

Child First, Migrant Second

Bradford Children's
Services Protocol to
support Separated
Migrant Children

Document Details

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1. Policy Statement

Bradford Children's Services *Protocol to support Separated Migrant Children*, has been written to identify and detail the systems and procedures that the organisation has adopted. These protocols have been written to follow best practice processes and practice standards and will be used as a template to guide our work.

Bradford's vision of support for Separated Migrant Children

Bradford Children's Services are committed to treating all Separated Migrant Children as children first and migrant's second, this commitment lies at the heart of our vision of support when caring for this vulnerable demographic.

We have chosen to reframe the language used when referring to these young people to better reflect both their circumstances and needs. Although this group of young people are referred to formerly as Unaccompanied Asylum Seeking Children (UASC) by both the Department for Education and the Home Office, BCS will refer to them as separated migrant children for the purposes of this protocol.

We believe that the term "separated" better reflects the circumstances of these young people, that are rarely left "unaccompanied". It is more likely that they have become separated as a result of experiences that happened to them either in their country of origin or as part of their migration journey. We also recognise that not all children wish to claim asylum and therefore feel it's important to reflect this in the language we use.

Bradford Children's Services recognise that separated migrant children enjoy the same rights and entitlements as their citizen looked after peers, however, we are further committed to providing individual care plans and support packages for each child, recognising the essential work required to secure a young person's immigration status.

Key values

It is important for Bradford Children's Services to define and highlight the key values that it holds, these values have been compiled in the list below:

- Our vision of support will treat Separated Migrant Children as children first and as migrant's second.
- We are committed to applying Bradford Children Services practice and standard models into our work with these young people, ensuring they receive the same rights and entitlements as their citizen peers.
- We recognise that Separated Migrant Children have additional vulnerabilities and will work alongside children and young people to explore their wishes and feelings.
- We recognise that Separated Migrant Children may not understand UK systems; therefore, we will adopt a patient, empowering approach to build trust in our relationships that will ultimately improve outcomes.

- We recognise that young people who arrive in the UK without a parent or carer are likely to have experienced trauma, either pre-migration or as part of their journey. Therefore, we will take a trauma informed approach in all our work.
- We will engage in a triple planning process from the initial point of arrival, to ensure young people are empowered with information and options concerning their immigration status.
- We will ensure that all staff working with this client group receive training and support to recognise and respond to the unique needs of these young people.

2. Definitions

When working with this client group, it is important for staff to understand and use the correct language. The definitions described below have been compiled from a range of sources that best identify the terminology that is used throughout this document.

Asylum Seeker

An 'asylum-seeker' is a person who has made a claim for asylum within the meaning of s16(3) *Nationality Immigration Asylum Act (NIAA) 2002*¹, and who is awaiting a decision from the Home Office.

Refugee

A refugee is someone who has been granted asylum. This is a protected status and is enshrined in Article 1A(2) of the *UN Convention on Refugees*², of which the UK is a signatory body.

To be considered a refugee, an individual must be found to be:

*“Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, unwilling to return to it”*³

This definition can be further broken down into 5 constituent parts:

1. Possession of a fear that is well founded rather than fanciful
2. Of treatment that is so bad it amounts to being persecuted
3. For one of five reasons, referred to as 'Convention reasons': race, religion, nationality, membership of a particular social group or political opinion

¹ <https://www.legislation.gov.uk/ukpga/2002/41/section/16>

² <https://www.unhcr.org/uk/1951-refugee-convention.html>

³ <https://www.unhcr.org/uk/what-is-a-refugee.html>

4. Being outside one's country
5. Being unable or unwilling to obtain protection in that country

In order to be granted Refugee Status, an individual would need to satisfy all of the above criteria.

A useful video explaining the legal definitions of refugee status can be viewed below:



Migrant

There is no definition of a 'migrant' that is set out in law. From a legal perspective, there is a key distinction between 'Persons Subject to Immigration Control', who need permission to enter or to remain in the UK and those 'Not Subject to Immigration Control' who do not.

The House of Commons Library Research Briefing Paper on Migration Statistics (Sturge 2021)⁴ broadly defines a migrant as a "person who changes their country of usual residence". This definition can be made more precise in three different ways:

1. Someone whose country of birth is different to their country of residence.
2. Someone whose nationality is different to their country of residence.
3. Someone who changes their country of usual residence for a period of at least a year, so that the country of destination effectively becomes the country of usual residence.

Separated migrant child

The UNHCR classifies separated migrant children as:

*"children under 18 years of age who are outside their country of origin and separated from both parents, or their previous legal / customary primary caregiver."*⁵

⁴ <https://commonslibrary.parliament.uk/research-briefings/sn06077/>

⁵ Committee on the Rights of the Child, General Comment No.6 (2005), par. 7 and 8

Accompanied migrant child

An accompanied migrant child is a child presenting to the UK with their parents/carers. They may have travelled either formerly / informally, with their families, brought in by adults purporting to be their parents or stating they have parents' permission to bring the child to the UK.

Unaccompanied asylum seeking child (UASC)

For the purposes of funding, the Department of Education define an unaccompanied asylum seeking child as:

“a child who is claiming asylum in their own right, who is separated from both parents, and who is not being cared for by an adult who in law or by custom has responsibility to do so”⁶

A child is someone, who is or (if there is no documentation) appears to be, under eighteen.

Some migrant children arrive in the UK as an unaccompanied child but will not seek asylum. These young people need to be assessed initially as a Child in Need but will not be considered UASC for the purposes of funding and recording. They will require support to regularise their immigration status and therefore it is important to obtain legal advice.

Young people who enter the UK accompanied but later become unaccompanied during their stay in the UK and subsequently claim Asylum in their own right, will be treated as UASC until such time that their situation changes.

Table of Terminology

Terminology	Definition	Immigration Status
Asylum Seeker	Someone who is seeking Asylum and wishing to be recognised as a Refugee	Permission to remain in the UK, whilst their claim is being considered
Refugee	Someone whose asylum claim has been assessed and subsequently recognised as meeting the criteria to qualify them as a Refugee	Permission to remain in the UK for 5 years, at which point they can apply for indefinite leave to remain (ILR)
Migrant	Someone who moves away from his / her place of usual residence, either within a country or across country borders, temporarily or	The term “migrant” is not recognised in international law but is a term used to describe someone who satisfies the definition mentioned previously.

⁶ Care of unaccompanied migrant children and child victims of modern slavery Statutory guidance for local Authorities November 2017, page 6.

	permanently and for a variety of reasons	For the purposes of social work, a separated / unaccompanied child who does not claim asylum will be considered a separated migrant child
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Abbreviations and Terminology

ABE	Achieving Best Evidence
ADCS	Association of Directors of Children's Services
ARC	Application Registration Card
ARE	Appeals Rights Exhausted
BCS	Bradford Children's Services
CiC	Child in Care
CLA	Child Looked After
CYPS	Children and Young People's Services
DfE	Department for Education
EDT	Emergency Duty Team
EEA	European Economic Area
ESOL	English for Speakers of Other Languages
GP	General Practitioner
HP	Humanitarian Protection
HRA	Human Rights Assessments
ID	Identification
ILR	Indefinite Leave to Remain
MAF	Multi-Agency Forum
MASH	Multi Agency Safeguarding Hub
MSHTU	Modern Slavery Human Trafficking Unit
NIAA	Nationality Immigration Asylum Act
NRM	National Referral Mechanism
NRUC	National Register Unaccompanied Children
PEP	Personal Education Plan
RHI	Return Home Interview
SEF	Statement of Evidence Form
SMC	Separated Migrant Child/ren
TB	Tuberculosis

UASC	Unaccompanied asylum seeking child
UNHCR	United Nations High Commission for Refugees
UUCR	Unique Unaccompanied Child Record
VRS	Voluntary Return Scheme

Responsible Local Authority

The responsible Local Authority is that which last held the episode of care of an eligible or relevant young person⁷. That Local Authority will retain its responsibility wherever the young person may be living in England or Wales.

Eligible Children

Eligible children are those who are aged 16 and 17, that have been looked after for at least 13 weeks since the age of 14, and who are still looked after. The following are also Eligible:

- Young People remanded into Local Authority Care; regarded as Eligible, even if they are not subsequently given a custodial sentence and if the period of remand is for 13 weeks or more.
- Asylum Seekers; young people 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 may continue to receive services up until they are 25.

3. Legal and Policy Context

This protocol is to be used alongside the following Legislation and Guidance:

- Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery: Statutory Guidance for Local Authorities, November 2017⁸
- Safeguarding Children who May have Been Trafficked.⁹

⁷ <https://www.legislation.gov.uk/ukpga/1989/41/section/22>

⁸ <https://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children>

⁹ <https://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance>

- National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children March¹⁰ 2018.
- Children Act 1989 Section 20¹¹
- Care Planning Regulations¹²
- Social Work Act 2017¹³
- Immigration Act 2016¹⁴
- Nationality, Immigration and Asylum Act 2002¹⁵

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 and the Social Work Act 2017. Whilst in the care of Bradford Children's Services, priority will be given to treating young people as children first and as migrants second.

The Children Act 1989 Section 20

Requires Local Authorities to provide accommodation for children in need within their area, whose assessed needs require this type of intervention. If a child is accommodated under section 20, he / she becomes a 'Looked After Child'.

The Children Act 1989 Section 17

Places a duty upon Local Authorities to safeguard and promote the welfare of children within their area and where welfare would be prejudiced. If a child insists that they want to be given a service under section 17, then consideration should also be given to accommodating them under section 20 in line with the Hillingdon judgement of August 2003¹⁶, unless they specifically state that they do not want to be 'Looked After'.

Which one to use?

Statutory Guidance on the Care of Unaccompanied and Migrant Children (2017) states that:

“An unaccompanied child will become looked after by the local authority after having been accommodated by the local authority under section 20(1) of the Children Act 1989 for 24 hours. This will mean that they will be entitled to the same local authority provision as any other looked after child. Assessment and care provisions for the child should commence immediately as for any looked after child, irrespective of whether an application (e.g., an asylum claim) has been submitted to the Home Office.”

¹⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/750913/NTS-Protocol-Final-October-2018.pdf

¹¹ <https://www.legislation.gov.uk/ukpga/1989/41/section/20>

¹² <https://www.legislation.gov.uk/uksi/2010/959/contents/made>

¹³ <https://www.legislation.gov.uk/ukpga/2017/16/contents/enacted>

¹⁴ <https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>

¹⁵ <https://www.legislation.gov.uk/ukpga/2002/41/contents>

¹⁶ London Borough of Hillingdon, R (on the application of) v. Secretary of State for Education & Skills England and Wales High Court (Administrative Court) (Mar 15, 2007)

All unaccompanied migrant children will therefore fall within the scope of section 20 and become looked after, unless the needs assessment reveals particular factors suggesting 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. However, even in this scenario, it is likely that a child will remain looked after whilst appropriate checks are undertaken, to assess the suitability and authenticity of family members wishing to care for the child.

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, the Children Act 1989 and the Social Work Act 2017

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 that are looked after under the Children Act, and who are turning 18 are entitled to ongoing support as former relevant young people from their local authority under the terms of the Social Work Act 2017 until the age of 25 (removing the previous condition of requiring young people to be in full time education or training).

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 BCS Leaving Care and Transition Online Procedures¹⁷.

The Children (Leaving Care) Act (2000) 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.

National Transfer Scheme 2016

The National Transfer Scheme was created to enable the safe transfer of UASC from one UK local authority to another. It is designed to ensure a fairer distribution of UASC across all local authorities and regions of the UK. Its intention is to manage the disproportionate number of spontaneous arrivals into certain local authorities more effectively and allow for appropriate services and statutory duties to be undertaken.

Bradford Children's Services have signed up to the scheme and are taking planned transfers from other local authorities. However, this is constantly under review

¹⁷ https://bradfordchildcare.proceduresonline.com/p_leaving_care.html#

depending on the number of UASC held overall, once the quota has been reached, it will be unable to accept further planned arrivals under the National Transfer Scheme.

Bradford Children's Services current quota is set at 99 and is based on a 0.07% calculation of the resident child population of an area. This threshold can change; however, it is highly unlikely to do so significantly. To request an updated threshold figure, please contact colleagues at Migration Yorkshire who facilitate the National Transfer Scheme into the region¹⁸.

4. Inter-Agency Working

Home Office

The Home Office is the agency responsible for assessing and granting refugee status in the UK. Section 55 of the Borders, Citizenship and Immigration Act 2009¹⁹ requires the Home Office to carry out its duties in a way that takes into account the need to safeguard and promote the welfare of children in the UK.

When considering applications of asylum from separated children, the Home Office follow the *Children's Asylum Claims*²⁰ policy. It is helpful for Social Care staff to have an understanding of this policy when supporting young people subject to this process.

Children's claim for asylum will be allocated to a decision making team and it is useful for social care to make a note of their contact details for future correspondence if required.

Education

All separated migrant children have the same rights and entitlements as their citizen peers when it comes to education.

As children in care, separated migrant children will require registration with the Virtual School Head, details of which can be found online²¹.

Bradford Schools Access Team offer assistance to refugees and asylum seeking children by providing advice and support in receiving education. The Access Team recognise that this demographic can often find it harder to access education due to language barriers, past experiences and trauma. They also offer advice and help to schools and have published a *Quick guide to refugees and asylum seekers*²².

Every child / young person is entitled to an education provision up to compulsory school age.

