

## **Annex D: Guidance for Councils: children without their parent(s) / legal guardian in the UK outside the 'eligible minors' Homes for Ukraine Scheme**

### **1. Introduction**

The Homes for Ukraine scheme is open to applications from 'eligible minors' who are coming to the UK without their parent(s)/legal guardian. Sponsors of these applicants must follow a different process to the main scheme, including providing parental consent, and will need to meet relevant eligibility criteria and pass enhanced safeguarding checks before a visa can be issued.

However, some councils have identified other unaccompanied minors living with sponsors in the UK who have not applied through this route. This includes children who:

- Travelled to the UK before the introduction of the 'eligible minors' route under the Homes for Ukraine scheme.
- Applied with their parent(s)/legal guardian under the wider Homes for Ukraine scheme but whose parent(s)/legal guardian did not travel with them to the UK.
- Applied with their parent(s)/legal guardian under the wider Homes for Ukraine scheme but who have subsequently been left in the UK with a sponsor and/or accompanying adult, either because their parent(s)/legal guardian has subsequently left the country or moved to a different address in the UK.

This guidance sets out the role of councils in supporting these children. It should be read in conjunction with the guidance issued on 15 July by the UK Government: 'Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils' which can be found [here](#).

### **2. General principles**

The wider Homes for Ukraine sponsorship scheme was not designed for unaccompanied children. Separate guidance for sponsors and parents makes clear that we strongly advise that where parents/legal guardians have applied through the main scheme they should travel and stay with their children in the UK. If exceptional circumstances mean that the parent(s)/legal guardian are unable to travel with their child or must leave their child in the care of a sponsor, guidance is clear that they should agree this with the sponsor and inform the council in advance so they can carry out additional sponsor suitability checks.

Where councils are notified that a child will be or is already in the UK without their parent/guardian and outside the Homes for Ukraine eligible minors scheme they should:

- a) Flag the newly identified unaccompanied minor on Foundry.
- b) Secure parental or legal guardian consent for the sponsorship arrangements.
- c) Carry out the safeguarding and sponsorship suitability checks required by the eligible minors scheme.
- d) Confirm that the sponsor understands their role.
- e) Carry out regular welfare checks on the sponsor and child to ensure the ongoing suitability of the sponsorship arrangements.

This applies in all instances where the child will be without their parent(s)/legal guardian in the care of a sponsor for a period of 28 days or longer, in line with [private fostering guidance](#).

### 3. Flagging a newly identified ‘unaccompanied minor’ on Foundry

If a council is made aware of a child who they have a specific reason to believe is an unaccompanied minor but has not been flagged as such on Foundry, they should use the ‘flag misidentified unaccompanied minor’ function.<sup>1</sup> This will ask the council to provide a reason for this request, for example because their parent has not travelled with them, or has subsequently left the country leaving them in the care of a sponsor. UKVI will then respond with a decision, but you should continue to follow the next steps in this guidance (i.e. secure parental consent and conduct safeguarding checks) whilst you await UKVI’s decision. Further guidance on how to use this function can be found on Foundry.

### 4. Securing parental consent for the sponsorship arrangement

***Should a council identify a child who is in the UK without a parent or legal guardian they need to contact the parent or legal guardian and ask them to complete the UK Sponsorship Arrangement Consent form at the earliest opportunity (Annex E). Councils should hold this information locally for their own records and do not need to upload this onto Foundry or raise a ticket on Jira to confirm completion of the form. While notarised consent is not required, it is vital that the council makes best efforts to contact the parents and request the completed form.***

If the council is unable to contact the parent or legal guardian, the Ukrainian Embassy should be consulted as they may be able to help. They can be contacted at: [consul\\_gb@mfa.gov.ua](mailto:consul_gb@mfa.gov.ua)

If the parent or legal guardian cannot be contacted to confirm consent to the arrangement, the council will need to use their discretion as to whether the sponsorship arrangement is still suitable in lieu of formal parental consent. The council might want to consider factors such as whether the child is accompanied by an adult relative who will be staying with them for the duration of their time in the UK. If councils have safeguarding concerns, they should consider whether they need to take further action, which may include accommodating the child in line with statutory duties. As set out in the [ending of sponsorship arrangement section of the published guidance for councils](#), the council will need to keep the Embassy appropriately informed.

If the parent or legal guardian doesn’t consent to the arrangement, the council will need to work with the parent to agree alternative arrangements for their child. This might include supporting the child to move to an alternative sponsor identified by the parent(s)/legal guardian or returning the child to Ukraine or another country to be reunited with their parent. If alternative arrangements cannot be made, the council may need to accommodate the child in line with their legal duties. As set out in the [ending of sponsorship arrangement section of the published guidance for councils](#), the council will need to keep the Embassy appropriately informed.

