**Unaccompanied Asylum Seeking Children**

**DRAFT Guidance , Policy and Procedures**

**Catherine Mouatt 2018**

**Unaccompanied Asylum Seeking Children Policy and Procedures**

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| Title | **Unaccompanied Asylum Seeking Children Policy & Procedures** |
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# 1. Policy Statement

a) Principles and Values

The key principles and values underpinning practice in relation to unaccompanied asylum seeking children and young people from abroad, or those accompanied by someone who does not hold parental responsibility are:

• **Children from abroad are children first** - this can often be forgotten in the face of legal and cultural complexities.

• Children / young people arriving from abroad who are unaccompanied or accompanied by someone who is not their parent should be assumed to be children in need unless assessment indicates that this is not the case.

• Assessment of need should include a separate discussion with the child or young person in a setting where, as far as possible, s/he feels able to talk freely, aided by the use of an appropriate interpreter, who must be used where needed.

• Assessing the needs of these children and young people is only possible if their legal status, background experiences and culture are understood, including the culture shock of arrival in this country.

• An avoidance of ‘interrogating’ the child /young person.

• Safeguarding and promoting the welfare of these children / young people must remain paramount for all agencies in their dealings with this group.

• The term ‘Child’ in this document describes a person under 18 years of age.

• We will ensure that in all our work with unaccompanied asylum seeking children we will aim to meet all their cultural, ethnic and religious needs.

# 2. Definitions

**Asylum Seekers**

The term ‘asylum-seeker’ is used to describe a person who has made a claim for asylum within the meaning of s16(3) Nationality Immigration Asylum Act (NIAA) 2002 and is awaiting a decision from the Home Office.

**Unaccompanied Asylum Seeking Children**

Unaccompanied Asylum Seeking Children are children who enter the country and apply for asylum and meet the following criteria:

* is, or (if there is no proof) appears to be, under eighteen
* is applying for asylum in his or her own right
* has no adult relative or guardian in this country

Or those young people who enter the UK accompanied but become unaccompanied during their stay in the UK and subsequently claim Asylum in their own right.

**Accompanied children**

Accompanied children may have travelled either legitimately or illegitimately with their parents. Others may be brought in by adults either purporting to be their parents or stating that they have the parents’ permission to bring the child. There are many legitimate reasons for children being brought to the UK, such as economic migration with their family, education, re-unification with family or fleeing a war-torn county.

**Trafficked children**

The United Nations protocol to Prevent, Suppress and Punish Trafficking in Persons (the Trafficking Protocol 1) defines trafficking as:

“The recruitment, transportation, transport, harboring or receipt of persons, by means of the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitutes of others or other forms of sexual exploitations, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”

(For advice on safeguarding children from trafficking see:

<https://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance>

Child trafficking is defined as:

“The act of recruitment, transportation, transfer, harboring or receipt of a child (defined as under 18) for the purpose of exploitation either within or outside the country”

Unlike trafficking in adults, there is no requirement that the child have been deceived or coerced by the trafficker: a child’s ‘consent’ to go with a trafficker is not recognised in law.

The vast majority of irregular migrants coming to the UK are smuggled rather than trafficked. People smugglers may profit by transporting irregular migrants for money, but do not attempt to exploit migrants once they reach their destination country.

In sharp contrast, traffickers profit through exploitation of their victims, controlling them by:

• Threatening or using violence against the victim or their family

• Debt bondage (a form of slavery where people are forced to work for little or no money in order to pay back debts, in this case debts ‘owed’ to their traffickers)

• Using threats relating to the victims immigration status (trafficking victims may be terrified of the Immigration Service and of deportation)

• Exploiting emotional attachments, such as ‘boyfriends’ trafficking women for the purposes of sexual exploitation

• Exploiting the victims vulnerability and lack of alternative options

Some children may have been trafficked and brought into the country by their facilitator, but then claim asylum as unaccompanied children. This may happen after coercion by their facilitator and by doing so they are legally granted permission to reside in the UK entitling them to welfare benefits.

Some groups of children will avoid contact with the authorities as instructed by their traffickers. For example, it is well documented that some children ‘disappear’ into their ethnic communities once they arrive in the UK. It is also believed that some traffickers insist that the child applies for asylum as this gives the child legitimate right of temporary ‘leave to remain’ in the UK.

The Modern Slavery Act 2015 makes provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims.The Act is in seven parts. Part 1 consolidates and clarifies the existing offences of slavery and human trafficking whilst increasing the maximum penalty for such offences. Part 5 introduces a number of measures focussed on supporting and protecting victims, including a statutory defence for slavery or trafficking victims and special measures for witnesses in criminal proceedings.

(see [www.crimereduction.co.uk/toolkits](http://www.crimereduction.co.uk/toolkits) , <http://www.unodc.org/unodc/trafficking_protocol.html>and [everychildmatters.gov.uk/safeguardingtraffickedchildren](http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&amp;PageMode=publications&amp;ProductId=HMG-00994-2007) )

**Refugees**

Refugee Children are children and young people less than 18 years within families who are not British citizens but have leave to remain in this country. They may previously have been asylum seekers and been granted Refugee status, or they may have been resettled in this country or any other EU country via UNRWA (United Nations Relief and Works Agency).

**Responsible Local Authority**

The responsible Local Authority is whichever one last looked after an eligible or relevant young person. That Local Authority will retain its responsibility wherever the young person may be living in England or Wales.

**Eligible Children:**

Children aged 16 and 17 who have been looked after for at least 13-weeks since the age of 14 and who are still looked-after. The following are included in the definition of Eligible children:

• Young People remanded into Local Authority Care: Young people remanded into Local Authority Care are regarded as Eligible even if they subsequently are not given a custodial sentence, if the period of remand is for 13 weeks or more.

• Asylum Seekers: Young people who are seeking asylum are covered by all the terms of the Act if they were looked after for the required 13 weeks.

**Relevant Children (Sec 23a)**

Children aged 16 and 17 who have been looked after for at least 13-weeks since the age of 14 and were looked after on or after their 16th birthday and who have left care.

**Former Relevant Children (Sec 23c)**

Former Relevant children are those young people who have reached 18 but not 21 and were Eligible and/or Relevant prior to becoming 18. However, if someone is being helped with education or training they remain a former relevant child to the end of their agreed programme, even if that takes them past the age of 21.

The Children (Leaving Care) Act does not replace the Children Act 1989. It builds on and extends the duties and powers included in the leaving care and aftercare provision of the Act. The provisions of the 2000 Act will apply to all Eligible, Relevant and Former Relevant young people as defined in the 1989 Act and the Regulations. The Care Leavers (England) Regulations 2010 further clarifies and strengthens this Act.