¹⁸ <https://www.migrationyorkshire.org.uk/?page=contactus>

¹⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431346/Section_55_v12.pdf

²⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947812/children_s-asylum-claims-v4.0ext.pdf

²¹ <https://bso.bradford.gov.uk/content/policy-and-guidance-for-schools>

²² <https://bso.bradford.gov.uk/content/access-team->

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 an age of 16 years.

If UASC are of statutory school age and accommodated under Section 20, a referral will be made within the first 7 days to the School Admissions Team²³ in order to support the young person to obtain appropriate education. A Personal Education Plan will also be completed to assess their needs, within the first 4 weeks (and by the first CiC review).

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

The statutory guidance on 'Promoting the education of looked-after and previously looked-after children' was issued by the Department of Education in 2018²⁴, stating:

- Each child and young person in care must have a Personal Education Plan (PEP).
- Every school must have a Designated Teacher for looked-after and previously looked-after children.
- Local Authorities will develop appropriate and specific arrangements for sharing reliable information.
- Local authorities must ensure robust procedures are in place to monitor educational progress and promote the highest possible educational outcomes.
- Agencies must work together to ensure that appropriate education provision is arranged at the same time as a placement.
- Education placements will be provided (where possible) within 20 school days of the care placement.

A school or college placement will be identified as soon as possible. Appropriate education for separated migrant children may include a period of time in a setting where their full educational needs can be assessed and integrated into the PEP. They may need time to be prepared for and then become used to formal education, and their initial education may include cultural orientation and life skills appropriate to their age. It may prove difficult to integrate a young person aged 15 years and over into Year 11 provision, and in these circumstances college provision may better meet the young person's needs. 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

²³ <https://www.bradford.gov.uk/education-and-skills/school-admissions/apply-for-a-place-at-one-of-bradford-districts-schools/>

²⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683556/Promoting_the_education_of_looked-after_children_and_previously_looked-after_children.pdf

experiences and current abilities is made. The young person's wishes are to be considered 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 professionals will need to be prepared for the possibility of the young person encountering 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 an Education, Health and Care Plan.

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

Personal Education Plans will be made under the assumption that the young person will remain in the UK, in line with all other looked-after children. The Education Co-ordinator should be consulted regarding the matter above. 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 permanently in this country. Therefore, there is a need to have a twin tracked approach to planning the development of skills / education that will be required to successfully return them back to their country of origin.

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.

Should a young person be refused College admission whilst awaiting an outcome to extend their leave to remain, the Local Authority will consider what is available outside of College funding.

Additional resources can be found online to support the development of separated migrant children's education in Appendix XX of this protocol.

Health

Healthcare provision for UASC is laid out in Bradford Children's Services Online Procedures *Unaccompanied Migrant Children and Child Victims of Trafficking and Modern Slavery for UASC, Section 5. Provision of Services*, which states that:

"The young person will be given assistance to register with a GP and dentist, and enrol in a local school or college. The health professionals and the school should be aware of the child's status and senior managers such as the Virtual School Head should be informed of the school placement. There will be a need to set out clearly any particular implications of the child's status for non specialist professionals such as GPs and teachers, including any urgency of involvement - particularly with health practitioners.

An interpreter should be booked to accompany the young person to appointments with the GP or school, where necessary”.

Depending on the young person’s accommodation arrangements, registration with the GP, dentist, optician and education can be delegated to other professionals involved in the young person’s care, such as a foster carer or support worker, however, the responsibility to ensure this happens will sit with the case responsible social worker.

The police station may have carried out initial health screening by a doctor to identify any urgent health concerns and this should be followed by an initial health assessment as required for all looked-after children. The type of health issues that may need attention include:

- infectious and parasitical illnesses,
- long standing medical conditions,
- injuries sustained in their country of origin,
- dental and optical health,
- immunisation status.

All of the above should be reviewed urgently on arrival. Until the first decision regarding refugee status has been made by the Home Office, unaccompanied asylum seeking children are entitled to access free health care as asylum seekers.

The unavailability of reliable information may limit the comprehensive completion of the Personal Information Record, but every effort should be made to complete records as fully as possible, paying particular attention to past illnesses, injuries, allergies and family health history.

Registration with a General Practitioner and the looked-after children medical assessment must be compliant to time scale and the first one should be arranged at the earliest opportunity. An Interpreter will be required for these appointments.

Particular attention should be paid to the young person’s experiences in their country of origin where illnesses such as TB and scabies may be prevalent.

The young person’s eligibility to register with a GP should be clarified in advance with the surgery, in order to avoid potentially difficult and intrusive discussions, issues of confidentiality shall be clarified with the young person.

Social workers experiencing difficulties in locating a GP with vacancies should contact the Looked after Children’s Nurse in the relevant Health Authority. Every Unaccompanied Asylum Seeking Child is entitled to be registered with a GP and have access to health services.

Where a young person has suffered torture, persecution or trauma because of their experiences, a referral to the Children and Adolescents Mental Health Service should be considered, for therapeutic input to address the issues around their emotional wellbeing.

The Medical Foundation for the Care of Victims of Torture (www.freedomfromtorture.org.uk) is based in London and provides medical treatment, practical assistance and therapeutic support for survivors of torture in the UK, as well as providing advice and information to practitioners.

Accurate recording will be important in describing behaviours, which may require investigating.

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.

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.

Working with Red Cross / Family Tracing

The Red Cross operate a tracing and messaging service for migrants that wish to trace family members that live in the UK or abroad. Referrals can be made by the allocated social worker on behalf of the young person, who will then be supported to attend a local office. All referrals to the Red Cross need to be made with the consent of the young person as there may be risks to family members abroad if they are contacted by agencies outside of their state's jurisdiction.

Police and Missing Children

The *Bradford Multi Agency Child Exploitation Protocol*²⁵ sets out the responsibility for keeping children (including UASC) safe. Missing children and young people are at an increased risk of Child Exploitation; therefore, they should be reported as missing to police in-line with the Philomena Protocol see [Appendix A](#).

Once they have been located, children should be informed of their rights and be offered an interview within 72 hours to talk about the incident to someone independent of their parents / carers, in order to identify any risks that they have been exposed to. Children's Services and Advocacy Focus offer this service in Bradford, in which a *Missing Return Home Interview* (RHI) is undertaken.

When a child is reported missing, the police will record the missing occurrence and complete a *missing from home report*. The missing risk will be graded and the police will undertake timely enquires into locating the missing child. Once located the young person will be returned to their parent / carer in accordance with the *Joint Protocol for missing children from home or care* document, complete a safe and well check and complete a found notification *Misper 7* return report. These will be shared by the police with Children's Social Care via Children's Enquiries.

For young people who are Children in Care, the allocated social worker, as soon as they receive a *Found Notification*, will contact Advocacy Focus to request that a *Return to Care Interview* is undertaken. The relevant Team Manager will sign off the RHI as above and ensure the necessary actions to safeguard or reduce risk are implemented.

Whenever there is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm, there will be a strategy discussion / meeting that will be coordinated and chaired by Children's Social Care, preferably within 24 hours of the missing episode. Participating professionals must bring all available information

²⁵ <https://www.saferbradford.co.uk/learning-resources/resources/>

pertaining to the child to fully contribute to the discussion / meeting and be sufficiently senior to make decisions on behalf of their agencies.

Consideration must be given to the securing of evidence including forensic examination if there is any suggestion that a child has been the victim or is a perpetrator of crime. Where an allegation of physical or sexual abuse is made or becomes evident, the *West Yorkshire Consortium Safeguarding and Children Procedures* must be followed.

Police and Children's Social Care will meet at least once a week to discuss cases of concern at an operational level. Strategic leads must meet bi-monthly to discuss for example trends, cases of concern and issues with placements and care homes that seem to be not providing the appropriate service levels.

5. Procedures

Responding to New Arrivals

The following section details the procedures to follow upon receiving a referral for a spontaneous arrival.

Initial Contact

Immigration Officers and professionals who have contact with UASC in Bradford will alert Bradford Children's Services whenever they have concerns about the safety of children or young people under the age of 18. This may be for the following reasons:

- The person designated to collect the child or young person is neither a relative nor friend of the child or their parents.
- The possibility that these children and young people are, in fact privately fostered, should be borne in mind and referred to Bradford Children's Services.
- The child or young person has false papers.
- The child or young person meets the agreed risk profile for a child victim of trafficking.
- The child or young person has claimed asylum on entry.

Spontaneous Arrivals

Unplanned arrival referrals into Bradford will be made by either police or immigration officers. The call will be received into the Multi Agency Safeguarding Hub (MASH), who will request the young person's details, which include:

- Name
- Nationality and ethnicity
- Language spoken
- Age claimed and date of birth if known
- Name of referrer

- Location found and contact details for where the UASC is being held.

The MASH will then direct the referral to the Leaving Care Service for further action. Outside of office hours this information will be given to the Emergency Duty Team (EDT) to progress.

Prior to the arrival of social care, immigration / police will photograph and fingerprint the child or young person, in order to safeguard the child, aid identification and identify whether the young person has previously presented in the UK. A Home Office Border and Immigration Agency check will be completed to clarify the status of the child/ren and the adult/s caring for them.

Referrals during office hours

Two social workers from the Leaving Care Service will contact the referring agency, to initially gain details and arrange to attend wherever the SMC is being held. It is helpful at this stage to gain a view from the referrer around the suspected age of the SMC, which helps the prompt search for suitable, age appropriate accommodation.

Social workers will attend the location as soon as is reasonably practicable to ensure young people are removed from police stations quickly, recognising that this is likely to be a scary experience for them.

Referrals outside office hours

Referrals outside of office hours will be managed by the Emergency Duty Team (EDT).

Attendance at the police station

Young people are likely to be tired, scared and potentially traumatised by their experiences and staff need to be aware of this when attending. It's common for young people to feel anxiety and stress at being held in a police station, as they may be unaware that this is a safe space for them. Bradford Children's Services recognise that these are common experiences for newly arrived young people and will endeavour to ask enough questions to ensure that young people are safeguarded and their immediate needs are met, but not overly questioned to add additional stress to their situation.

An interpreter will be used where required, via Language Line telephone interpreting.

Social workers (either from EDT or the Leaving Care Service) will attend the police station with BCS Separated Migrant Grab Pack ([Appendix B](#)).

Each grab pack contains the following:

- Brief Enquiry as to Age
- Over 18 letter
- Separated Migrant Child Information Gathering Form
- Modern Day Slavery Screening Tool
- Welcome to the UK words and pictures toolkit

Brief Enquiry as to Age

Young people who are newly arrived in the UK are unlikely to have identification (ID) confirming their age or date of birth and Bradford Children's Services will need to establish whether the person presenting for support is / could potentially be a child in order to receive services.

It is impossible to accurately guess an individual's age based on physical appearance and it's highly likely that young people arriving in Bradford after a difficult migration journey, are going to initially present physically older than their claimed age. Under current case law and ADCS Guidance²⁶ only individuals appearing *significantly over* the age of 18 can be refused a service by Children's Services.

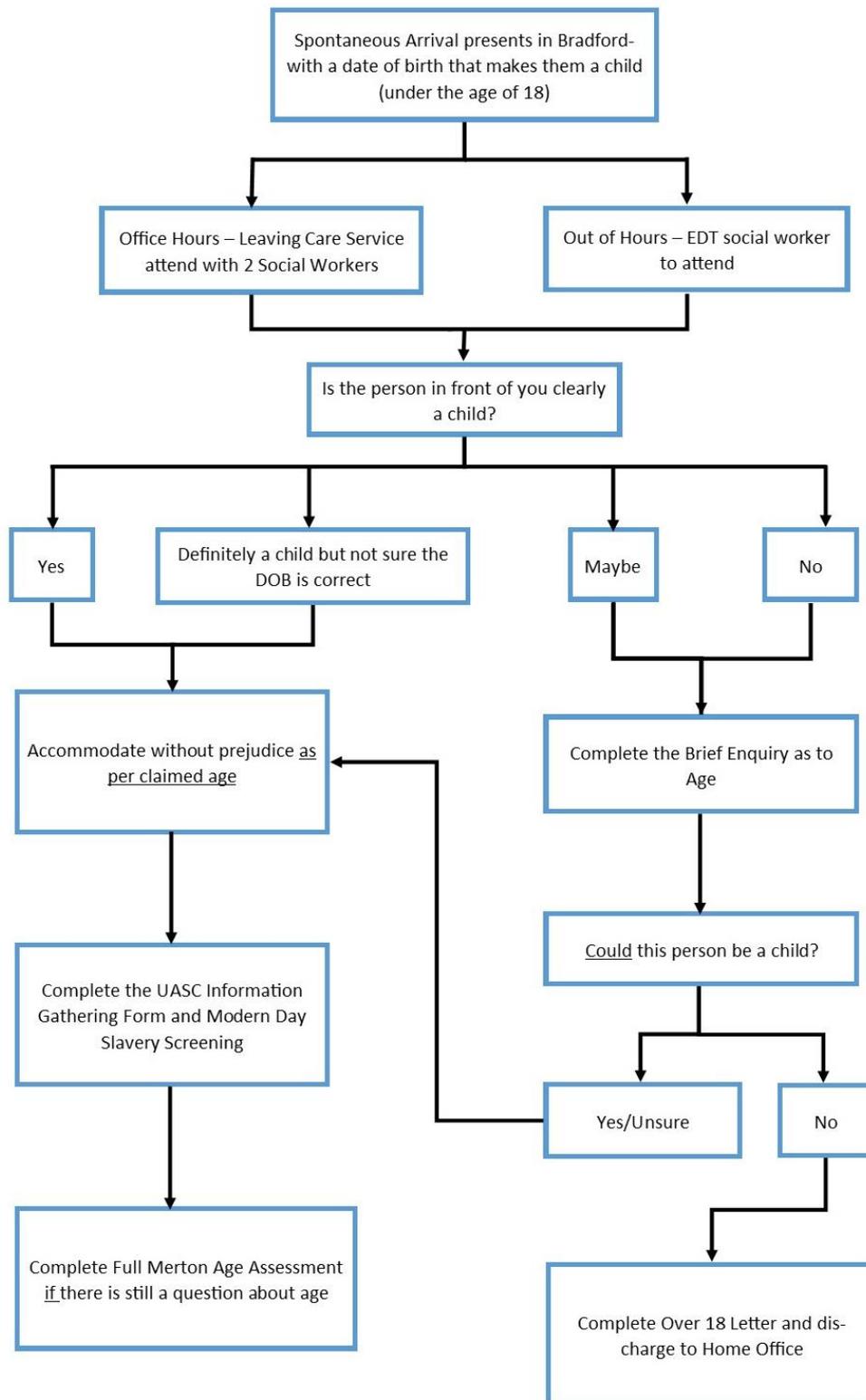
The term *significantly over* has been addressed in the courts, with the threshold currently set at 25+ years.

