meet the Government expectations in provision of support for Syrian refugees; however funding from the Home Office will be provided so that support can be procured or commissioned if required.

35. The recommendation in the report is for the Council to voluntarily play a role in the provision of resettlement support; however it should be noted Government is able to direct Councils to take refugees should they feel this is necessary.

36. With regards to the County Council’s signatory to the North West Agreement to provide support to Unaccompanied Asylum Seeking Children this does pose some risks to the Council given the challenges already experienced in Cumbria.

37. Cumbria already has a high number of children that are looked after; and whilst work has been ongoing for some time across the council to reduce this number, it remains a consideration. By taking UASCs the number of children looked after by the Council will increase; and there is potential for Cumbria to receive additional UASCs in an unplanned way, out with this transfer scheme, should children enter the county spontaneously.

38. Additionally there are challenges of recruiting foster carers and finding suitable placements within the county for children looked after; and pressures are already felt by some services such as CAMHs which are likely to be needed for children coming into the care of the Council under this programme.

39. The recommendation in the report is for the Council to voluntarily offer support to the UASC programme; however it should be noted that Government is able to direct Councils to take children under these scheme.

40. Despite the risks noted given the low numbers of Children the Council is agreeing to take; it is felt that adequate measures can be put in place to mitigate these risks in order to provide much needed support for some of the most vulnerable children now living in the country.
Reasons for the recommendation / Key benefits

41. Agreeing to act as lead authority for the provision of resettlement support for refugees under the Syrian Refugee Resettlement Programme:

- Enables the Council with other partners to respond in a planned and locally managed way to the Government’s request for support, which takes into account local circumstances and existing calls on service capacity.
- Supports the co-ordination of a multi-agency approach to the provision of support.

42. Agreeing to sign the North West regional agreement to provide support to the National Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme.

- Enables the Council to voluntarily play a role, as part of a regional response, to the request for support from the Government.

Financial – What Resources will be needed and how will it be Funded?

43. Cabinet is asked to agree to the County Council acting as lead authority for the provision of resettlement support for refugees under the Syrian Refugee Resettlement Programme. The County Council will be expected to manage and disperse appropriately the funding for this programme, in line with the scheduled intake of refugees. The County Council has substantial experience of managing this type of arrangement. Discussions with other local authorities have confirmed that in their experience the funding provided is sufficient to cover the costs. Based on the experience of other local authorities and our experience of acting as lead authority, there does not appear to be any significant risks with the County Council acting as lead local authority for the provision of resettlement support for refugees under the Syrian Refugee Resettlement Programme.

44. Cabinet is also asked to agree to the County Council signing the North West regional agreement to provide support to the National Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme leading to an additional four children entering the care of the Authority. With regards to the UASC scheme the resource implications of accepting four children vary depending upon the age of the children, the needs of the children and the circumstances surrounding their asylum status. An unaccompanied asylum seekers grant would be provided to the County Council for each child depending on the age of the child.

45. According to research carried out for the Association of Directors of Children’s Services for every 100 children placed there is a net pressure created of £3.4million. Based on this research the estimated full year cost pressure for 4 children would be between £0.104million and £0.167million dependent on the age of the children.

46. There may be implications for individual school budgets. Where pupils move into school in the middle of the financial year, and have not been recorded on the school census, schools will not have received the basic per pupil entitlement (AWPU) funding for these pupils. If the pupils have additional needs (for example
an Education Health Care Plan (EHCP)), there may be further budget pressures for schools as each school is currently required to fund the first £6,000 of additional support a pupil with an EHCP requires.

47. Other cost implications are the costs associated with interpreters and other hidden costs of the burden on infrastructure.

48. The Home Office has stated to date it will not accept claims for actual costs but only the fixed rates stipulated in the guidelines which may present Cumbria with an additional budget pressure depending on the age and needs of the children.

Legal Aspects – What needs to be considered?