# 3. Legal Context

Unaccompanied asylum seeking children are entitled to care and protection under the provisions of the Children Act 1989 & 2004 and where appropriate the Children (Leaving Care) Act 2000. Whilst in the care of West Sussex County Council priority will be given to treating young people as children first and asylum seekers second.

**The Children Act 1989 Section 20**

This requires Local Authorities to provide accommodation for children in need within their area whose assessed needs require this intervention. If a child is accommodated under section 20 he/she becomes a ‘Looked After Child’.

**The Children Act 1989 Section 17**

This places a duty upon Local Authorities to ‘safeguard and promote the welfare of children within their area where their welfare would be prejudiced. If a child insists that they want to be given a service under section 17 then consideration should be given to accommodating them under section 20 in line with the Hillingdon judgement of August 2003, unless they specifically state that they do not want to be ‘Looked After’.

Which one to use?

The Department of Health issued a Local Authority Circular ‘Guidance on Accommodating Children in Need and their Families’ (LAC (2003/13). In this guidance, Local Authorities are advised that during the assessment of UASC’s, the presumption should be ‘that he/she would fall within the scope of section 20 and become looked after, unless the needs assessment reveals particular factors which would suggest that an alternative response would be more appropriate’, for example where relatives are living in the UK and would take responsibility for the child, after the appropriate checks are completed.

If a child’s vulnerability means that their welfare could be prejudiced then consideration should be given to applying to the court for a Care Order under section 31 of The Children Act 1989.

**The Children (Leaving Care) Act 2000 and the Children Act 1989**

Under the legislation, ‘it shall be the duty of the authority to advise, assist and befriend him/her (the young person in question) with a view to promoting his/her welfare when s/he ceases to be looked after by them.’

Unaccompanied Asylum Seeking Children looked after under the Children Act, turning 18, are entitled to ongoing support as former relevant children from their local authority under the terms of the Children (Leaving Care) Act 2000 until the age of 21 or 24 (if in full time education or training).

 **Immigration Act 2016 – Claim for Asylum**

The Home Office is responsible for deciding on the outcome of a child or young person’s asylum claim. The majority of children and young people claiming asylum are not awarded refugee status (less than 20%) or the equivalent Humanitarian Protection status (1%), but are given Discretionary Leave to Remain (DLR). West Sussex will support young people to appeal a decision for a refused asylum claim if their legal representative advises there is more than a 50% chance of this being achieved, therefore securing legal aid funding to support this challenge.

DLR is given for a period of 30 months in the first instance (or in the case of young people who are the victims of trafficking 12 months) or until the age of 17 ½, whichever is the sooner.

A claim for further leave to remain needs to be made before the period expires they will be allowed to remain for a further period, beyond the age of 18.

Children’s Social Care should therefore make sure the young person makes their application for extension of DLR in time, if no application is made they will be treated the same as any other overstayer. If they fail to apply for asylum prior to 18 they are to be treated the same as any other 18 plus asylum seeker, guidance can be found in section 54 and schedule 3 paragraph 2 of the NIAA 2002.

**Immigration Act 2016 - Care Leavers**

Guidance is still awaited from the government on support for care leavers of the Immigration Act 2016 and a date for the implementation is yet to be announced by the Home Secretary therefore the guidance below is for information only and is not to be used at the present time.

Currently, young people leaving care that arrived in the UK as children and made an application for asylum are eligible for leaving care support under the Children Act 1989 so long as they had been supported under that Act for at least 13 weeks before turning 18. This is true for adults leaving care who were granted refugee status or humanitarian protection before or after they turned 18, has an outstanding asylum or immigration application, or who have no outstanding application.

Care leaving support includes having a personal adviser, an ongoing review of the pathway plan, and support for education and training, which may include payment of university tuition fees. The support under the Children Act also allows for care leavers to remain with their foster parents.

The Immigration Act 2016 makes no changes to the eligibility for this support for care leavers who are granted refugee status or humanitarian protection before or after they turn 18.

However, care leavers who do have do not have a pending asylum claim, a pending initial immigration application or leave to enter or remain in the UK will no longer be 7 able to access care leaver support. Instead, the Immigration Act 2016 makes a new provision for local authorities to provide accommodation and financial support to such care leavers by inserting paragraph 10B into Schedule 3 of the Nationality, Immigration and Asylum Act 2002.

Under paragraph 10B, local authorities may provide support to care leavers without immigration status who had been supported for at least 13 weeks before turning 18 under the Children Act if **one** of the following conditions are met:

1. The care leaver would otherwise be destitute and they have made a non-asylum application to the Home Office which is yet to be determined
2. The care leaver would otherwise be destitute and they are able to make a non-asylum in-country appeal (such as an article 8 human rights application)
3. The care leaver would otherwise be destitute and have lodged a non-asylum in-country appeal that is yet to be determined
4. The care leaver is appeal rights exhausted and the local authority is satisfied that support needs to be provided. Regulations may set out what factors can and cannot be taken into account when determining whether support is needed.

For care leavers who had not been supported for at least 13 weeks under the Children Act prior to turning 18, they may be eligible for support under either section 95 or section 95A of the Immigration Act 1999.

For further information on the changes to support, see the Home Office’s background paper: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/494240/Support.pdf>

This part of the Immigration Act 2016 will come into force on a date to be set by the Home Secretary.

# 4. Inter-Agency Working

A protocol for inter-agency working with Unaccompanied Asylum Seeking Children has been agreed between West Sussex Children and Families Service, Immigration Services (UK Border Force and UK Immigration and Visas) and Sussex Police has been developed to address concerns regarding accompanied and unaccompanied children and young people arriving in West Sussex for whom there are concerns about their safety.

This might be because they have arrived with false or no documentation, there are concerns about those arriving to meet them, or, because they fit the agreed profiles for children who may be at risk of trafficking or exploitation.

Further detail is found within the referral process in Section 5.

## 5. Procedures

**5.1 Referral Process**

**The underpinning principle in the interview is that the child’s story is to be believed unless there is clear evidence to the contrary. The child should be treated with dignity and kindness, with recognition of the trauma they have suffered.**

**5.1.1 Initial Contact**

In West Sussex we have one port at Gatwick where a child may present to UK Border Force (UKBF) and claim asylum on entry to the UK.

MASH may also be contacted by custody suites where there has been a clandestine arrival in West Sussex (such as arriving on a lorry) and those who are picked up by police or UKVI claim to be under 18 years of age and seeking asylum;

Or there may be one of the Detention Centres in West Sussex who have a detainee who is claiming to be under the age of 18.

UKBF, UKVI, the Detention Centre or Sussex Police will contact **MASH** and make a referral for any child who is claiming asylum. MASH will open a Referral for Services (CYP074) and alert the Children’s Asylum Team via the duty phone/email.