If social workers attend and, following the completion of the Brief Enquiry as to Age document, believe the person claiming to be a child is clearly over the age of 25 years, they will be considered a clear and obvious case, and the over 18 letter can be issued to release them to the care of the Home Office, receiving services as an adult. A copy of the over 18 letter should be issued to the person, outlining their right to challenge the decision, with a copy retained for BCS.

If there is any possibility that the person could be a child (or under 25), Bradford Children's Services will accommodate without prejudice with a view to completing a full Merton compliant age assessment if required.

The flow chart below is a useful guide when making age determinations at the initial point of contact.

²⁶ https://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf



Separated Migrant Child Information Gathering Form

Young people newly arrived in the UK are at an increased risk of going missing within the first 24 - 48 hours of initial presentation. The Information gathering form is designed to capture enough information to support a co-ordinated police search, should the young person go missing within that timescale.

Modern Day Slavery Screening Tool

Separated Migrant Children are at an increased risk of trafficking, exploitation and modern day slavery. Completion of this screening tool is used to establish possible indicators of modern day slavery and is not an exhaustive risk assessment.

If risk indicators are identified, additional safeguards and risk assessments may be needed to safeguard young people going forward. For information on appropriate placements for trafficked children see the Statutory Guidance [here](#).

Welcome to the UK Words and Pictures

Separated migrant young people have told us that they experience feeling scared, anxious, confused and disorientated at that first meeting, and that they need clear messaging to support them through this part of their care.

The Welcome to the UK words and pictures tool is designed to be used alongside a phone interpreter to convey key messages that young people have identified are important to them at that initial first meeting. Young people wanted to know:

- Where they were in the world
- Who we are
- Where in the UK they are
- They wanted to know what would happen now
- Many needed permission to rest, sleep, eat and relax
- They wanted to know what would happen next

The words and pictures tool was designed to communicate these messages in a clear way that young people could refer back to in those first few days.

Social workers attending the police station will use the phone interpreter to convey the key messages on the tool. As the interpreter is interpreting, the social worker points to the image associated with that message. It is hoped that the young person will associate what the interpreter is relaying to them, with the symbol being highlighted.

Once the messages have been relayed, the young person can take a copy of the words and pictures tool to their accommodation, to refer back to if needed. The images / symbols are designed to “jog” the memory of that message, supporting young people to retain the information more easily. A full copy can be found in the grab pack in [Appendix B](#).



Principles of safely accommodating SMC at the initial point of arrival

When accommodating newly arrived young people it is important to remember the following:

- They will need to rest and recuperate from their journey, accommodation providers need to be aware of this and provide support and reassurance as appropriate,
- The first 48 hours of accommodation are critical for going missing – social workers need to understand and mitigate these risks where possible,
- Young people may be scared and untrusting, they need to be empowered to make decisions and have autonomy over some aspects of their care,
- Young people who have experienced difficult migration journeys may require additional support over and above their citizen peers. 16/17 year olds should not be assumed to have independent living skills and may require a foster placement in the interim to help them settle/rest.

Planned Arrivals/Transfers

When Bradford Children's Services are asked to care for SMC under the National or Regional Transfer Scheme, the Regional Coordinator will contact the Leaving Care Team. The Regional Coordinator will provide the name of the transferring authority and details regarding the SMC who is to be transferred.

Close cooperation between the transferring and receiving authorities prior to transfer will ensure that all relevant information and assessments are shared with the receiving authority and an agreement is determined regarding the transportation of the UASC / SMC.

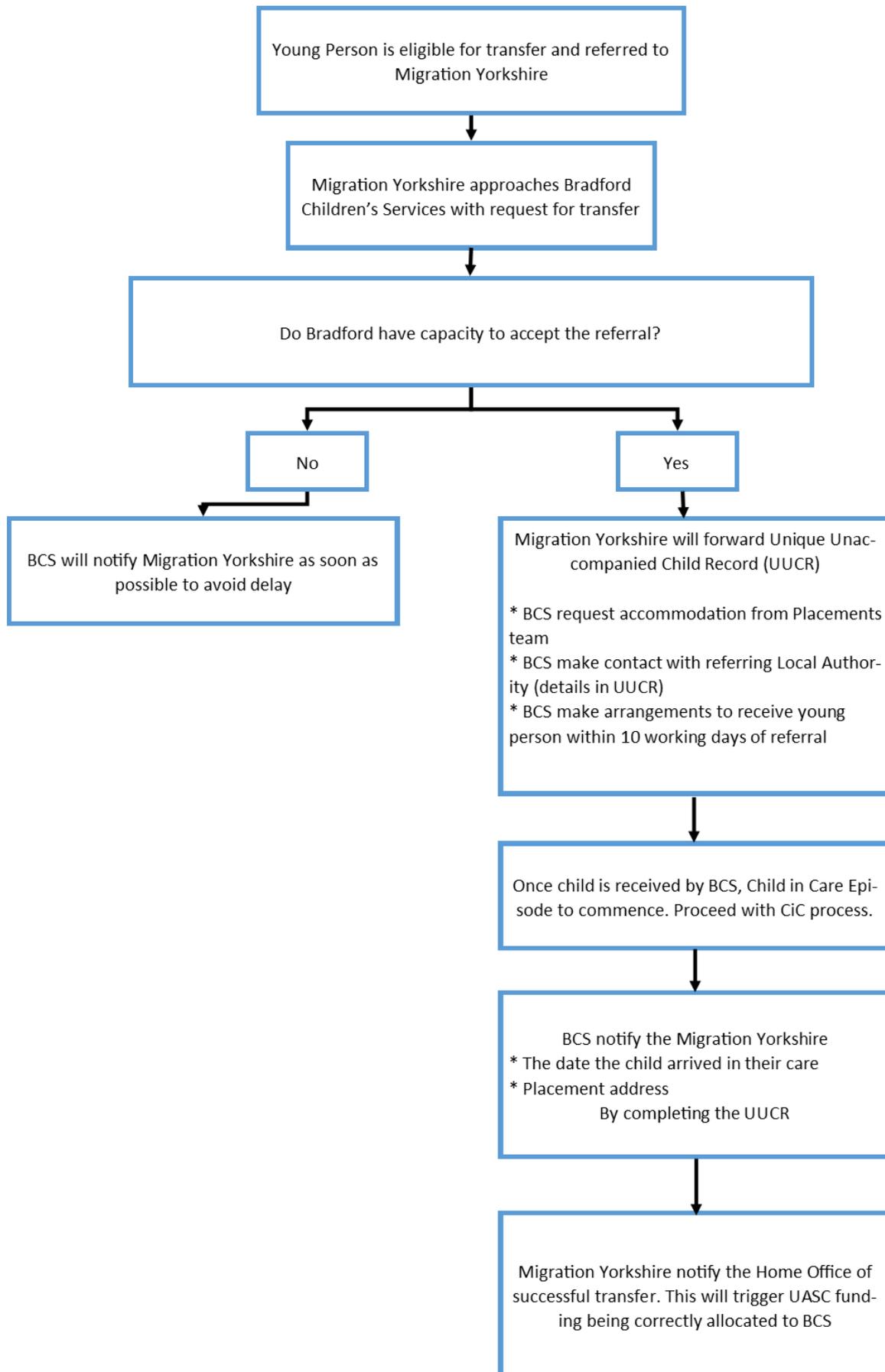
Bradford Children's Services will develop a "welcome pack" which will outline the services BCS will offer, where the young person will be staying etc which be shared with the young person, prior to transfer.

At handover, the receiving authority takes responsibility for the UASC / SMC and should be offered support in line with *Section 20* and a *Child in Care*.

In order to complete the transfer and receive funding, BCS must complete the relevant sections of the *Unique Unaccompanied Child Record*, and send it to: UASCcentralAdmin@homeoffice.gsi.gov.uk.

International Transfers

The UK Government has committed to resettling a fixed number of refugees from across the world between 2020 and 2023. These transfers will be negotiated on a case by case basis and facilitated via transfer scheme arrangements and managed by the regional co-ordinator in consultation with Bradford Children's Services.



Allocation of Young People

All separated migrant children will be required to have an allocated social worker as a Child in Care.

Bradford Children's Services recognise the unique needs that separated migrant children have and have named specialist social workers to case hold these young people.

All young people who arrive in the UK will be allocated to the Leaving Care Service.

Social Care Roles

All Children in Care will receive services in line with BCS Practice Standards Checklist²⁷.

Young people who are newly arrived in the UK may be unfamiliar with the role of social care, the various professionals involved in their care, or the processes they are supported through and it may take some time for this understanding to develop.



The Migrant and Refugee Children's Legal Unit have developed a "Who is Who" video and leaflet resources²⁸ in a wide variety of languages. It may be useful to share these with young people at the start of their time in care.

Assessments: Good Practice Guidance

Best practice dictates that the key to high a quality assessment is good communication, therefore, 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, when gathering information for the purposes of an assessment.

²⁷

file:///C:/Users/josep/AppData/Local/Packages/microsoft.windowscommunicationsapps_8wekyb3d8bbwe/LocalState/Files/S0/18222/Attachments/W41245%20Bradford%20Practice%20Standards%20Checklist%202021[29620].pdf

²⁸ <https://miclu.org/who-is-who>

There are a number of important factors that need to be taken into consideration when assessing UASC / SMC's. These include:

- Concerns around legal status,
- Anxiety raised by another professional asking similar questions to those that have already been asked,
- A lack of understanding regarding the role of social care as being separate from the police or immigration services,
- A lack of understanding why an assessment is needed,
- The fact that past traumatic experiences can impact on the individual's physical or psychological health and this may manifest in different behaviours,
- Their journey itself as well as their previous living conditions may be the source of the trauma,
- The shock of arriving in an unfamiliar culture, with differing systems and language can lead to uncertainty and cause shock. Which in turn, can affect the mood, behaviour and presentation of the individual,
- The reluctance to divulge certain information, combined with fear and confusion can easily be mistaken for a lack of co-operation or deliberate withholding of information.

The first task of assessment with the child, is to gain a level of engagement. To this end open questions are most helpful, with a clear emphasis being placed on reassurance combined with simple explanations of the role and reasons for the assessment. Engagement is far more likely to lead to positive outcomes when building on the initial contact interactions.

We need to ensure that the child is seen alone, particularly to check out the stated relationships with any persons 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, (the Red Cross may be able to assist with this) to find out the plans they have made for their child and to seek their views. It will be important to take steps to verify the relationship between the child and those believed to be their parents.

Anyone approaching the Local Authority and claiming to be a potential carer, friend or member of family of the child *etc.*, should be investigated by the social worker, the police and the Home Office. *Only* if the supervising manager considers that the agencies have undertaken satisfactory identification checks and risk assessments, can the child be handed over to their care.

If a young person has been accommodated by the Local Authority for 4 weeks (following the first statutory review) and a person approaches the Local Authority claiming to be a potential carer as stated above, an assessment will be undertaken to evaluate their ability before the child is able to be transferred into their care.

All assessments should include an assessment of the child or young person's emotional capacity and needs. Although a child may appear to be streetwise and capable of living in a placement, he / she may have emotional needs that cannot be met in certain placements. It is important to not make assumptions about a child or young person's emotional capabilities / needs, rather, a full assessment will be made to ensure that an appropriate placement is obtained.

Children in Need of Protection/ Modern Slavery Assessment process

Separated migrant children are recognised as vulnerable to having been trafficked and are at great risk of exploitation and it is the responsibility of all organisations to work together to safeguard and promote the welfare of children²⁹. In line with government guidance (DfE 2011), where there are concerns a young person may be a victim of Human Trafficking, a *Modern Slavery screening tool* should be completed or updated. Where risk factors are present staff should consult Bradford Children's Services guidance and procedure³⁰ and arrange a strategy meeting / discussion where appropriate.

The purpose of the strategy meeting / discussion is:

- To share information with the police child abuse investigation unit, the Immigration Service and any other relevant professionals
- To develop a plan for the child or young person's immediate protection, to include supervision and monitoring arrangements that will form part of the child's care plan, that will be reviewed at regular intervals.
- To decide what information can be given about the child or young person to any individual that enquires about them.
- To agree how the child should be supported.
- Consider whether an *Achieving Best Evidence* (ABE) interview may be undertaken by police and CYPS to identify any immediate safeguarding concerns.