### 5. Flexibility regarding the ‘known sponsor’ requirement

While the expectation that the parent(s)/legal guardian should personally know the sponsor remains, the [eligibility criteria section of the published guidance](#) on the eligible minors scheme sets out that councils are able to exercise discretion in exceptional cases where this is in the best interests of the child. Given that children in these cases are already living with

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<sup>1</sup> The same function can be carried out in reverse, i.e. when the council believes the child should not be categorised as an ‘eligible minor’.

their sponsor in the UK, this is likely to count as an exceptional case if the arrangement otherwise meets the criteria set out below.

## **6. Carrying out the required safeguarding checks and ensuring the suitability of the sponsorship arrangements**

***If not already completed, the council should ensure that the relevant sponsor approval checks are carried out as soon as possible, and that completed checks are recorded on Foundry.*** This includes:

- Relevant DBS checks
- Accommodation checks
- A sponsor suitability assessment (in line with the requirements of the eligible minors scheme)

Further details on these requirements are set out in the [approving sponsors section of the published guidance](#) for councils on children not travelling with or joining their parent in the UK. In carrying out the sponsor suitability assessment, councils should refer to the relevant [Private Fostering Guidance](#) which contains details of what may or may not be considered as suitable.

Where the sponsor does not pass the checks for safeguarding reasons, the council will be expected to accommodate that child or take them into care in line with their legal duties, as set out in the 'Ending of a sponsorship arrangement with a child' section below. The council should make best efforts to inform the child's parent or legal guardian at the earliest opportunity, as well as the Ukrainian Embassy.

Where the local authority determines that placement with the sponsor is not a viable ongoing arrangement for the child, but there are no immediate concerns for the child's welfare, the child should stay with the sponsor while the parent is consulted on alternative arrangements. Further guidance is included in the [ending of sponsorship arrangement section of the published guidance for councils](#).

Where the sponsor is looking after a child whose parent or legal guardian has returned to Ukraine only temporarily, the council should adapt the assessment to assess the suitability of the arrangement.

## **7. Confirming the sponsor's understanding of their role**

As set out in the [approving sponsors section of the published guidance](#) for councils, under the Homes for Ukraine eligible minors route, councils are required to undertake a sponsor suitability assessment. As part of their assessment, the sponsor is asked to confirm in writing that they understand the expectations on them as a sponsor of a child.

***Given the increased expectations on sponsors hosting children, it is important that councils discuss these specific requirements with sponsors as part of the initial sponsor suitability assessment. They should ask them to complete the form (Annex A) to confirm they understand their role as a sponsor of a child.***

The sponsor should also be directed to the published guidance for sponsors of children not travelling with or joining their parent or legal guardian which is available [here](#).

In some instances, sponsors may not be able to commit to the requirements of the eligible minors scheme (for example, those who agreed to the arrangement for only 6 months, in line with the requirements of the wider scheme, may not be able to commit to sponsorship for 3 years or until the child turns 18 and has been hosted for 6 months as required under the

eligible minors scheme). If the parent(s)/legal guardian consent to the arrangement, and the safeguarding checks are passed, councils may determine that it is in the best interests of the child to remain with the sponsor. However, if the council determines that the sponsor is not suitable, then the council will need to contact the child's parent or legal guardian to agree alternative arrangements for their child. As above, this might include supporting the child to move to an alternative sponsor identified by the parent(s)/legal guardian or returning the child to Ukraine or other country to be reunited with their parent. If alternative arrangements cannot be made, the council may need to accommodate the child in line with their legal duties.

## **8. Ongoing welfare checks**

The sponsor and any accompanying adult play an important role in supporting the welfare of the child. The council also has a legal duty to protect the child in certain circumstances.

***The council should visit the child regularly until they turn 18 to ensure their ongoing needs are being met and check that the sponsorship arrangement is working well.*** The council's approach to welfare visits should be in line with the [Guidance on Private Fostering](#) (i.e. at intervals of not more than six weeks for the first year, and at intervals of not more than 12 weeks in subsequent years). In all cases councils will want to consider whether there are circumstances that might deem more frequent visits necessary.

It is expected that the council will speak to the child without the sponsor and/or accompanying adult being present for part of the visits. These visits help determine that the arrangement continues to be in the best interest of the child.

If on the first or subsequent visit, the child is not present or the sponsor says that they have moved elsewhere, the council should ask for more details of where the child has gone. They should then endeavour to locate the child at their new location and undertake checks there. If it is not possible to locate the child, the local police should be notified so that they can commence their missing child procedures.

## **9. Ending of a sponsorship arrangement with a child**

Guidance on this is included in the [ending of sponsorship arrangement section of the published guidance for councils](#).

## **10. Resources and raising queries**

Resources to support sponsors and children can be found in the published guidance for [sponsors](#) and [welcome guide](#) for unaccompanied children.

Councils should raise any queries on the JIRA Service Desk: <https://digital.dclg.gov.uk/jira/servicedesk/customer/portal/11>

Councils can also call the Telephone Desk on 0303 444 4445 (9am-6pm Mon-Fri). This phoneline is dedicated to Councils only and is not available to the General Public.