If the child arrived at Gatwick airport , Children’s Asylum Team or EDT will attend to support UKBF officers complete a Welfare Interview to clarify the status of the child/young person under 18 years of age - a social worker or appropriate adult must be present whilst this interview takes place. UKBF will present the child with a Notification of Grant/Variable Immigration Bail (I S 75)

If the child has been a clandestine arrival, Sussex Police will take child to a place of safety, (usually at a police station) and complete an ‘Initial Welfare Assessment’. It is best practice for social worker to assist in this assessment, as it is used to assess the child for Child Trafficking. A copy of the assessment will be given to CSC. Police will create a ‘ghost’ missing person record to be used in the event that child goes missing. An Immigration record is not completed by Sussex Police so it will fall to CSC to take the child to Immigration office at the earliest opportunity.

UKBF will create an Immigration case record. The child will not be asked for in-depth information about their asylum claim at this stage, a main asylum interview (screening interview) will take place at a later date. UKVI, a department of the Home Office, is responsible for considering an asylum claim and must decide whether the child needs international protection in the UK. There are several stages in the asylum process and how long this takes depends on their circumstances, but they will not be removed from the UK while their case is being considered.

**5.1.2 Request for a placement**

CSC will need to assess and record on the Child and Family Assessment (CYP582) the circumstances of the child, their presentation and immediate needs. They must identify whether there are grounds to continue to provide a service to the child or young person under section 20 of the Children Act 1989 i.e. the child or young person is lost or abandoned; that there is no person with parental responsibility for the child in the UK, or, that the person who has been caring for the child or young person is prevented from providing suitable accommodation or care.

For a child that needs to be placed in the care of the Local Authority, a telephone referral to Placement Finding should be made as early as possible to enable a suitable placement to be identified and permission to accommodate granted by Service Leader. The **Request for placement form (CYP064)** should be completed as soon as possible with all available details of the child included.

UKVI should be kept informed of the address of the child and contact details of the carer by the Children’s Asylum Team.

**5.1.3 Child suspected or claiming to have been trafficked**

If Sussex Police suspect that the child might be a victim of trafficking or if the child discloses they have been trafficked, Sussex Police must follow Joint Agency Operation Innerste procedures. Sussex Police will contact MASH and make a referral. CSC will attend the custody centre or place of safety:

1. CSC must initiate and chair a Strategy Meeting and initiate a **safety plan**
2. Sussex Police must speak to the child in a secure and private place on their own i.e. away from other victims) with Children’s Services/ Appropriate Adult and reassure them of police confidentiality.
3. Sussex Police will complete Initial Welfare Assessment, preferably but not in the presence of a Social Worker and sent to commandandcontrolunit@homeoffice.gsi.gov.uk
4. Sussex Police will take their fingerprints using IFB1 forms within the Migrant CYP pack. Send IFB1 forms to Command and Control Unit, Block C, Soapworks, Colgate Lane, Manchester, M5 3EZ include the child’s name and CCU reference number.
5. Sussex Police will take their photograph. Email photo to commandandcontrolunit@homeoffice.gsi.gov.uk, ensuring that the child’s name and reference number are included in the subject of email
6. A Police Officer must complete NRM referral and send to nrm@nca.x.gsi.gov.uk.
7. A Police Officer must seize property including pocket litter, download mobile devices and sim cards at the place of safety and return mobile phone to child.
8. Police will provide PID number to Social Worker/Foster Carer
9. The child or young person under 18 will need to be accommodated in a Regulated Placement with a West Sussex County Council approved provider or foster home. The location of the child or young person will not be divulged to any enquirers until they have been interviewed by a social worker and their identity and relationship/ connection with the child is established.
10. The child or young person will be appropriately supervised whilst in the placement and as far as possible their communications (telephone or internet use) will be monitored for their own protection. It is permissible to take reasonable steps to safeguard the welfare of the child related to their age and vulnerability and any assessment that indicates that the child or young person may be at risk of harm, including abduction from an unidentified person. Carers will remain vigilant about anything unusual, e.g. cars waiting outside of the premises, telephone enquiries. All such information will be passed to the social worker who will ensure that the police child protection team is informed.

**5.2 Claiming Asylum**

The initial asylum process is to register the request to claim asylum at an Immigration Screening interview. The allocated social worker or administrator should make an appointment with the Asylum Screening Unit, Lunar House in Croydon, to support the child/young person make their claim for asylum. A social worker or appropriate adult must attend the ‘Screening Interview’ and be present when the child is interviewed and for most children there should also be an interpreter present.

If the child has no documented identification, or their documents are thought to be forgeries, UKVI will take basic biometric data (photograph the child and attached the photo to their file and fingerprint them, they will not take DNA). This is in order to help safeguard the child, aid identification, as well as being able to identify whether the young person has claimed asylum in any other country before arriving in the UK (third country entrant) or is already registered on the National Register of Unaccompanied Children (NRUC) at Lunar House having made a previous claim in UK.

In most cases they will be issued with one or more of the following documents by UKVI which will contain their photo and other relevant details.

* An IS96 (issued at port of arrival) if granted temporary admission, it also documents when the asylum application was made.
* An IS97M if the claimant is registering as less than 18 years of age and the Home Office disputes this.
* An ARC (Application Registration Card) is issued once the claimant’s identity is confirmed. (This may take several days) and shows that they have claimed asylum.
* A claimant might also have been issued with a Statement of Evidence form (SEF), issued immediately after screening, which must be completed and returned within 28 working days. (Legal advice should be sought and the Solicitor will work with the child/young person to complete the SEF.).This legal advice is completely independent of the Local Authority.

The young person must carry their ARC with them at all times for identification purposes. If a young person loses their ARC card, or it is stolen, or one was not issued after screening, contact the Central Events Booking Unit’s 0300 123 2235 and press option 2.

Under the New Asylum Model young people will be required to attend 3 interviews with their allocated Home Office Caseworker and at each of these be accompanied by a representative of the Local Authority who is familiar with their situation. These Interviews will culminate in a decision concerning their asylum application.

When an application for asylum is made, clear records of all contacts and communications **must be recorded as case notes on the child’s mosaic record**. It is vital that the child’s/young person’s Immigration and Home Office documents are copied by the social worker or appropriate adult, uploaded onto mosaic and kept by the child/young person in a safe place in their accommodation.

The Home Office Reference Number must also be recorded on their mosaic record front page.

**5.3 Age Assessments**

Assessing the age of an unaccompanied child is a challenging process. Social workers are required to complete age assessments so as to ensure any service a child requires is provided appropriate to their age and assessed needs. Age assessments are a controversial subject, and while we acknowledge the contested nature of age assessments, some children arrive in the UK whose age may be unclear, unknown or disputed. Social workers, by nature of their education, experience and specialist skills in working with and interviewing vulnerable children and young people, are uniquely positioned to undertake holistic assessments.