The strategy meeting will include all parties involved with the SMC, in order to share information and to decide if a formal referral will be made through the *National Referral Mechanism* (NRM) to the *Modern Slavery Human Trafficking Unit* (MSHTU) and the Home Office. Information from both social care and the police should be included in the NRM submission; this may be drawn from the ABE interview record (UK Government Information 2016b³¹).

When undertaking all assessments and working with SMC, due regard should be given to the experiences that children may have faced in their country of origin and their previous encounters with government and authority figures. Sensitivity should be shown to their experiences of repeated questioning. They may be particularly traumatised, having been separated from their families possibly against their will or

²⁹ everychildmatters.gov.uk/safeguardingchildren

³⁰ https://bradfordchildcare.proceduresonline.com/p_sec_47_enq.html

³¹ <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

having left the country to escape abusive situations at home, or from authority figures in their own country e.g., being forced to be child soldiers.

If the young person discloses a history of abuse or is sexually active, pregnancy tests or screening for sexually transmitted illnesses may need to be offered. This must be handled sensitively and *only* offered if considered appropriate. Further consideration should also be given to whether any recent physical injuries have been investigated and if they have been appropriately treated.

Translation / Interpretation

It is the responsibility of the social worker to ensure that *every* child and young person be offered the support of an interpreter if English is not their first language. Bradford Children's Services will establish the first language and dialect of the individual and ensure that a suitable interpreter is in attendance.

Bradford Children's Services commission Enable 2 as our interpreting service, they can be requested via Social Worker by calling 0333 220 1717.

Why should an interpreter be used?

There are c.120 different languages spoken in Bradford; effective service delivery depends upon accurate communication, which is particularly important with:

- 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 correct service).

Therefore, effective and accurate information gathering using professional interpretation and translation is vital during all stages, ensuring best practice procedures are followed.

Bradford Children's Services will endeavour to use an interpreter in the following circumstances:

- Initial needs assessment,
- Merton Compliant Age Assessment – Mandatory,
- At statutory reviews,
- At tenancy sign-up,
- At health 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 to be used.

What is best practice when using an interpreter?

The following list details best practice when employing an interpreter:

- In order to decrease the margin for error, avoid an interpreter who is not using their first language.
- Do not ask friends to be interpreters in meetings.
- Ensure that the service user understands the interpreting process, and that it is free, impartial, and confidential.
- Position the interpreter where he / she can hear or see and can also be heard and seen.
- Use direct speech, e.g. "What is your name?" *not* "Ask him what his name is".
- Use clear, unambiguous language – the interpreter must understand clearly what he or she is to interpret.
- If using consecutive interpreting (where one party speaks and the interpreter repeats in the language of the listener) break at reasonable intervals, e.g., at the completion of a 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. However, these 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:
 - To clarify understanding of what he / she is to interpret,
 - To ask clients to better accommodate the interpreting process, e.g., to speak up or speak more slowly,
 - To alert people to a missed cultural inference and ask for an explanation, which he / she will then interpret,
 - 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 client 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 because it could lead to them making value judgements, which is not part of their role.
- Do not be afraid to challenge an interpreter and ensure that he / she is interpreting the dialogue word for word.

Further guidelines on Interpreting for the Public Sector can be found through the *National Register of Public Service Interpreters* [website](#).

Once the local authority has accepted responsibility for the child, the cost of interpreting falls to them. Should a young person need interpretation with police matters or solicitor appointments, 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 Bradford Children's Services and the other agencies involved.

The Office of the Children's Commissioner recommends that child-friendly literature is provided, in a language that SMC can read and understand³². We will therefore endeavour to supply literature in the languages most common to these children.

Training is available through the Refugee Council³³, which addresses specific issues in relation to SMC and interpreters.

Age Assessments

Bradford Children's Services will ensure that all age assessments conducted are Merton compliant and take place only if completely necessary, and *if* there is significant doubt to the age the young person is claiming to be.

When considering a young person's age, the child should always be given the benefit of the doubt, unless there are clear indicators that suggest the age/date of birth is incorrect. The responsibility to prove an age/date of birth always lies with the Local Authority and never the young person, therefore the decision to assess, should only be made when there is evidence to doubt this.

Any decision to age assess will be recorded as a management decision on the young person's file, with a clear explanation as to why the claimed age is being disputed. Once this is in place, it is important to explain to the young person why the assessment must be undertaken, outlining the reasons for the dispute and offering them the opportunity to respond to those reasons.

Guidance to assist social workers and their managers in undertaking age assessments in England is provided by ADCS (October 2015)³⁴.

³² http://www.nrpsi.co.uk/publications/publications_brochure.html

³³ <http://www.refugeecouncil.org.uk/eventsandtraining/training/service/fulldetails.htm#interpreters>

³⁴ http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

Caselaw dictates that all age assessments must have the following professionals involved for the assessment to be considered lawful:

- An appropriate adult
- A face to face interpreter
- 2 qualified and registered social workers who have attended age assessment training.

All of the above will have the relevant skills and training to undertake their role and be experienced in working with children and young people.

Assessment of age is a complex task and not an exact science. When 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, considering all information available to the social worker 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.

When determining age, it should be noted that some societies do not place a high level of importance on the age of the individual and they may calculate age in different ways. Some children will genuinely not know their own age, or those of their family members and this can be misinterpreted as a lack of cooperation. Additionally, the levels of competence that are witnessed in the children when undertaking certain tasks, may not mirror our expectations for a citizen child of the same age.

An age assessment is an ongoing process and BCS will ensure that any age assessment 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. An updated age assessment will be given to the young person if any supplementary information is added.

Commonly, the Home Office will not dispute a Merton compliant age assessment. However, they will *not* accept assessments if there is a suspicion that the person who presented for the age assessment is not the applicant, or that they are not satisfied a full assessment has been undertaken.

Should a young person not accept the age assessment, evidence will be provided regarding the new age. All age disputed young people are made aware that they have a legal process available to them, in case of dispute. This legal process will need to be taken into consideration by the childcare and legal teams.

Accommodation

A child or young person in care aged under 16 will need to be accommodated in a *Regulated Placement*, of a provider or foster carer who has been approved by BCS. A Child or young person over 16 may be accommodated in a BCS approved semi-independent living provision.

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 has been established.

Appropriate supervision of the child or young person will be undertaken 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, relative to their age and vulnerabilities and in particular where an assessment indicates that the child or young person may be at risk of harm, including abduction from an unidentified person.

Approved accommodation providers and foster carers will remain vigilant to anything unusual, e.g., cars waiting outside the premises or telephone enquiries. All such information will be passed to the social worker, who will ensure that the police child protection team is informed.

All children and young people must have a Philomena protocol document developed and agreed by the Social Worker and provider/carer. The Philomena Protocol ([Appendix A](#)) will set out the agreed strategy in the event a young person goes missing, 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 the Home Office and liaise with Bradford Police. A strategy meeting will be held with all parties concerned, in line with the Philomena Protocol if they are a looked-after child.

Religious and Cultural Needs

Consideration should be given to the child or young person's cultural, religious, ethnic and language needs when matching a child / young person with an appropriate Foster Carer / accommodation provider. Young people who are newly arrived into the UK may feel isolated from their community and consideration should be given to ensure that the care plan recognises this with measures in place to meet these needs where appropriate.

Bradford Children's Services will endeavour to undertake a culturally compassionate approach to their work, recognising the diverse range of experiences young people have prior to their time in care. We will work with young people to identify ways in which we can promote their identity in a way that is comfortable for them, not making assumptions based on practitioners understanding of a particular culture/community. We recognise young people as experts of their own experience and will provide opportunities for discussion to better understand their individual needs in this regard.

All separated migrant young people will be encouraged to participate in the Children in Care council. Where changes need to be made, BCS will ensure that the CiC Council remains accessible to ensure that the council reflects the diverse range of experiences that young people in care have.

Risk

All children and young people need to be risk assessed for the following:

- Personal risks to the child,
- Considerations regarding their unaccompanied status,
- Likelihood of experiencing trauma and lack of understanding of UK support systems,
- Risks they may pose to other children, either in placement or those they encounter,
- Risk of abduction or exploitation of the child by others.

Trafficked children

The United Nations protocol to Prevent, Suppress and Punish Trafficking in Persons (Trafficking Protocol 1)³⁵ defines trafficking as:

“The recruitment, transportation, transport, harbouring 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 prostitution 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 [Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery](#))

Child trafficking is defined as:

“The act of recruitment, transportation, transfer, harbouring or receipt of a child (defined as under 18) for the purpose of exploitation either within or outside the country³⁶”

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

Smuggling

The vast majority of irregular migrants coming to the UK are smuggled rather than trafficked.

³⁵ <https://www.unhcr.org/uk/protection/migration/49632379a/331-protocol-prevent-suppress-punish-trafficking-persons-especially-women.html>

³⁶ <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

People smugglers may profit by transporting undocumented migrants for money, but do not attempt to exploit migrants once they reach their destination. 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 (trafficked victims may be terrified of deportation and Immigration Services),
- Exploiting emotional attachments, for example women being trafficked by their 'boyfriends' for the purposes of sexual exploitation,
- Exploiting the vulnerability and lack of alternative options of a victim.

An understanding of the relationship between the child and the facilitator may reveal key risk indicators that identify whether someone has been trafficked or smuggled. In smuggling cases the child's relationship with the facilitator ends when the child reaches the UK. In trafficking cases the relationship with the facilitator will continue once the child has arrived in the UK.

Risk indicators for continued contact with the facilitator can include:

- Having pre-saved numbers in a mobile phone,
- The child needing to make contact with someone in the UK upon arrival,
- The child having memorised a phone number to make contact after arrival,
- An eagerness / anxiety about making contact with people online,
- Appearing to be vigilant as though waiting to be collected.

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, which the trafficker can exploit for their own financial gain.

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, which gives the child legitimate right of temporary 'leave to remain' in the UK.³⁷

Statutory Reviews

It is important that the designated social worker has seen the child before the statutory review is undertaken and the local authority should provide child-friendly literature in a language that SMC can read and understand regarding the reasons for the review. This material will preferably have been handed over when the child was initially accommodated, and its contents should include information on the rights to which the child is entitled, the purposes of the review and the process and procedures that will take place during the review. The child should also be informed that an interpreter will be present to explain the process to the young person and answer any questions they may have. The Migrant and Refugee Children Legal Unit (MiCLU) provide some of this information in a wide variety of languages³⁸. The Young Asylum Guide by Right to Remain also provides information in a child-friendly format³⁹.

Pathway Plans

Young People in Care who are 16+ will write a pathway plan with their allocated social worker to support the transition to leaving care services when they turn 18.

The pathway plan should include:

- Accommodation
- Health
- Education/Training/Employment
- Support networks
- Independence
- Identity
- Finances
- Activities
- Relationships
- Immigration

Plans will be realistic, practical and clearly document the young person's goals, wishes and views.

As many separated migrant children will be making applications to regularise their immigration status, it is important to incorporate triple planning as part of the pathway plan (see below for further information).

Transition to Leaving Care Services

Moving from social work to personal advisor support should be a smooth transition and it is important for young people's files to be up to date with immigration details,

³⁷ See (www.crimereduction.co.uk/toolkits, http://www.unodc.org/unodc/trafficking_protocol.html and Care of unaccompanied migrant children and child victims of modern slavery Statutory guidance for local authorities November 2017)

³⁸ <https://miclu.org/who-is-who>

³⁹ <https://youngasylumguide.org.uk/overview/>

especially for young people who have not yet received a final decision on their immigration application. An example of a case transfer checklist can be found below.

File Transfer Checklist	
Date of UK arrival	
Date Asylum Claimed / Screening Appointment	
ARC Card issued? Name of Card holder?	
Solicitors contact details	
Substantive Interview date	
Outcome decision	
Outcome date	
Refugee Status: Date Leave Expires	
UASC Leave: Date Leave Expires	
Appeal submitted (date)	
Extension to UASC leave application (date)	
Extension granted/refused (date)	
First appeal outcome	
Application to upper tribunal submitted?	
Application to appeal granted / refused	
Decision from upper tribunal	
Application to Court of Appeal made?	
Application to Court of Appeal granted?	
Court of Appeal decision	
ARE decision date	
Independent legal advice requested	
Independent legal advisor details	
Is there potential for a fresh claim?	
Fresh claim submission date	
Home Office permission for the fresh claim to be heard (date)	
If refused permission of fresh claim by the Home Office, proceed to HRA	
Does the young person have an up to date Unique Unaccompanied Child Record (UUCR)?	
Does the young person have an up to date care plan?	

The Local Authority has a duty to assess and meet the needs of Eligible and Relevant children under the Children Leaving Care Act (2000). This includes the appointment of a Personal Adviser, at the age 17.5, who will joint work with a social worker until the age of 18. All young people leaving care will receive services in line with BCS Practice Standards checklist⁴⁰.

The social worker will be responsible for the formulation of a Pathway Plan, which needs to include triple planning and the accommodation and maintenance needs for 16 and 17 year olds, along with assistance to achieve the agreed goals in the plan.

The Pathway Plan replaces the Care Plan of the looked-after child and includes all the duties associated with looked after children. For Former Relevant (18-25) 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 (see Triple Planning for more details).

