**Regional Approach to Disputes around Local Authority Responsibility for Children and Adults Seeking Asylum**

1. Background

This identifies the agreed approach by local authorities within the East Midlands in respect of children and adults presenting as being unaccompanied asylum seeking children (UASC) in different regional local authority boundaries and is part of interest in working towards shared regional approaches to various aspects of UASC policy and practice.

1. National Guidelines

The East Midlands recognises that current caselaw recommends that where there is a dispute around local authority responsibilities towards those person(s) seeking asylum then local authorities should work together. The basis in any response to a person presenting as a child in a local authority area needing safeguarding actions or support as a child in need will remain under the duties in the Children Act 1989.

1. A Regional Approach to presenting UASC

This approach acts as a memorandum of understanding that the East Midlands Local Authorities of Nottingham, Nottinghamshire, Derby, Derbyshire, Lincolnshire, Leicester, Leicestershire, Rutland, and Northamptonshire (North and West) will strive for best practice procedures and respond to a child in need in their area under the guidance of the Children Act 1989.

Safeguarding actions and protocol will supersede any disputes around case responsibility and will be the responsibility of the area where the child is presenting at that time (unless it is agreed that another local authority wishes to take the lead responsibility for any immediate actions).

**Previous Presentation(s)**

If a person claiming to be a child seeking asylum has presented in another local authority, then relevant information sharing about what actions have been undertaken by that original presenting local authority will need to be shared with the current presenting local authority. A discussion should take place between the relevant local authority UASC Leads to agree on an action plan (including any immediate safeguarding actions) and to identify which local authority is taking lead responsibility to the person presenting themselves again.

***It is agreed by the East Midland Local Authorities that this is expected to be the responsibility of the current presenting local authority as they are presenting as a child in need in their area (under the guidance of the Children Act 1989).***

If the original presenting local authority wishes to take the lead responsibility, then this is also an option, but will be agreed upon by the UASC Leads.

If the presenting person is identified as currently receiving support and services (under the guidance of the Children Act 1989 including looked after, care leaver, child in need, or missing from care) to another local authority which is different to the current local authority where they are presenting, then the originating local authority where services are being provided will remain the responsible local authority.

As circumstances in each presentation can be individual, then it is recommended that advice and consultation is sought with the regional immigration solicitor.

**Best Practice**

If the needs to be a Strategy Discussion (due to safeguarding concerns), then it is expected for both original and current local authorities to attend this. This will however be led and organised by the current presenting local authority.

It is agreed that the local authorities should act in the best interest of the child (first and foremost) and therefore expected that agreed actions and working together to achieve best outcomes is preferred. If there is a continuing disagreement on which local authority is taking responsibility for the new presentation, then this will need to escalate as appropriate to the relevant local authorities Children’ Social Care Service Director.

**Ongoing Responsibility**

If the presenting person is identified as a child by the current presenting local authority, but they were previously identified as an adult by the originating local authority then the current presenting local authority is identified as the ongoing responsible local authority under the guidance of the Children Act 1989.

Where there is a dispute, the current local authority must continue to comply with its statutory obligations to the child and support the young person until a decision is made in order to prevent young people being disadvantaged by disagreements over legal responsibility.