In this guidance, use of the words “children” and “young people” has been very deliberate. In the majority of cases, we use the word “child” when it is very clear we are discussing an individual that is under the age of 18. We use the term “young person” when we are not yet sure whether the individual is under 18, but if they could very well be. Even if after an age assessment it is acknowledged that a young person is under the age of 18, we may continue to use “young person” as many adolescents do not appreciate being called “children”. We have tried to use language which the young people we know and support would be comfortable with.

Statutory guidance on the care of unaccompanied children states that:

*Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should not be a routine part of a local authority’s assessment of unaccompanied or trafficked children.1*

Our interpretation of this guidance is that age assessments should not be carried out on every child or young person seeking support, but should be used to ensure that appropriate services (including education) are offered. In order to be able to assess the needs of a child, the social worker must be satisfied that the individual is a child, but young people should not be subjected to multiple assessments for administrative purposes only. A social worker should be clear what the “significant reason” is to doubt the age, and this should be conveyed to the young person.

WSCC CSC will ensure that all age assessments conducted are Merton compliant and only if completely necessary. Please refer to the separate guidance to assist social workers and their managers in undertaking age assessments provided by ADCS (October 2015).

http://adcs.org.uk/assets/documentation/Age\_Assessment\_Guidance\_2015\_Final.pdf

The guidance includes that an appropriate adult, independent of the local authority, must assist the age assessment. They are to have the relevant skills and training to undertake their role, and be experienced in working with children and young people.

An Unaccompanied Asylum Seeking Child’s age is a key part of the information needed when making an assessment of need and subsequently for the appropriate provision of service. It is important to explain to the Asylum Seekers that an assessment must be undertaken to identify what services will be provided.

Assessment of age is a complex task and not an exact science. In completing an age assessment it must be remembered that the Asylum Seeker has the right to legally challenge the decision. Assessments should be completed from a holistic perspective and in light of the information available to them at the time. It is a process of professional judgement and a particularly sensitive issue involving many variables, not least the worker’s ability to understand any cross-cultural issues that might apply.

Decisions on age assessments are sometimes required within a short time period. Where there is uncertainty, the benefit of doubt should always be the standard practice. An updated age assessment will be given to the young person where any new or additional information is added.

The age assessment is an ongoing process and the Local Authority will ensure that any age assessment that is conducted is reviewed within 4 weeks and at every statutory review taking into consideration any further evidence or information and the views of those professionals involved in the care of the young person.

The age assessment will form part of the Child and Family Assessment.

Should a young person dispute the Local Authority age assessment this will be considered by the social work Practice group manager in collaboration with WSCC legal team.

For those assessed as over 18, three copies of the conclusion should be made. One to be uploaded to their record on Mosaic and two to be given to the person as follows:

**Age assessed as over 18**

At completion of the assessment (including presenting inconsistencies and asking for their response to them) it is recommended that the case holder arranges for the claimant to attend the office early the next/another day to present them with the conclusion of the assessment with an interpreter present. This would allow time to order a taxi, and get their belongings packed with enough time for them to get to Lunar house with time to get accommodation that same day.

Case holder should arrange a taxi for the next day to Lunar House, Croydon. The Case holder should inform the accommodation provider/ foster carer what is happening.

In any event on presentation of the conclusion, Assessors must :

1. Give the person the two letters with conclusion of the Age Assessment.
2. Ensure that the interpreter goes through the conclusion with them and they have the opportunity to respond.
3. Take notes of offering the opportunity to respond and their response.
4. Give both letters to the person, one is for them to keep to explain what is happening. One is for them to present at Lunar House.

**5.5 Translation/ Interpretation**

In West Sussex over 150 languages or dialects are spoken and effective service delivery depends upon accurate communication during:

• Information gathering (names, ages, details of circumstances);

• Provision of information / consultation;

• Decision making (service-user preferences and capabilities);

• Implementing the decisions (reporting a change in circumstances);

• Evaluating and monitoring the results of a decision (whether the service user received the service, whether it was the right one).

Effective and accurate information is therefore vital at all stages and professional interpretation or translation is essential to good practice.

WSCC CSC will endeavour to use an interpreter where possible for :

• Initial needs assessment

• Merton Compliant Age Assessment – Mandatory

• At statutory reviews

• At tenancy sign up

• At health and dental assessments

• At initial education meetings

• At legal meetings

• Any meeting to address safeguarding issues

The young person will be consulted on when an interpreter is used

Good practice when using an interpreter:

• Avoid using an interpreter working with a second language rather than using their first language; this decreases the margin of error.

• Do not ask friends to be interpreters in meetings.

• Ensure that the customer understands the interpreting process: it is free, impartial and confidential.

• Position the interpreter where he / she can hear or see and be heard or seen.

• Use direct speech, for example “What is your name?” not “Ask him what his name is”.

• Use clear, unambiguous language – the interpreter has to understand clearly what he /she is to interpret.

• If using consecutive interpreting (one party speaks and then the interpreter repeats in the language of the listener) break at reasonable intervals at the completion of concept.

• If using simultaneous interpreting (the interpreter whispers their interpretation of the utterance in the language of the listener while the speaker is talking) speak at a reasonable pace and allow the interpreter to catch up when necessary.

• Allow the interpreter to take notes to help accurate recall. Those notes must be destroyed at the end of an assignment.

• Do not ask, or allow others to ask, the interpreter for advice or explanations, other than on linguistic matters.

• The interpreter may intervene, and explain why, in both languages, for four reasons:

* 1. To clarify understanding or what he / she is to interpret;
	2. To ask customers to accommodate the interpreting process, for example, to speak up or more slowly;
	3. To alert people to a missed cultural inference and ask for an explanation, which he / she will then interpret,
	4. To alert others, that despite correct interpreting, the message may not have been understood.

• Allow the interpreter a break of 15 minutes every hour.

• At the end of the interview:

* + check that the customer has understood the key points;
	+ ask if there is anything else they want to know;
	+ describe and identify follow up actions;
	+ check that all decisions made in the meeting are understood.

• Do not invite or request personal comment from the interpreter, which may involve making value judgements. That is not their role.

• Do not be afraid to challenge an interpreter – ensure that he/she is interpreting word for word

To locate an interpreter or translation service, the WSCC CSC will firstly contact Vandu Interpretation Service. Once the local authority has accepted responsibility for the child, or if the age assessment is disputed, the cost of interpreters falls to them. Should a young person have a health appointment the cost of interpreters will be met by the health authority. Should a young person need interpretation with police matters or solicitor appointment, these interpretation costs will be met by the relevant services. For tenancy related matters and partnership working the cost of interpreters will be discussed and agreed between WSCC and other agencies.