We will need to be most familiar with the following key pieces of literature:

- 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. It must be noted that judgements in a variety of cases will create new laws and new rules that will need to be used in conjunction with key legislation already in place.

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file:///C:/Users/josep/AppData/Local/Packages/microsoft.windowscommunicationsapps_8wekyb3d8bbwe/LocalState/Files/S0/18222/Attachments/W41245%20Bradford%20Practice%20Standards%20Checklist%202021[29620].pdf

Triple Planning

Not all UASC are going to be granted leave to remain in the UK and it is essential that social workers make plans to consider all the possible outcomes of an immigration claim. This planning process is often referred to as Triple Planning and is an essential part of any Looked After or Pathway Plan.

Statutory Guidance issued by the *Department for Education (2017) Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery*⁴¹ states that these plans should not pre-empt the outcome of an immigration claim but should prepare for all possible outcomes.

In the same way that social workers parallel plan in care proceedings, social workers need to plan for the three immigration outcomes that are most likely for SMC.

The three outcomes are as follows:

- 1) Positive decision: Granted Refugee Status or Humanitarian Protection
- 2) Pending decision: In the appeals process for a long period of time
- 3) Permanent negative decision: Refused Asylum / Humanitarian Protection and have exhausted all opportunities on that claim. At this point they will become Appeals Rights Exhausted (ARE)

Triple planning is the process of creating a contingency (or back up) plan for all three outcomes, so that when a decision is made and / or the young person transfers from CLA services to leaving care services, all parties know and understand what the plan will be, and the plan can be implemented immediately at the point a decision is made, therefore reducing the risk of drift / delay.

When does this start?

Triple planning should start from the first CLA review and be reviewed at all subsequent reviews. It is important for social workers to explain the process of triple planning to the young person at the earliest possible point. It might be useful to explain that:

- Bradford Children's Services will support the young person to make an immigration claim and will do everything in their power to promote a positive outcome. However, they are unable to influence this decision, which ultimately lies with the Home Office.
- Even though triple planning will consider the possibility of a negative decision, this should not pre-empt the outcome. Rather, it is a back-up plan to enable the young people to be supported, regardless of the final decision.
- Staff recognise the difficulties of these conversations, however, in order to keep young people safe, this is an essential part of their care plan.

There will be occasion where discussions around a possible negative outcome will be upsetting for the young person, however, it is important not to avoid them, unless the impact of these conversations will place a young person at risk (either through self-harm or from running away).

The outcome of any claim is not guaranteed but by not preparing a young person for a negative decision, we are disempowering them, which places them at greater risk of making rash uninformed decisions. For example, we know that young people are at risk of running away after an initial refusal, despite the opportunity to appeal the decision. By explaining this process consistently and openly throughout their time in care, we can empower them to make independent decisions based on factual information, rather than emotional responses.

Triple planning shouldn't be an additional piece of work separate to the other plans but should rather run consistently through the "life plan/pathway" for a young person. All social workers and Personal Advisors involved in the care of SMC can access triple planning training as part of their role, however, as a minimum they should consider the following points in a young person's plan:

- What is the young person entitled to in the following circumstances:
 - As someone with refugee status or humanitarian protection
 - As an asylum seeker (waiting for a final decision or in the appeals process)
 - As a refused asylum seeker who has become Appeals Rights Exhausted
- Once eligibility has been established
 - workers can focus on the individual needs of that young person
 - establish where the gaps in services are
 - make plans to address them where possible.

An example plan can be found below:

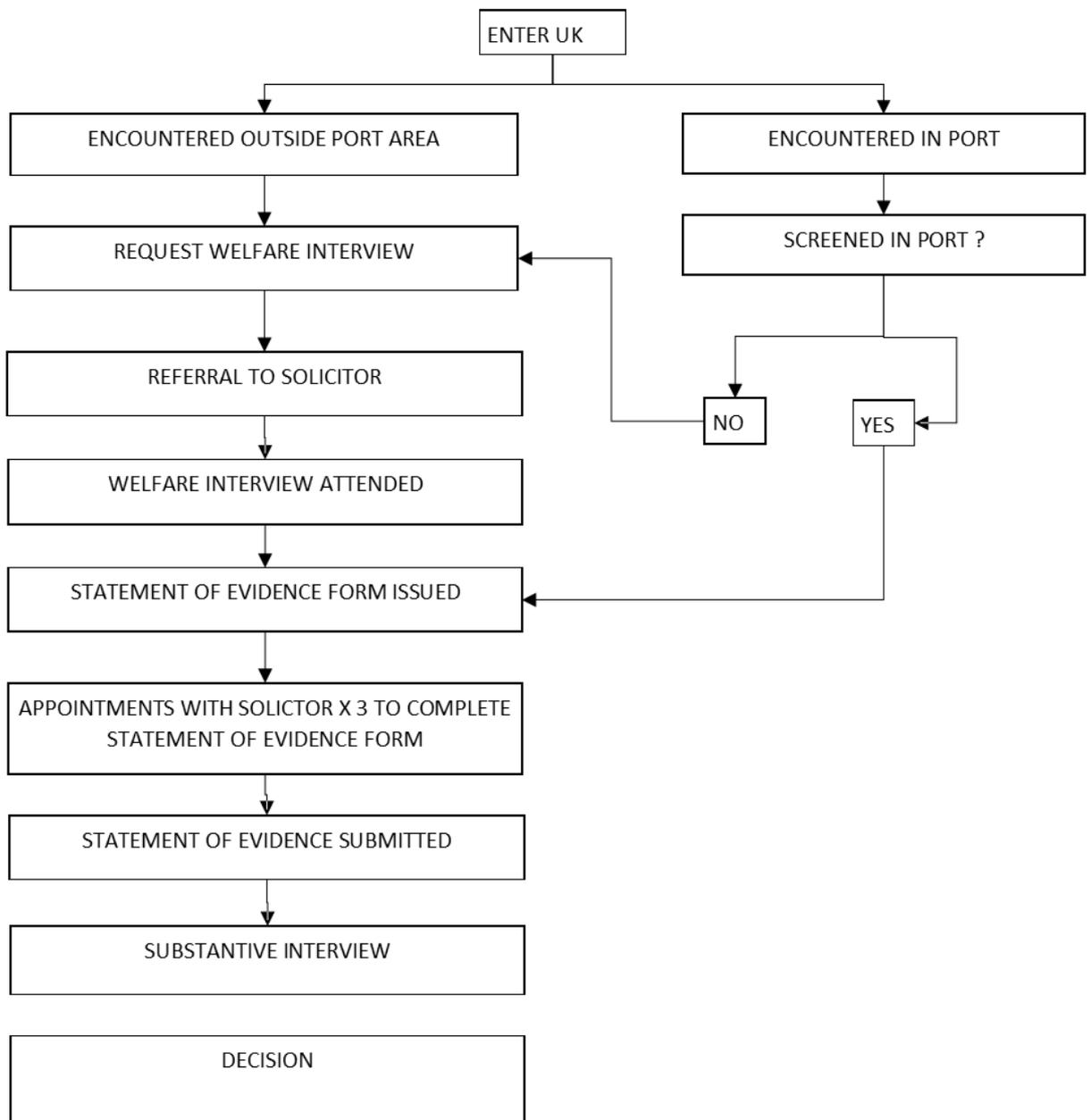
Care/Support Needs	Status/ Situation		
	Refugee Status/ Humanitarian Protection	Prolonged Appeals Process	Appeals Rights Exhausted
Health	1) What support is the young person eligible for? 2) Does the young person have any health needs? 3) Can these be met within the support he/she is eligible for or is there a gap in the service? 4) If there is a gap in the service, can this be filled another way?	1) What support is the young person eligible for? 2) Does the young person have any health needs? 3) Can these be met within the support he/she is eligible for or is there a gap in the service? 4) If there is a gap in the service, can this be filled another way?	1) What support is the young person eligible for? 2) Does the young person have any health needs? 3) Can these be met within the support he/she is eligible for or is there a gap in the service? 4) If there is a gap in the service, can this be filled another way?
Education	1) What support is the young person eligible for? 2) Does the young person have any educational needs? 3) Can these be met within the support he/she is eligible for or is there a gap in the service? 4) If there is a gap in the service, can this be filled another way?	1) What support is the young person eligible for? 2) Does the young person have any educational needs? 3) Can these be met within the support he/she is eligible for or is there a gap in the service? 4) If there is a gap in the service, can this be filled another way?	1) What support is the young person eligible for? 2) Does the young person have any educational needs? 3) Can these be met within the support he/she is eligible for or is there a gap in the service? 4) If there is a gap in the service, can this be filled another way?
And so on...			

Once these questions have been answered, they can be copied and pasted into the pathway plan as appropriate.

Supporting young people with the Asylum Claim

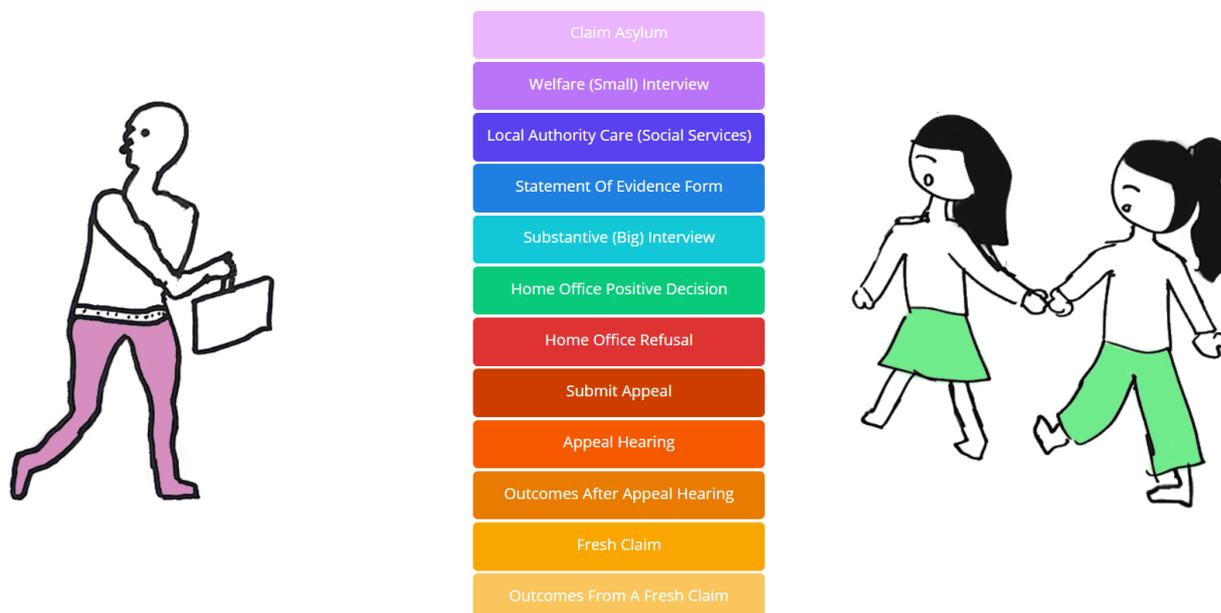
This section sets out the role of social care when supporting young people with their asylum claim. The immigration systems in the UK are complex with the Home Office operating under a “hostile environment” policy designed to make the UK difficult for those without secure immigration status. It is important that all staff understand the process of an asylum claim to avoid a situation that might lead to a young person having an insecure immigration status in the future by mistake.

The flowchart below provides a basic summary of how an asylum claim is normally processed in the UK.



Right to Remain have also published an interactive Young People's Guide to Asylum which provides information and common questions relating to the steps outlined in the above flowchart. This is a useful resource for both young people and the professionals involved in their care planning.

An Overview of the Stages of a Young Person's Asylum Journey



Asylum Claim

When an application for asylum has been made, clear records of all contacts and communications must be recorded and kept on file. It is vital that the child's/ young person's Immigration and Home Office documents are kept in a safe place in their accommodation. Once issued at the welfare interview, the young person must carry their Asylum Registration Card with them at all times, for identification purposes. The young person will be supported for the entirety of this process by their allocated social worker and Child and family support worker, who will be assigned as the secondary worker.

Home Office / Solicitor Interviews

The welfare / screening interview cannot take place within the first four days of arrival in order for the young person to have a period of time for rest and recuperation; an appointment will be made for the young person to attend Kirkstall Road, Leeds.

Welfare interviews (also referred to as the "small interview") are short interviews where the Home Office will check some information with the young person. They will confirm the young person's name, date of birth, nationality and will ask some brief questions about why the young person wishes to claim asylum. Young people will need to be supported by an appropriate adult which can be the social worker, foster carer, support worker *etc.*

At the welfare interview the Home Office will issue a Statement of Evidence Form (SEF) which is the paperwork to complete the claim for asylum. It is very important that the SEF paperwork is kept safe and it may be appropriate for the young person to hand that over to the appropriate adult in attendance at the welfare interview before it is given to the solicitor.

Once the SEF is issued, young people will be required to attend (on average) 3 interviews with their solicitor and will be accompanied by a representative of the Local Authority who is familiar with their situation. It is the solicitor's responsibility to provide an appropriately trained and registered interpreter for these appointments.

These appointments will cover the young person's asylum claim, detailing the reasons and providing evidence that the Home Office will use to make a decision. It is likely that young people will be discussing traumatic events either pre or post migration, which will need to be communicated to carers / support staff to enable young people to be supported following these appointments.