49. Recommendation 1 – Re-settlement support Syrian Refugees

- The authorisation for the Council to act as lead authority for the provision of the resettlement support in Cumbria for refugees under the national Syrian Refugee Resettlement Programme is a proper decision for Cabinet. Cabinet may under paragraph 2.2 part 3A of the constitution delegate authority to the Corporate Director, Resources and Transformation, in consultation with the Leader and Deputy Leader, to take all necessary action to progress the arrangements, including agreeing a Memorandum of Understanding with delivery partners and associated funding agreements.

50. Recommendation 2 – Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme

- The decision to sign the North West Regional Agreement to support the scheme is a proper decision for Cabinet.
- The young people the Council accommodates under the scheme will require access to specialist asylum and immigration legal advice. This will have to be commissioned externally by the Council.
- In the event the Council, as the receiving authority, deems it appropriate to carry out its own age assessment in respect of a young person it is to accommodate under the scheme and this assessment is subsequently disputed by the young person there is a risk of the Council having to defend judicial review proceedings. (EL 5.10.16)
- Under section 17(1) Children Act 1989, the Council has a duty ‘to safeguard and promote the welfare of children within their area who are in need……by providing arrange and level of services appropriate to those children’s needs.’ Unaccompanied Asylum seeking children have no-one to look after them, often have little or no English and have no means of supporting themselves so are undoubtedly children in need. The Council is under a duty to conduct a s17 assessment of the child’s needs within 45 days of a child being referred for an assessment. These referrals are most likely to be made by the Home Office.
- In addition to the Council’s section 17 duties, there is a duty to accommodate unaccompanied asylum seeking children. Once a child has been accommodated by the Council for more than 24 hours the child becomes looked after by the Council.
- In the absence of a care order, the unaccompanied children do not have anyone exercising parental responsibility for them.
• Schedule 12, Immigration Act 2016 removes the assistance given to care leavers who reach 18 and either do not have leave to enter or remain, are not asylum seekers or do not have a pending immigration application that is there first application for leave to enter or remain. They may be entitled to support consisting of accommodation and subsistence in certain circumstances. Section 10B Nationality, Immigration and Asylum Act 2002 sets out these circumstances but support is not guaranteed and depends on the Secretary of State making the regulations.

• A ‘unique unaccompanied child record’ must be completed for each child presenting to a local authority and must be submitted to the Home Office. The Home Office must be informed of transfer requests/acceptances and must be updated if a child has ceased to be looked after and why. The scheme is currently voluntary but the Secretary of State has the power under s72(3) 2016 Act to introduce a mandatory scheme.

Council Plan Priority – How do the Proposals Contribute to the Delivery of the Council’s Stated Objectives?

51. Agreeing to the recommendations aligns to the Council Plan priority:

• To support older, disabled and vulnerable people to live independent and healthy lives

What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?

52. In making this decision there are a number of potential impacts relating to equality and diversity issues. The resettlement of refugees in the county and provision of support to Children Seeking Asylum in local communities will require careful planning, preparation of the community and ongoing support to ensure good community relations. There have been many offers of support from a wide range of community organisations and residents, and this is being coordinated through the Third Sector as part of the partnership approach.

53. Consideration will need to be given to where the most suitable locations will be for those being resettled; based on the refugees needs, availability of key services and understanding of communities. Engagement with AWAZ and the Police through the partnership will play an important role in the work to take this forward.

54. Individuals being resettled in the county are likely to need access to specialist health and support services; and this will also be an important consideration in the planning of support.

Appendices and Background Documents

Appendix 1: Home Office Funding Instruction for Syrian Resettlement Programme
Appendix 2: Home Office Statement of Requirements for Syrian Resettlement Programme
Appendix 3: North West Regional Agreement for UASCs
Appendix 4: Home Office Funding Instruction for UASC Programme
Key Facts

Electoral Division(s): All

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<th>Executive Decision</th>
<th>Key Decision Included in Forward Plan</th>
<th>Exempt from call-in</th>
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<th>Considered by scrutiny, if so detail below</th>
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Approved by: Leader of the Council 26.10.16 and Cabinet Member for Children’s Services 25.10.16

Previous relevant Council or Executive decisions

- None

Consideration by Overview & Scrutiny

- None

Background Papers

- None

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