The Office of the Children’s Commissioner recommends that the local authority provides child-friendly literature, in a language that Unaccompanied Asylum Seeking Children can read and understand, and therefore printed in the languages most common to these children.

http://www.nrpsi.co.uk/publications/publications\_brochure.htm

Training is available through the Refugee Council, addressing specific issues in relation to Unaccompanied Asylum Seeking Children and use of interpreters.

http://www.refugeecouncil.org.uk/eventsandtraining/training/service/fulldetails.htm#interpreters

**5.6 Child and Family Assessments**

There are a number of factors that need to be taken into consideration when assessing Unaccompanied Asylum Seeking Children. These might include:

* Concerns about legal status,
* Lack of understanding regarding the role of the social worker as separate from the police or immigration, or why an assessment is needed,
* Fear of people in authority,
* Anxiety raised by another professional asking similar questions to those that have already been asked,
* The shock of arrival, the alien culture, systems and language can cause shock and uncertainty, and can affect the mood, behaviour and presentation.
* Past trauma experiences can impact on physical or psychological health (This can make concerns from the authorities about minor injury or poor living conditions seem trivial, and this mismatch may add to the fear and uncertainty)
* The journey itself as well as the previous living situation may have been the source of trauma.

In such circumstances, reluctance to divulge information, fear and confusion can easily be mistaken for lack of co-operation or deliberate withholding of information. The services of an appropriate interpreter must be secured in the child’s first language, and care should be taken to ensure that the interpreter knows the correct dialect.

The first task of assessment with the child is engagement. Open questions are most helpful, with clear emphasis on reassurance and simple explanations of the role and reasons for an assessment. Engagement is more likely to lead to opportunities to build on initial contact.

Ensure the child is seen alone, particularly to check out the stated relationships with any person accompanying them, however, if English is not the child’s first language an Interpreter will need to be present. The pace of the interview should be appropriate to the age and understanding of the child.

If possible steps should be taken to make contact with the child’s parents in the country of origin, or having sought asylum in another country to find out what plans they have made for their child and to seek their views (the Immigration Office may be able to assist with this). It will be important to take steps to verify the relationship between the child and those thought to be their parent.

Anyone approaching the Local Authority and claiming to be a potential carer, friend, member of the family etc. of the child, should be investigated by the social worker, the police and immigration service. Only if the supervising manager is satisfied that all agencies have completed satisfactory identification checks and risk assessments can the child transfer to their care. If a young person has been accommodated by the Local Authority for 4 weeks (by the first statutory review) and a person approaches the Local Authority claiming to be a potential carer as stated above, a full CRB and assessment will be undertaken to assess their ability before the child is able to transfer to their care.

For best practice, the initial Child and Family Assessment (CFA) should be completed for all children seeking asylum within 7 days of the referral being received, with the information available at that time. Although a child may appear streetwise, it is important not to make assumptions about a child or young person’s emotional capabilities. Therefore the child or young person should be fully assessed, and a more comprehensive CFA must be completed. For those unaccompanied asylum seekers who are subsequently assessed as being over 18 years old, the age assessment can be used as the core information of the CFA. At the outside, a comprehensive assessment must be completed within a maximum of 35 working days from the date of the referral.

The assessment should seek to fully understand the child’s circumstances to provide information of the measures/services that need to be put into place on the Child and Family Plan. The plan should contain information about the child’s religious, ethnic, cultural, language, health and emotional needs. Any information about issues around the young person’s health, along with any special dietary needs, hair and skin care should also be part of the young persons care plan. It should include language, education and cultural needs. The child or young person should be at the centre of and in agreement with all of the decisions made in this assessment and plan.

All Unaccompanied Asylum Seeking Children assessed as being less than 18 years of age should be supported under Section 20 of the Children Act 1989, and be allocated a qualified social worker. Once they turn 17 they will be allocated a Personal Advisor, and receive support under the Children Leaving Care Act 2000

**5.9 Accommodation**

**Immediate Placement**

The Placement Finding team should be alerted as soon as it is known that a placement may be needed, and followed up with a placement referral.

The decision to accommodate a child Episode on mosaic should be immediately completed, along with a phone call to the Service Leader for Adoption and Fostering or Resilience and Permanence to inform that a placement is required.

When a placement is needed Out of Hours, EDT will find a placement from the up to date placements list, complete the Decision to accommodate episode on mosaic, and the referral to Placement Finding team , alerting Placement Finding Team and Childrens Asylum Team Practice Manager and Duty worker for follow up

It is important that a child or young person is placed in a safe and secure regulated placement until, if required, a full assessment of age can be undertaken;

**Kinship Care**

If it becomes apparent that the young person has family or/and friends living within the UK consideration should be made as to the appropriateness of placing them with their family members following the appropriate checks and assessments. See page 13 regarding assessment and checks.

 **Foster Care and Supported Lodgings**

The Placement Referral needs to provide sufficient information so that an appropriate placement can be identified for the child. An unaccompanied child under the age of 16, will be placed within an appropriate foster placement. If the child is over the age of 16, and has sufficient independence skills a supported lodgings placement will be considered. The referral should contain information about the child’s religious, ethnic, cultural, language, health and emotional needs. Carers need to be provided with the support to meet these needs. Any information about issues around the young person’s health should be discussed with the carer along with any special dietary needs. Information about food, hair and skin care should also be part of the young persons care plan. Foster carers need to take appropriate measures to safeguard any other children in placement given that often very little will be known about the child prior to placing them.

 **Religious and Cultural Needs**

The child or young person’s cultural, religious, and ethnic as well as language needs should be considered when matching a child/young person with an appropriate Foster Carer / Supported Lodgings Provider.

 **Risk**

The child needs to be considered in terms of risk in terms of their own vulnerability, the risk they may pose to other children, the risk of abduction or exploitation of the child.

 **Statutory Reviews**

The Office of the Children’s Commissioner recommends that the local authority provides child-friendly literature, in a language that Unaccompanied Asylum Seeking Child can read and understand, at the time the child is accommodated, the rights to which the child is entitled, the purpose of the review and what will happen at a review. Also that the social worker has seen the child before the review, told the child what is to be discussed at the review and the purpose of the review. An interpreter will be provided at statutory reviews.

**5.7 Care and Pathway Planning**

A placement planning meeting should be take place within 48 hours of placement. This should focus on immediate needs such as safety and health.

The Care and Pathway plan should be completed by the First CLA Review at four weeks of placement. It needs to focus on the identified individual circumstances of the child using the Child and Family Assessment, and include safety planning where appropriate. Health and education needs should be identified, and initial health assessment and PEP must be arranged.

The Care and Pathway Plan must demonstrate triple planning so that the uasc can see that their care in this local authority is dependent on the outcome of the Home office decision for asylum. It needs to state what will happen to claim asylum, and the different possible types of asylum that could be granted. It also needs to be explicit about the three possible outcomes: if the child is granted asylum; is refused asylum or is refused and in appeal process.

The Social Worker will be responsible for the formulation of a Pathway Plan. The plan will include the accommodation and maintenance needs for 16 and 17 year olds and assistance to achieve goals agreed within the Pathway Plan. The Pathway Plan replaces the Care Plan of the looked-after child and includes all the duties associated with looked after children.