During these appointments, the solicitor will be completing the SEF, which is then submitted to the Home Office as evidence of their asylum claim. Once submitted the Home Office will offer a substantive interview, following this a decision on their asylum application will be made.

Substantive interviews are normally held in Leeds and should be attended by:

- A solicitor (on occasions the solicitor may not attend and make representations after the interview, however, it is best practice to attend with the young person),
- A solicitor's interpreter,
- A Home Office case worker,
- A Home Office interpreter,
- The young person,
- An appropriate adult (can be foster carer / support worker / social worker).

The substantive interview can be a distressing experience for young people, who may get asked to go over their traumatic experiences in detail, and this can be a flashpoint for young people to go missing. Social workers may need to consider this and temporarily adjust care plans accordingly, putting additional support in place to manage any distress and anxiety that young people may experience post substantive interview.

An overview of the Asylum Process, designed for young people, can be found here: <https://youngasylumguide.org.uk/> and is a useful tool to work through with young people, explaining each stage of the application.

Possible Outcomes of a Claim

Refugee Status

The Home Office 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.

This status gives young people 5 years leave to remain along with the right to work, claim benefits and access education as a "home student".

Towards the end of the 5 years, the young person will need to apply for indefinite leave to remain (ILR) if they wish to remain in the UK beyond 5 years. If this is granted, then the young person can remain in the UK for as long as they wish, they will no longer be subject to immigration control and will be able to make an application to become a British Citizen.

It is important to note that young people will need to apply for ILR *before* their 5 years leave to remain expires, if they want to remain in the UK. Refugee Status is time limited and if there is no other leave in place at the time this expires, the young person will be in the UK without permission.

The timing of this piece of work is likely to happen after the young person turns 18, so it is an important part of any young person's pathway plan and must be reviewed consistently to ensure the young person has the support they need to apply for this when the time comes.

Although it's highly likely that those who have been granted refugee status will be given ILR, it is important to remember that this may not always be the case and there may be occasions where a young person has been granted Asylum and subsequent Refugee Status, however, after 5 years the political landscape in their country of origin has changed, and therefore there may be a chance that ILR is refused. If this happens, it is imperative that the young person has access to high quality specialist legal advice about the next possible steps they can take.

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. Like Refugee Status, Humanitarian Protection offers 5 years leave to remain with the option of applying for Indefinite Leave to Remain (ILR) towards the end of the 5 years. Those with HP are entitled to work and access benefits but will be recognised as an international student for the purposes of higher education.

As with Refugee Status, a young person may be recognised as in need of protection at the time of their original application, however, towards the end of their 5 years their situation may have changed or they may no longer be considered vulnerable and therefore could be refused ILR.

At the end of the temporary protection period, the Home Office will actively review the case. If it is viewed that the applicant no longer has protection needs, then further leave will be refused. In this event the young person will need access to an immigration solicitor to consider their options.

Calais Leave

Calais leave is only available to a specified cohort, namely those individuals who were identified for transfer from France to the UK as unaccompanied children in connection with the clearance of the Calais camp. These transfers had to have occurred between 17th October 2016 and 13th July 2017 and been part of the Calais camp clearance. Calais Leave will permit the recipient with 5 years leave to remain, which can be renewed for an additional 5 years once the original leave expires. Young people can only apply for Indefinite Leave to Remain (ILR) once they have resided in the UK for 10 years. It is likely that the expiration of the 10 years will fall outside of Local Authority support and therefore it is important that young people are made aware throughout their pathway and triple planning because they will likely need to undertake the application independently as an adult.

Section 67 Leave

Section 67 Leave is only available to a specified cohort, namely young people who were identified for transfer through the "Dubs Scheme" and were brought directly to the UK from France, Italy and Greece.

Like Humanitarian Protection and Refugee Status, Section 67 Leave gives the recipient 5 years leave to remain with the option of applying for Indefinite Leave to Remain (ILR) once this expires.

Young people brought to the UK before the 1st of October 2019 under the Dubs Scheme, will be required to apply for Asylum in the first instance. If this is granted, they will be awarded Refugee Status, however, if this is refused, they will automatically be granted Section 67 Leave.

Young people brought to the UK from 1st October 2019 will be granted Section 67 Leave upon arrival, however, they can make a claim for Asylum in addition to this, if they wish to be recognised as in need of protection.

Section 67 Leave entitles young people to access employment, welfare benefits and education, however, they will need to have been resident in the UK for 3 years to apply for a student loan.

Refusals

UASC Leave

Young people who are not granted Refugee Status or Humanitarian Protection, but are under 18 years, are most likely to be given UASC leave.

Unaccompanied Asylum Seeking Children Leave is a negative decision and should not be confused as a positive status. This leave means that the Home Office do not recognise the young person as a refugee or in need of protection, however, does recognise them as a child and therefore in need of care / protection until such time they are less vulnerable, on account of their chronological age.

Under UASC Leave, young people will normally be granted permission to work and claim benefits for as long as the leave is valid (normally 30 months or until the young person is 17.5 years – whichever is soonest), however, they will be expected to either regularise their immigration status another way or make plans to leave the UK when this expires.

All grants of UASC Leave must be treated as a refusal and prompt legal action should be taken to appeal this (if that is what the young person wants). There are tight timescales to appeal initial decisions and this should be treated as a priority once issued.

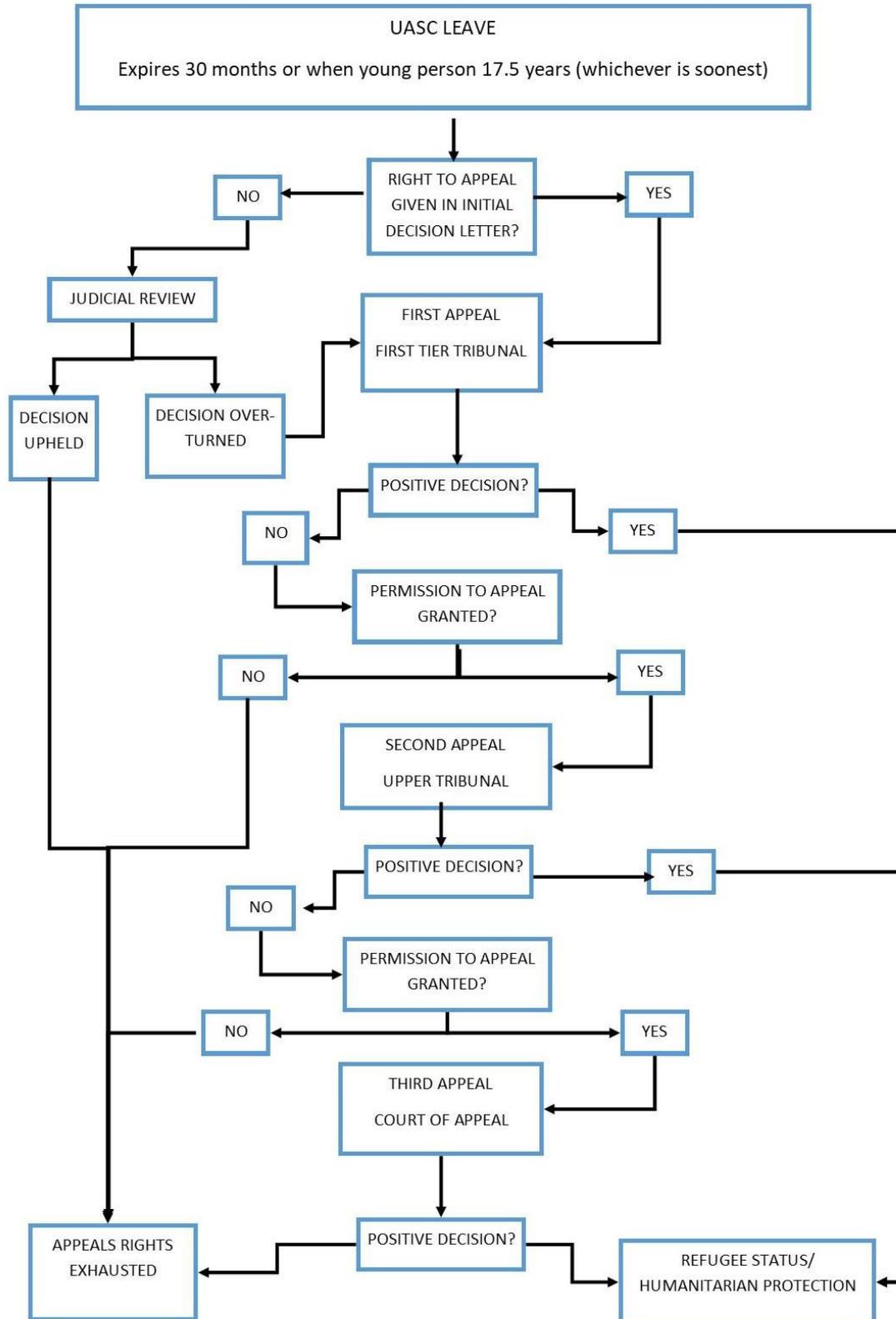
If the appeal is made in time (within 14 days of the decision letter) and there is an application to extend the leave at the same time, young people's rights and entitlements received as part of their UASC leave will roll over until a final decision is made. If the application to extend the leave is not made, these rights and entitlements stop at the point at which the leave runs out.

The legal representative should be making these applications; however, it is best practice to ensure that this has happened with confirmation in writing and with the dates attached.

Appeals Process

Appealing a negative decision will be the responsibility of the solicitor, however, it is useful for staff to have an overview of how the appeal process works to ensure that the correct steps are being followed. The flowchart below gives an overview of how the process works.

Appeals Process Flowchart



Appeals Rights Exhausted

Appeal Rights Exhausted (ARE) is a Home Office status and does not necessarily mean that there are no other options to remain in the UK, secondary independent legal advice can screen for other options.

Once a young person is made ARE, it is best practice to obtain secondary independent legal advice from a different solicitor to the one that made the original application.

Legislation

Schedule 3 of the Nationality Immigration and Asylum Act 2002 sets out 4 classes of people who are ineligible for certain types of support (including leaving care):

- (i) Person granted refugee status by another EEA state
- (ii) An EEA national and any dependants
- (iii) A failed asylum seeker who has failed to comply with removal directions
- (iv) A person unlawfully present in the UK (including visa overstayers, failed asylum seekers who applied for asylum in-country, illegal entrants, people in breach of their visa conditions)⁴²

Former relevant UASC are most likely to fall into category 4 as “a person unlawfully present in the UK” and therefore *may* no longer be automatically entitled to leaving care services.

Under current legislation, BCS will still have a duty to provide services, if removal of services would be considered a breach of the young person’s human rights.

To assess this threshold once a young person becomes ARE, BCS will complete a Human Rights Assessment to determine whether they remain eligible for services.

Human Rights Assessments

The Human Rights Assessment (HRA), is a threshold test to establish whether removal of services (in line with the Nationality, Immigration and Asylum Act 2003) would be a breach of a young person’s Human Rights. The HRA will need to take into consideration each individual’s circumstance before coming to a decision.

Human Rights breaches are assessed against relevant articles of the European Convention on Human Rights and will need to consider, as a minimum, the following articles:

- Article 3 (prohibition on torture or inhuman or degrading treatment or punishment)
- Article 6 (right to a fair and public hearing), in cases where the person is involved in court proceedings in the UK
- Article 8 (respect for private and family life)

⁴² NRPF Network Assessment and Support of Post 18 UASC’s listed as Appeal Rights Exhausted June 2012

Article 3

An assessing worker *cannot* take into account any torture, inhuman or degrading treatment that the young person claims they will suffer if they are returned to their country of origin. This claim will have already been assessed by the Home Office, who will have determined at this point that the claim is unfounded. If the young person discloses additional information that suggests he / she would be at risk of harm if returned home and this was not discussed in their previous claim, the young person would need to seek legal advice.

Removal of services from the Local Authority is likely to leave a young person having to sleep rough or find shelter, which *is* recognised in case law to be a breach of Article 3, as it is considered inhuman treatment by the state⁴³.

If a young person has alternative means of accommodation, through friends/family and would not be sleeping rough, then potentially there would be no breach in Article 3 Rights. This would need to be assessed on a case by case basis.

Article 6

If a young person is involved in court proceedings, then removal of services that would prevent him / her having access to this, would be considered a breach of Human Rights.

For example, if a young person has become ARE but then submitted a fresh claim or has made an application to regularise their immigration status by another means and is awaiting the outcome of that decision, they would at this point be party to court proceedings. Therefore, it would be considered unlawful to remove these services. Local Authorities cannot make decisions on the anticipated outcome of a court decision and therefore support would need to continue until the proceedings are concluded, or the young person's entitlement finishes (*i.e.*, at the age of 25)

Article 8

Article 8 constitutes the right to private and family life but is not an absolute right and can be breached *if* the impact of upholding this right, breaches the right of a nation to exercise immigration control.

It is not appropriate for social workers or personal advisors to be assessing breaches of Article 8. This should be undertaken by an immigration solicitor who will consider this when assessing other routes to regularise a young person's immigration status. However, it is good practice to be mindful of Article 8 and the implications on family life, as staff may have information that would support the solicitor in properly assessing this. For example, a young person may have since had a child in the UK, at which point it would then be appropriate and proportionate to arrange additional legal advice, to re-assess whether removal would breach Article 8.

Case Law Considerations

If a young person can return to their country of origin and thus avoid the consequences of being left without shelter or funds, removal of services will no longer be considered a breach of Human Rights.