**5.8 Transition to Leaving Care**

Support will be provided by a Personal Assistant in Leaving Care Service when the child reaches 16. At age 18 there will be a transfer of case management into the Leaving Care Service. There is a clear protocol for transfer of cases into the Leaving Care Service*.* All discussions about prospective transfers should take place Team Manager to Team Manager. The Leaving Care Team Manager will complete a ‘File Transfer Checklist’ to ascertain if the case file is up-to-date and ready for transfer. A case summary written by the child’s social worker will form part of the transfer process, to include where the young person is within the Asylum Process and details of their Solicitor.

Some young people may not have completed the required 13 weeks before they turn 18 however they will still be entitled to a Service under s.24 of the Leaving Care Act. For additional information please refer to WSCC’s Care Leaver’s Policy.

For Former Relevant (18-21) young people the Local Authority will continue to run a pathway plan to assist the young person in their transition to independence. All plans will need to take into consideration the young person’s asylum status. To this end all pathway plans will involve a triple plan, i.e if the young person remains in the UK, if they are to return to their Country of Origin, and if they are Appeal Rights Exhausted.

The key pieces of literature to be most familiar with and consult are:

• The Children Act 1989 Guidance and Regulations

• Sections 24,27,61 and 64 of the Children Act 1989

• Children (Leaving Care) Act 2000 Guidance and Regulations

• Carers and Disabled Children Act 2000

• Guidance on the Education of Children and Young People in Public Care

• Working Together to Safeguard Children

• Framework for the Assessment of Children in Need and their Families

• The Children Act 2004

• Every Child Matters

• National Service Framework

• SET Procedures

• Staying put policy 2013

• Immigration Act 2014

Various Acts cover different aspects of Leaving & After Care e.g. housing and benefits legislation, judgements in a variety of cases will create law and new rules. These rules and judgements will need to be used in conjunction with key legislation already in place.

**6 Possible Outcomes of Claim**

Refugee Status

The Immigration Nationality Directorate makes an initial decision on asylum applications. Refugee status may be granted where it is considered that the applicant meets the criteria set out in the 1951 Convention on Refugees. Such applicants will be given Indefinite Leave to Remain (ILR) where they will be given limited leave to remain (usually for five years). If conditions in the country have improved significantly during this time, they may be expected to return.

Discretionary Leave to Remain (DLR)

If Refugee status or Indefinite Leave to Remain is not granted, a decision of DLR will usually be granted. The Home Office will grant DLR for 30 months or until the young person is 17½ years of age whichever comes first. They will then be able to apply for an extension to their DLR status which needs to be done with a solicitor. Whilst this extension is being considered the young person will be entitled to public funds and social housing. If the extension application is refused, and they have exhausted all their appeal rights they will be removed. DLR can be granted where the applicant does not meet the criteria for Humanitarian Protection, but where removal might constitute a breach of Article 8 of the European Convention on Human Rights; where a serious medical condition could mean removal could amount to inhumane; or degrading treatment; or she/he cannot be removed. This includes Unaccompanied Asylum Seeking Children where removal is impracticable due to unsafe reception arrangements in their country of origin.

Humanitarian Protection (HP**)**

The Home Office can grant Humanitarian Protection to a person who would face a real risk of death, torture or other inhumane or degrading treatment if returned home. HP is normally granted for 5 years, although periods can be shorter. At the end of the temporary protection period, the Home Office will actively review the case. If it is viewed that if the applicant no longer has protection needs, then further leave will be refused.

Refusal

If given a negative decision, an applicant needs to access appropriate legal advice immediately, as there are very tight time limits for appeals. Limited claims for Asylum are successful.

Voluntary return

An Unaccompanied Asylum Seeking Child may decide to return home permanently, often as a result of improved conditions in the country of origin. This might be arranged independently or assistance might be available.

The International Office for Migration (IOM) should be contacted and they will assist with a planned return home. This will include an arranged reception and financial assistance on return.

Removal

When all Appeals have failed (Appeal Rights Exhausted), UK Borders Agency will take such steps to remove the Unaccompanied Asylum Seeking Child. This is currently a contentious area, particularly in relation to under 18’s. and could be a breach of Article 8 of The European Convention on Human Rights. A Human Rights Assessment needs to be completed by the social worker, and Legal advice should be sought immediately. Following completion of the HRA, where removal is the outcome agreed, a letter needs to be given to the young person clearly stating the actions that have been taken, decisions made and informing them of the next steps.

Third Country Removal

The Home Office, under the Dublin Regulation 2003, seeks to ensure that Unaccompanied Asylum Seeking Children are dealt by the first member state in which they either claim asylum or are finger printed. This is in order to stop successive claims in different member states. The removal of children and young people to third country claims is currently under review by the Home Office.

# 7 Children who go Missing from Care

If the young person goes missing the Child Missing Procedures must be followed.

The carers will immediately inform the allocated social worker or Emergency Duty Service and the Police and obtain an incident number. The social worker will inform immigration, the Home Office and liaise with Operation Innerste if they have been registered as trafficked.

A strategy meeting will be held with all parties concerned within the guidelines of the West Sussex Missing Persons Protocol if the child has been missing for 24 hours.

**‘Safe-and-Well-Check’**

When the UASC is located the Police will carry out an immediate ‘Safe-and-Well- Check’ to identify any indications that the young person has suffered harm; where and with whom they have been; and to give them an opportunity to disclose any offending by, or against, them.

**The Return Home Interview**

The Missing Children Team will liaise with the allocated social worker to make arrangements to see the child and offer them a Return Interview. This will build on information gained from the ‘Safe-and-Well-Check’ and serve to identify any harm the child may have suffered, understand, and address the reasons why they ran away and consider preventive measures regarding further running away.

This Return Interview should aim to take place within 72 hours of the young person being located or returning from absence.

If information gathered at the ‘Safe-and-Well-Check’ and/or the Return Interview suggests that the missing episode could mean the UASC is a victim of Modern Slavery this must be investigated via a joint assessment by WSCC Police and WSCC CLA. A Safety Plan will be created with the young person and key people responsible for their care and safety i.e. allocated social worker, family support practitioner, accommodation support worker, foster carer. The Plan will describe the young person’s understanding of danger, risk, and safety. It will outline the worries about being away from placement, how the young person will keep themselves safe while they are away and will state any agreed actions, such as, texting a key person to say where they are and when they will be back.

**Long Term Missing**

In the event that a UASC goes missing for a period of more than 72 hour Children’s Social Care should register that the child has gone missing with the Home Office so that checks can be subsequently made should they present in a different Local Authority or subsequently in another jurisdiction. Children’s Social Care should also notify the young person’s immigration and asylum solicitor if one has been appointed.

UASC who do not return to the accommodation and the indictors are that they have moved location need to remain open as a CLA until they reach age of 18. The placement can be ended, with the belongings of the uasc put into storage. Should the UASC return an alternative placement will be provided. The review documents as well as the strategy meeting should capture all actions that have been taken to find the child and return them to their placement.

The child will continue to have an allocated social worker who will review the actions to find them on a regular basis, and liaise with the Home Office so that checks can be subsequently made should they present in a different Local Authority or subsequently in another jurisdiction.

Updates should be provided for Group Manager, Service Leader and Head of Service on a monthly basis.

When the child becomes an adult the case will close unless the child has been in the care of WSCC for 13 weeks prior to their 18th birthday. In this instance they become former relevant and the case transfers to Care Leavers. Post-18 the normal “in-touch” reporting will be the mechanism for reviewing whether there have been any developments in finding the young person.

**Storage of belongings**

If the young person is missing for longer than 28 days, any belongings left behind will be inventoried and taken and stored in secure storage for a period of 1 year after which they will be disposed of if no contact is received from the young person. Every attempt will be made to contact the young person and to re-unite them with their belongings before this happens

# 8 Education

UASC are treated in the same way as any looked after child in respect of their education. Every child/young person is entitled to an Education provision up to compulsory school age. Education is a significant vehicle to social inclusion and may serve to counteract the disadvantages which may be encountered as a direct result of their ethnicity and status as asylum seekers and looked after children.

Young people will need to be made aware of educational requirements and opportunities in the UK as the structure may differ substantially from that in their home country, where, for example, there may be no legal requirement for full time education to 16 years.

If of statutory school age an application to school admissions should be made by the social worker or foster carer. An alert should be made to the Virtual School to support the young person in obtaining appropriate education and a Personal Education Plan will be arranged to assess their needs within the first 4 weeks (by the first CLA review).

For young people out of statutory school age a referral will be completed for an ESOL course (English for Speakers of Other Languages) or appropriate college course to support learning and development.

The Guidance on the Education of Children and Young People in Public Care was issued jointly by the Department for Education and Employment and the Department of Health in May 2000:

* Each child and young person must have a Personal Education Plan.
* Every school must have a Designated Teacher for Children in Public Care.
* Local Authorities will develop a protocol for sharing information.
* Care placements will only be made with educational arrangements already in place, except in.
* Education placements will be provided (where possible) within 20 school days of the care placement.

Links with the Ethnic Minority Achievement Team will enable one to one assistance to be provided to the school, and a referral made when a school has been identified.

**Statutory school age children (up to end of Yr 11)**

Children with accepted age within statutory school age MUST be registered with a mainstream school – even if they are 16 and not yet at end of year 11. It is the social work task to make an application to a local school. The application process is on the West Sussex schools admissions page. Notification of application should be sent to sarahclark@westsussuex.gov.uk the Virtual School Head Teacher. A decision about school place should be given by the school within 20 days of application and Virtual School can assist after the application has been made.

A Personal Education Plan must be arranged and be completed within 20 days of placement so that the individual and additional needs of the child’s education are considered - even if they are at end of year 11. English for Speakers of Other Languages (ESOL) provision, combined with a core programme of courses relevant to ability and understanding of English, should be available in the area in which the young person resides.

In considering education provision, it will be important to ensure that language support is in place and that an assessment of the young person’s previous educational experiences and current abilities is made. The young person’s wishes are to be taken into account when identifying provision where the young person is 15/16 years. It is essential that an Interpreter attends the initial admissions interview in order to begin the process of identifying the young person’s educational needs.

Induction to schools and colleges will be undertaken sensitively, preparing the class for the arrival of the young person and preparing the young person for the routine of the school and the content of the curriculum. Support networks need to be clearly identified and explained, and the young person prepared for the possibilities of racism and bullying. Teachers and other school personnel will be made aware of the young person’s circumstances and have clear contact instructions for carers and social work support. Contact should be maintained with the Special Educational Needs Co-ordinator in the school. Lack of English as a first language does not amount to the need for a Special Educational Needs statement.

Schools will be encouraged to enable literate children and young people to use their first language in school, for example in note taking, completion of tasks and discussion of tasks set with one another. This will assist Unaccompanied Asylum Seeking Children to maintain their own identity and language at the same time as learning written and spoken English.

**Children that are post statutory school age**

It is the social work task to make an application to a local college or language centre such as asphaleia. The application process will depend on the individual college or language centre.

Higher and further education: pending leave to remain and appeal outcomes access to education will be subject to Asylum status and in line with the pathway plan, finance policy and Immigration legislation.

**Recording the PEP**

The PEP is recorded on the ePEP system and is a combined responsibility of the school setting and the social worker – The ePEP has to be signed off by social worker, Designated Teacher, Child with the Virtual School providing final sign off. The final sign off populates information for the following PEP.

**Review of PEP and post statutory school planning.**

A PEP must be reviewed every term – that is there should be 3 PEPs each academic year. PEP’s completed in year 11 should contain planning for post 16 provision.

Personal Education Plans will be made with the assumption that the young person will remain within the UK and therefore in line with all other looked-after children. The Education Co-ordinator should be consulted regarding the above matters. However part of the role of the worker is to prepare the young person for the possibility that they may not be able to remain in this country permanently, and there is a need to have a twin tracked approach to planning around the development of skills/education that might be needed to return successfully to their country of origin.

**Education, Health, Work and Benefits Rights**

An unaccompanied Asylum seeing child who has Discretionary Leave to Remain will have a National Insurance Number and be able to work, receive Education or Training and Health Care

## 9 Initial Health Assessments

Immigration Officers or Border Force will have carried out a very basic safe and well interview to identify any urgent health concerns on the child’s arrival or presentation. Until the first decision regarding refugee status has been made by the Home Office unaccompanied asylum seeking children are not entitled to access free health care.

At first arrival health of child must be a priority, and child must be taken to A&E or GP to address any immediate health needs. An Interpreter may be required for these appointments. Registration with a local GP will be completed by their carer, and NHS numbers and name of GP must be added to mosaic and added to CLA health passport.

Social workers will liaise with CLA nurses to arrange appts with sexual health clinics which will include HIV, testing and gain consent to make relevant referrals – and also for TB and Hep B screening with GP if this is needed before IHA. Particular attention should be paid to ensuring the young person receives advice on sexual health and relationships and to ensuring that this is undertaken in a culturally sensitive manner.

All children should receive an Initial Health Assessment within 20 days of becoming looked after – the health of UASC must be treated in the same way as any looked after child. The social worker will make referral for IHA and attach information gained at initial screening or other health information gained since they arrived. IHA includes understanding Immunisation Status. At IHA, there will be a check that sexual health, HIV, TB and Hep b has been tested and if needed treatment received and completion of strengths and difficulties questionnaires to inform service provision and individual care planning.