⁴³ (R (Limbuela) v Secretary of State (2004)

Under the European Convention on Human Rights there is no duty to support foreign nationals who are freely able to return home⁴⁴ and if there are no legal or practical obstacles to returning home, the denial of support by a local authority does not constitute a breach of Human Rights⁴⁵.

If external legal and or practical obstacles to return home are identified, then BCS will continue to provide services until such a time that these obstacles are removed. External legal / practical obstacles can include:

- Lack of travel documentation
- Lack of transport (i.e., during pandemic when flights are grounded)
- Ongoing court applications that are yet to be completed
- Serious health / medical grounds that would mean that someone was not fit to travel.

If obstacles are identified within the Human Rights Assessment, it is important to note how these will be overcome. For example, a lack of travel documents can be addressed through liaison with the Home Office or via the country embassy. If the young person does not wish to engage in the process to obtain these documents, then the barrier becomes internal (to the individual) rather than external and therefore services can be withdrawn.

Fitness to travel should be assessed by a medical professional, who should be willing to put in writing the reasons why someone would be medically unfit to travel.

Who completes the HRA?

Bradford Children Services has agreed that personal advisors in leaving care teams are best placed to gather information for the HRA, as they will have been working with the young person at the point at which this is needed and will be more readily available to spot potential obstacles and breaches in Human Rights.

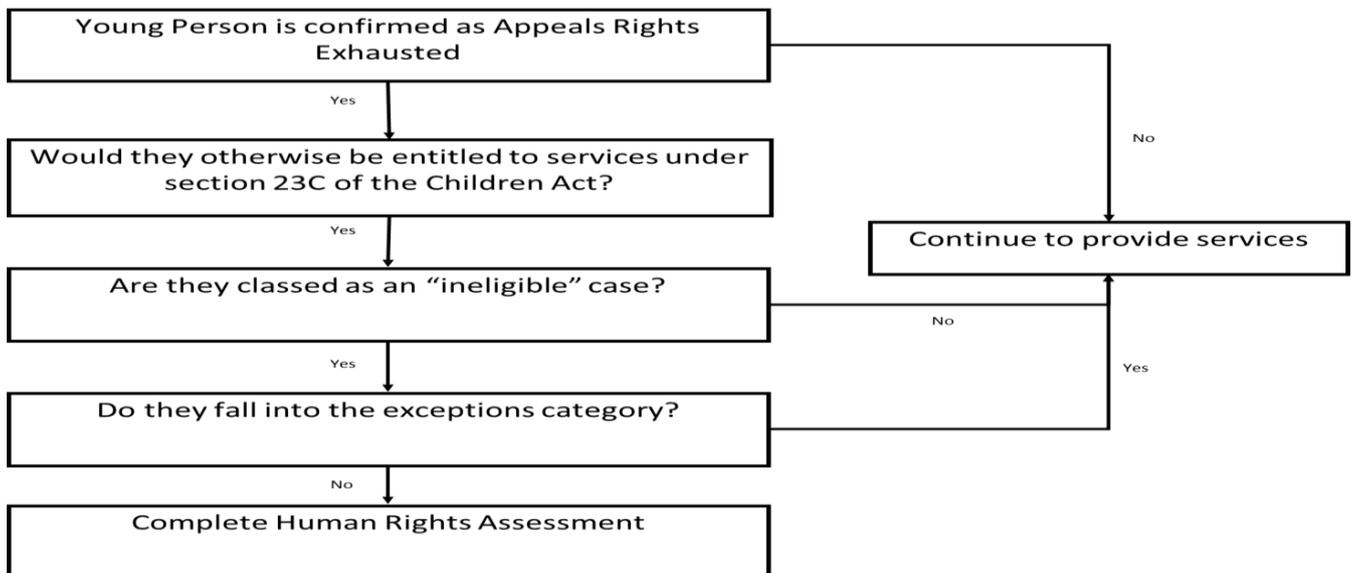
All HRA's will be overseen by a qualified and registered social worker, who can provide ongoing advice and support to the Personal Advisor as necessary.

All HRA's will be presented to the HRA panel who will consider each assessment, providing quality assurance and scrutiny over any recommendations.

⁴⁴ (R(Kimani) v LB Lambeth 2003).

⁴⁵ (R(on the application of AW) V Croydon LBA); (R (on the application of A, D and Y) v Hackney LBC and another (2006)).
Taken from NRPf Network Assessment and Support of Post 18 UASC's listed as Appeal Rights Exhausted June 2012

Human Rights Assessment Flowchart



Human Rights Panel

Bradford Children's Services will establish a Human Rights Panel that will consider each Human Rights Assessment that is completed for former relevant young people.

All completed HRA's will be considered by the HRA Panel and signed off for approval, this includes:

- HRA's where the recommendation is to remove services,
- HRA's where the recommendation is to continue to provide services,
- Updated HRA's that have been completed following a change in circumstances.

The panel will not be required to sit regularly and will be convened as and when a HRA is completed. It will consist of the following members:

- CiC Specialist Team Manager,
- Leaving Care Team Manager,
- Service Manager,
- Member of Legal,
- Independent panel member (this can be an external specialist, a member of the Refugee Council, Coram Legal Centre).

Once a young person is identified as ARE, a notification will be sent to the Head of Service who will add the case to the HRA tracking system. Once identified the leaving care team responsible for the care of the young person will allocate the HRA to the most appropriate person in the team, with a completion deadline.

Once completed the HRA will need to be sent to the Service Manager, who will distribute the assessment to the panel members with a comment deadline of 2 weeks.

Once comments have been received the Service Manager will sign off the HRA, ensuring that there are clear recommendations for moving forward.

Removal of Services

All UASC in the care of BCS will be eligible for Leaving Care Services unless, they become *Appeals Rights Exhausted* and/or have *No Recourse to Public Funds* conditions attached to their immigration status, see table below:

Young Person's Situation	Status	Eligible for Leaving Care Services
18 years + with Refugee Status/Humanitarian Protection	Refugee	Yes
18 years + with Calais Leave or Section 67 Leave	Protected Leave	Yes
18 years + previously granted UASC leave and now in the Appeals Process of their Asylum Claim	Asylum Seeker	Yes
18 years + Appeals Rights Exhausted	Refused Asylum Seeker	Requires Human Rights Assessment to determine eligibility

Funding for young people who are ARE will cease automatically three months from the date of the ARE letter (or 6 months during Covid-19 epidemic). Therefore, it is important that ARE cases are identified quickly and HRA's are promptly completed to ensure that where finances can be reinstated (for example if there is a fresh asylum claim), they are done so promptly.

Once a HRA is completed and the recommendation is to remove services, a two week notice period will be given to the young person. During this notice period BCS will support the young person in engaging the "ARE triple plan", which will have been developed during their time in care.

It is important to note that this is a flash point for young people to go missing and therefore enacting and reinforcing the elements of the safety plan are really important at this stage. (See triple planning section above for additional information).

Voluntary return

An Unaccompanied Asylum Seeking Child or former relevant UASC, are offered the opportunity to return to their country of origin permanently. This can be arranged independently but assisted voluntary return through the approved Home Office scheme has additional supports that might assist those returning to their country of origin.

The Voluntary Return Scheme (VRS) is available to young people who have satisfied one of the following criteria:

- They have entered the UK illegally or have overstayed their visa or permission to stay.
- They have withdrawn, or want to withdraw, their application to stay in the UK.
- They have claimed asylum in the UK but now want to withdraw that claim.

Young people cannot apply for the VRS if:

- They are currently being investigated by the police or are currently detained by the Home Office.
- They have been given a prison sentence that's 12 months or longer.
- They have been convicted of an immigration offence and given a deportation order.
- They have already been given humanitarian protection, indefinite leave to remain or refugee status in the UK.

The option of Voluntary Return should be discussed consistently throughout the triple planning [process](#), so that young people are aware of their options should they not receive a positive outcome on their asylum claim.

Young people that are eligible for the VRS and wish to engage in this process are entitled to a £2000 bursary, to be used to support their integration back in their country of origin. This can be used to pay for accommodation and support costs, setting up a business or attending training *etc.*

If a young person wishes to know more about this scheme, the social worker / personal advisor can contact the Voluntary Returns Team on Tel: 0300 004 0202.

Young people who have no right to remain in the UK need to be made aware of their situation should they decide to remain in the UK with no legal right. They are highly likely to become destitute and will be subject to the hostile environment. These discussions should be held sensitively from the initial point of accommodation, so that young people are prepared for all eventualities when their claim for Asylum is finalised (see triple planning section).

Having discussions around voluntary return can be difficult and staff will need to be mindful that the thought of returning to their country of origin can be traumatic and increase anxiety / self-harm and risk taking behaviour. How to have these conversations will need to be taken on a case by case basis, ensuring that the young person fully understands their legal situation, rights and entitlements going forward and that information is provided in a trauma-informed and empowering way.

Removal

Young people who have no legal right to remain in the UK but choose not to return to their country of origin, will become subject to the "hostile environment". They will have no right to work or access welfare support and have extremely limited access to free healthcare.

Should young people decide to remain in the UK past the point at which they have a legal right to do so, they will also be vulnerable to detention and forced removal (post 18's).

If a young person is likely to receive an ARE decision on their Asylum claim, social workers and personal advisors may want to consider completing an emergency plan with them regarding what they would need to do in the event that they were unexpectedly detained.

For example, it is good practice to have a list of useful phone numbers written down (such as solicitors, destitution agencies *etc.*) that can be called if their phone is removed. If the young person requires medication, a spare supply should be kept with

them. Should the young individual be forcibly detained, it would be prudent to get an additional key cut for their accommodation, which allows a trusted person to enter their accommodation and access / keep safe any personal belongings (see destitution resources in [Appendix C](#)).

Finance

All new SCM will need to be allocated Case Numbers and a check should be made on National Register Unaccompanied Children (NRUC). They will also need to be inputted on the Integrated Childcare System. Their financial needs will be the same as any other looked-after child, although they may have particular cultural needs that need to be addressed and potentially an interpreter. It is essential that the *correct unique code* on finance forms is used to indicate that this relates to an SCM to ensure that all monies are reclaimed from the Home Office, the current daily rate for Local Authorities to claim for a single looked after UASC is £114 per day, for children aged 0 – 18 years.

All UASC / SMC in the Leaving Care Service will have access to financial entitlements set out in the Care Leavers Finance Handbook. Please see the Finance Handbook for details of funding for young people with *No Recourse to Public Funds* (NRPF).

Young people with *Discretionary Leave to Remain, Humanitarian Protection* or *Indefinite Leave to Remain* will have access to public funds and social housing and should be assisted at 18 to make the appropriate claims.

Appendix A

Philomena Protocol

The Philomena Protocol is named after the patron saint of infants and youths and was first introduced by Durham Constabulary in 2018. Many other areas have now introduced the scheme.

The idea is built on the success of the Herbert Protocol (an initiative to support adults who are at risk of going missing) the Philomena Protocol is aimed at safeguarding children at risk of going missing.

Working alongside partners in the council, it encourages carers, staff, families and friends to compile useful information, which could be used in the event of a young person going missing from care.

This joint approach is a significant step towards protecting some of our most vulnerable children. It is hoped that it would prevent children going missing but if they do, there is a protocol in place that will assist in finding the child quickly.

Good Practice

IOPC report 36 Dec 2019 Learning the lessons – Missing People Improving Policy and Practice

Report from Durham Constabulary

The Philomena Protocol was designed to make it easier to find young people who go missing from care. The protocol has been rolled out to children's homes across the force area, and more recently to fostering agencies and to parents of children who live at home.

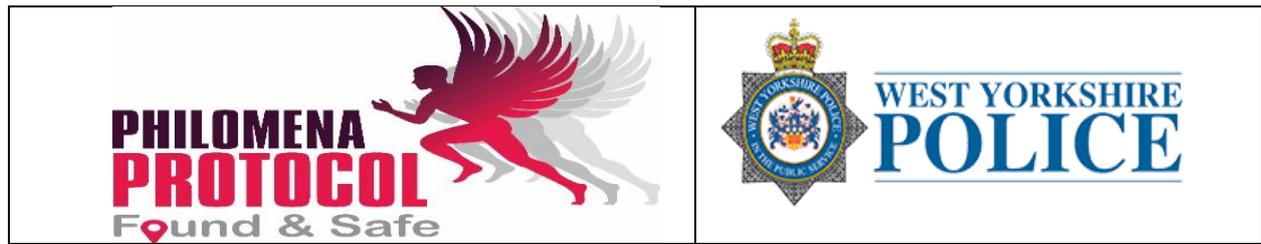
The protocol assists parents, carers and professionals to find a young person by having all the information readily available, identifying potential contacts and locations where the young person may be. Working alongside partners in the council, carers, staff, families and friends are encouraged to compile useful information, including a list of places the young person frequently visits, an up-to-date photograph and medication list, which could be used in the event of a young person going missing from care.

Parents and carers should use this information to first identify if the young person is actually missing by making enquiries themselves. This avoids unnecessary reporting if the young person has lost track of time or has not returned home at the required time.

The protocol does not replace the existing missing from home procedures but compliments these, as well as capturing the voice of the young person and asking what the carer can do to prevent them going missing. It captures the police golden hour principle, and once the young person is reported to the police as missing, each person identified as playing a key role in the young person's care has identified actions. This avoids duplication and makes sure the maximum number of enquiries are completed in the shortest time.