UASC need to receive appropriate Dental care as this group of children have a high propensity for dental problems. Dental attendance data must be collated on mosaic to inform the 903 Data Return.

UASC need to receive appropriate Eye Tests as this group of children have a high propensity for sight problems. Optician attendance data must be collated on mosaic to inform the 903 Data Return.

Stay Safe and keep well in the UK groups is arranged every quarter with as a rolling programme to address Sexual Health, Healthy Sleep, diet and lifestyle, Healthy Relationship and Consent. New arrivals will be supported to attend these groups.

Social workers should endeavour to familiarise themselves with cultural norms, which might influence behaviour, emotional displays and reactions to loss and grief in order to avoid any potential for misinterpretation.

Where a young person is suffering PTSD or have suffered persecution, torture or trauma because of their experiences a referral should be made to PMHW specialist for therapeutic input.

Review Health Assessments need to be completed within statutory timeframes.

**Emotional Well-being and Mental Health**

The Mental Health Practitioner for UASC will attend Initial Health assessments for unaccompanied asylum seeking children who become looked after by the local authority. The allocated social worker will complete the IHA request so that the assessment is completed within 20 days of start of placement. This IHA request should be copied to the MH Practitioner.

The assessment will be conducted as the first step in the care planning process and will be made with reference to the child’s need as an unaccompanied or trafficked child. This means that particular account must be taken through the assessment of any specific needs the child has, for example, because of their experiences in their country of origin (such as experience of conflict), their journey to the UK, abuse at the hands of traffickers or exploitation as a consequence of being trafficked. The MH practitioner will ensure that the assessed emotional wellbeing and mental health needs of the asylum seeker are summarised and sent to the named nurse or GP to be included in their Initial Health Assessment report that should be available for the first CLA review.

At the Initial Health Assessment, the Mental Health Practitioner will assess the emotional well-being and mental health of the child. This should ascertain any particular psychological or emotional impact of experiences as an unaccompanied or trafficked child. These experiences can be severe and traumatic. They should be noted along with any consequent need for any psychological or mental health support to help the child or young person deal with them. The Mental Health Practitioner will either:

* Complete assessment with no further support needed by MH practitioner
* Provide information for later use;
* Refer for treatment by CAMHS LAAC or Early Help,
* Refer for therapeutic intervention by UASC MH Practitioner

The MH Practitioner will also take referrals from CLA social workers for UASC who are displaying signs of trauma and loss. This may include difficulties such as sleeping problems and nightmares; sadness and depression; adjustment, attachment and control difficulties; suicidality and eating disorders. The MH Practitioner will provide further assessments as needed, and therapeutic intervention for the children until appropriate for step down or discharge.

**Harmful Behaviours**

If there is reason to be concerned that a child has suffered harm such as Female Genital Mutilation (FGM) a referral to a paediatrician and to the Lead Nurse for Looked After Children .should be made. If the young person gives a history of abuse or is sexually active, potential pregnancy or screening for sexually transmitted illnesses may need to be offered. This screening has to be handled sensitively and offered if appropriate. Consideration should also be given to whether any recent physical injuries have been investigated and if appropriate treated.

# 10 Care Leaver Support

**Former Relevant Children (Sec 23c)**

Former Relevant children are those young people who have reached 18 but not 21 and were Eligible and/or Relevant prior to becoming 18. However, if someone is being helped with education or training they remain a former relevant child to the end of their agreed programme, even if that takes them past the age of 21.

**Education, Health, Work and Benefits Rights**

An unaccompanied Asylum seeing child who has Discretionary Leave to Remain will have a National Insurance Number and be able to work, receive Education or Training and Health Care

Just before they become 17 years and 6 months, they should have a meeting with their Solicitor to assist them to apply to extend their Discretionary Leave to Remain. The Home Office will make a new decision. This could take a few months or a few years. Whilst they are waiting, they have the same Rights as when they had DLR (work, education and health care), and in addition get State Benefits at 18 (Income Support, Housing Benefit, Job Seekers Allowance)

If their asylum claim is successful, the Home Office will give them further Leave to Remain and they will keep their Rights to be able to work, be in education and claim benefits.

If the claim is not successful, their Solicitor might be able to help them make an Appeal. Their Solicitor will give them advice about the Appeals process. If they can make an Appeal, then they will have the same rights as before (work, education, benefits and health care) whilst they are waiting for a decision. If their Solicitor cannot help them (for example it is considered by the Solicitor that they have insufficient grounds to appeal) their Personal Assistant may help them try and find a different Solicitor or they can make an Appeal to the Home Office without a Solicitor.

**‘Appeal Rights Exhausted’**

Young people who have not received, or no longer have, leave to remain, are often referred to as ‘failed asylum seekers’, ‘end of line’ or ‘appeal rights exhausted’ (ARE). These are people who have been refused asylum or any form of temporary protection or whose leave to remain has expired and an application to extend it refused, and they have exhausted all appeals.

**Over 21**

If the claim for asylum is still not resolved when the young person becomes 21, support from the Local Authority will cease unless the young person is in full time education or is engaged a course of medical treatment. This is unfortunate but it is the legal position. A referral to Asylum Help should be made and the young person should be issued with a letter of notice that concludes support for the young person on their 21st birthday.

Support will close in the same way at the time the education or health treatment ends.

# 11 Advocacy, Representation and Complaints

United Nations Convention on the Rights of the Child (Article 12) states:

*“Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child’s day-to-day home life.”*

All children in care and care leavers are entitled, by law, to the support of an Independent Advocate, up to their 25th birthday, to enable them to express their views. Information about WSCC Advocacy Service is available at the following link.

<https://www.westsussex.gov.uk/education-children-and-families/your-space/life/advocacy/>

All workers must ensure that young people are aware of this entitlement and know how to access these services. Workers in turn should refer a young person for an independent advocate if they feel the young person’s voice is not being heard and they need support, independent of the local authority, to ensure that their views are taken into consideration when decisions are being made about their lives.

Similarly, workers must ensure that young people are aware of their right to make a complaint and provide them with the relevant information and support to do so. All young people making a complaint **must, by law,** have an independent advocate to support them.

Details of WSCC’s complaints procedure for Children’s Social Care is available at the following link:

<https://www.westsussex.gov.uk/about-the-council/have-your-say/make-a-complaint/childrens-social-care-complaints/>

**Independent Visitors**

Children in care and care leavers are also entitled to the support of an Independent Visitor up to the age of 18 years. Unlike the advocacy role, the independent visitor is a long term befriending role provided by volunteers who develop a relationship with the young person, normally around a shared activity, and visit monthly. The decision to refer a young person to this service is normally made at the CLA Review/Pathway Plan meeting and it is the allocated worker’s responsibility to follow this through.

**Appendix i – Flowchart for unaccompanied child in custody**