Durham Constabulary in 2019 saw a 36% reduction in missing from home reports from its children's homes as the result of the protocol.

It is respectfully requested that each policing district in west Yorkshire works with partners to ensure the Philomena protocol is used in all appropriate cases.



MISSING FROM CARE FORM		Last Updated: 26/03/2021				
Full name:	Insert most recent photo of the child/young person					
Preferred name:						
Date of birth:					Age:	
Gender:						
Ethnicity:						
referred Language:						
Current address:						

Person(s) with Parental Responsibility: Name/Tel No./Email		Telephone number	E-mail address
		Telephone number	
Care Order:			
Social Worker contact details: Name/Tel No./Email		Telephone number	E-mail address
Key Worker contact details: Name/Tel No./Email		Telephone number	E-mail address
School(s) attended:		Telephone number	Weekdays, Times
		Telephone number	Weekdays, Times
GP contact details:	Dr	Doctors Surgery	Telephone number

Address where harbouring notices have been issued:				

Does the YP have a mobile phone?		Mobile number:		App to track their location / phone:		Android / I -phone:		Service Provider:	
Social Media Accounts:	Site:	Registered/ Recovery Email / Telephone number:	Display (Vanity) Name:				Login & Password:		
Does the YP have a bus pass / rail card?		Issuer: Contactless / Prepaid: Pass number: Other:							
Is the YP likely to have any money on them?		If yes, how much?							
Has the YP got a bank account?		Name of anyone other than the YP who has access to this account?							
Bank / Building Society name:		Sort code:							
Account number:		Password / Pin No. of account if known:							

What Action Should I take?	
It is the responsibility of staff / carers to make initial enquiries to locate the child. However, there will be situations where the circumstances are risks are so significant that the Police should be contacted immediately.	
Step 1 <i>(who to contact, phone, txt, message, who to inform)</i>	
Step 2 <i>(where to look, known locations & contacts, staff actions required to locate, lone working, staff safety, not found move to step 3)</i>	

Step 3

(What time should I contact the police at?)

Examples of what should go in this box are the individual persons missing reporting strategy. Examples given below.

Missing Reporting Strategy:

- S is 16 years of age, she currently has no exploitation concerns and is placed in an unregulated semi-independent provision.
- S has an expected coming home time of ***** hours. Placement are to make all reasonable enquiries to locate S and establish her whereabouts if she fails to return home by this time. This includes contacting S's family and known associates detailed on her Philomena Protocol.
- Police are not to be utilised to conduct 'welfare checks' or checks on addresses to establish/ ensure that a young person is at an address they are believed to be at. This is to be managed by social care. (Unless she is deemed to be at immediate risk of significant harm and Police should be called immediately).
- If contact cannot be established with S by *** hours and circumstances are out of character, placement are to contact EDT to report as AWA.
- If S location is known or has previously told staff where she is or where she is going to be, then unless there is evidence or information to suggest she is not where he has said and he is not believed to be at risk of significant harm, then he should not be reported missing to Police and this is for Social care and placement to manage. This is regardless of whether she is at an unauthorised location.

- S is placed in an unregulated semi-independent provision.

Both the College of Policing and the NPCC agree that children, who are simply late home or go out without permission in breach of parental discipline, should not be reported or recorded as missing. Police should only be contacted and Shauna reported missing when there is believed a real immediate risk.

• If it is believed there is an immediate risk of significant harm to Shauna or another, this must be reported immediately to Police on 999.

Further example

- H has only 1hr free-time of which we expect him to immediately return to Placement
- H has 4hrs contact with Grandma – again which we would expect him to return from immediately
- Failure to return from either of these, staff will telephone HC/Mum/Gran.
- If H is not known to be at either of these addresses staff to attempt to locate H by visiting all known local areas, parks etc
- If H cannot be located further attempts made to contact him by phone and if H has not made contact after 3 hours, contact EDT and 101 regardless of time of day or night.
- Upon Police being contacted and missing report being made, it remains responsibility of placement and social care to continue try to locate Jamie by the above means.

If at any point due to circumstances or information received, Hassan or a third party is deemed to be at risk of immediate significant harm, Police should be called using 999.

- All updates will be reported to the Police.

Rational for reporting strategy. J is 'allowed' 1 hr free time and so is deemed to be allowed out and safe to be out and about in the community. The 1 hr restriction is to try to minimise the risk. Failure of him coming back on time is a breach of parental guidance and does not automatically make him missing or high risk.

Further example

- Placements have full safety Plan in Place regarding contact with H when he is away from Placement.
- H is to maintain contact with staff every hour by phone, text or e-mail. (J prefers e-mail contact). Staff have a 3 strike policy with regards to this. If J does not respond to contact on the 3rd occasion, his Social Worker is to be contact and reported missing to the Police.
- Staff are to make all reasonable enquiries to locate J which include visiting and searching all known area frequented and contacting all known family and associates.
- If J is reported missing to the Police, it remains the placements responsibility to continue to try and make contact and establish his whereabouts.
- All updates will be reported to the Police.
- His risks are to be assessed on a continuous basis whilst away from placement and any new information or intelligence which would affect his risks should be reported.
- In the case of H leaving placement unannounced, staff are to follow and make efforts encourage him back to placement or make efforts to establish his intentions and where he is going.
- If staff lose sight of J and due to his demeanour and circumstances, he is believed to be at immediate significant risk of harm he is to be reported as missing to Police. If not deemed to be at immediate significant risk, the safety plan and 3 strike rule is to be followed.
- H has trigger words which he says which means he is at risk of harm. He will ask 'How is the home? Is it settled?' Police are to be contacted if this is communicated with placement.
- H is also aware of 'what 3 words' app and if he shares his location with placement he means this as a way of communicating that he is in immediate danger. Police are to be contacted immediately.
<https://what3words.com/about-us/>
- J often informs staff he is leaving placement to go and meet persons known to exploit him. This is a regular pattern of behaviour and is often untrue. On each occasion staff are to make rational decisions using a selected decision making model taking the following into account.

1. Reality and facts
2. Selected reality
3. Interpreted reality

4. Assumptions

Further example

* Pattern of missing. J gets dropped off at school 7:45 by mum. Door not open until 8:50- school have asked mum if she will bring her into reception at 8 and meet a member of staff. School would then take bus pass so he can't get on bus and has to stay in school/ school will give him something to so. Mum not willing/ capable of doing this.

BPP worker has committed to taking J to school one day a week and meeting staff.

Staff to try to meet Jess at school as soon as she gets there to let her in.

- If J truants from school, this is to be dealt with as a truant and managed by school, social care and parents in the first instance, unless she is deemed to be at real, immediate and significant risk of harm. If this is the case Police should be contacted on 999 immediately.
- Parents and school to communicate every day to confirm if J has arrived or truant.
- If truant, all reasonable enquiries are to be conducted by school, social care and parents to locate J prior to contacting Police. This includes places frequented, contacting friends and family. After all enquiries have been exhausted, he her location is unknown and specialist Police intervention is deemed as required police are to be contacted.
- J is expected to return home from school but also has an expected coming home time of 20:00 hrs. This is when she is allowed out after school. There is an agreement for her to be back by this time.
- Prior to this parents are to call J to establish her intentions for the night and to encourage her to return by 8pm.
- Positive encouragement to be given.
- If not home by 8pm, parents to make all reasonable enquiries to locate J. This includes:
 - contacting by phone Jessica, family and friends.

**** take from Trigger plan. ***
- . Attending places frequented, Interchange, driving around Halifax
- Contacting and making enquiries with Security at Morrison's, Mayo Avenue, McDonalds Kirkgate.

* If J location is still unknown and he has failed to return home then he is to be reported as missing to Police.

Additional considerations
(mitigating factors, what makes it low, medium, high, actions required on locating, who to inform)

Jamie is a prolific absconder, unless there are mitigating concerns it maybe Jamie will be expected to be medium level; therefore, it is imperative we share with the Police all information so they can grade appropriately.

Exploitation, threats of suicide, involved in criminal activity. Other concerning behaviours then staff to ensure the Police are fully informed of all concerns and

	facts so they can make a proper assessment for response. Any recent incidents must be shared with the Police.
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Completed by:	
Relationship to the YP:	
Date completed / revised:	

Guidance notes for Care Staff:	<ol style="list-style-type: none"> 1) Children’s Homes should complete the Protocol as part of the welcome and induction for any new child 2) The Protocol should be updated by the Social worker or keyworker if any key information changes or after missing episodes 3) The What Action Should I take section should guide staff what to do if a child goes missing and special care should be taken to ensure this section is filled in <p>Mobile phone IMEI is easily accessed by dialling *#06# on the device MAC addresses are usually printed on the device box, or accessible via settings</p>
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Appendix B



BCS Spontaneous Arrival Grab Pack Brief Enquiry As to Age

Guidance on making a provisional decision on age

This guidance should be considered where assessors are determining whether a decision can be made about a person's age based on their presentation and a brief enquiry or whether a full age assessment is required. The principle that the appearance and demeanour of a person may justify a provisional view that they are a child or an adult is supported by the judgment in the *Merton* case. The guidance is not intended to be exhaustive and assessors should consider all relevant factors that may be presented during an interview, each case being unique.

An initial hypothesis of age range is formed based on several relevant factors including but not limited to: height, facial features (facial hair, skin lines/folds, etc.), voice tone, and general impression. It is important to consider racial differences here e.g. It is normal in some cultures for boys to have facial hair at an early age and for girls to develop at different ages. Life experiences and trauma may impact on the ageing process, bear this in mind. Demeanour, it is essential to take account of how the person presents, style, attitude and authority and relate this to the culture of the country of origin and events preceding the interview, journey experiences etc. It is useful to establish the length of time that the person has taken to arrive in the UK from the time they left their country of origin and include this into the age calculation.

NAME as stated by person presenting: _____

Language Spoken – Interpreter Language requested: _____

Age/Date of Birth already stated to police/immigration: _____

Please note if interpreter used at initial [arrest] stage:

PHYSICAL APPEARANCE and PRESENTATION observations:

Are there any immediate health or wellbeing needs?

AGE

How old are you? What is your date of birth? _____

Ensure the interpreter provides this as stated by the individual presenting to you; for example: 4th day of the 8th month [year]

Note the calendar used by person e.g. Afghan/Persian or Gregorian

How do you know your date of birth?

If someone told you your age, how old were you when they told you?

Do/did you have any ID documents?

Where are these documents now?

How long has it taken you to get to the UK?

Who arranged your journey?

Note: Please have regard for any indicators that the person presenting may have been trafficked (regardless of age, this makes them additionally vulnerable)

Other professional's opinion on age e.g. police, police doctor, immigration official:

Outcome

Do you consider this person to be under the age of 25?

No/ Yes/Not Sure (*delete as appropriate*)

Note: If the person presenting is accepted as a minor but the age they claim is disputed e.g. claims to be 13 but evidence suggests 16+, then a full age assessment is required to determine age and date of birth more accurately and ensure correct provision of services.

Next Steps

If yes or unsure - request release of young person/possible adult into care of **Your Local Authority Name**. Ensure that their biodata (photograph and fingerprints) have been collected by Police or Immigration prior to release.

If no, ensure 'Over 18 letter' has been issued and explained fully to the presenting adult and that they sign to acknowledge this. Provide copy to Police/Immigration as necessary and retain copy for **Your Local Authority Name** records.

Take a photograph of the presenting adult for **Your Local Authority Name** records, providing they give their permission for this to be done.

Signed: _____ Print Name: _____

Signed: _____ Print Name: _____

DATE:



Over 18 Letter

OFFICIAL – SENSITIVE

Your Ref: PORT REFERENCE (if known)

Our Ref:

Date:

Enquiries to:

Tel:

Email:

Dear _____ (*name as declared to the local authority*)

Nationality declared: _____

You have presented to the local authority claiming to be a child aged ____ with a date of birth as stated: _____ (Persian or Gregorian calendar) or no date of birth stated.

In accordance with the ruling under Merton, that states “*there are cases where it is very obvious that a person is under or over 18. In such cases there is normally no need for a prolonged enquiry*” a full assessment of your age is deemed unnecessary.

In this instance, on the basis of a visual assessment of your appearance, demeanour and a brief enquiry with the assistance of an interpreter, it is our opinion that your appearance and demeanour strongly suggest that you are significantly over 25 years of age.

It is not the intention, therefore, of the Local Authority to undertake a full assessment of age and in our opinion you should be treated as an adult. We have informed the Immigration Officers responsible for your case and they will now be responsible for making arrangements for you.

Yours sincerely,

Social Worker

Social Worker

**A copy of this letter has been provided to you [name]
_____ and by signing below you acknowledge receipt
of this letter and that its content has been explained to you using an interpreter
speaking _____ [requested language]**

Signature: _____

Print Name: _____

Date: _____

Signed:

Date:

Child/YP.....

Social

Worker.....



Modern Day Slavery Screening Tool

This screening tool is intended to be used as part of the initial brief enquiry which is completed with newly arrived Separated Migrant Children (SMC). Here the screening will be conducted jointly by the designated police officer and either a member of the assessment team or out of office hours Emergency Duty Social Worker.

The tool can also be used where Modern Slavery concerns are suspected, with more established SMC who, for example, have been transferred from other counties to Bradford Children's Services.

The purpose of the following tool is to gather information and provide evidence to either suggest or not that a child is a victim of modern slavery.

The questions within the screening process highlight risk factors associated with being a victim of modern slavery. They are designed for the practitioner to read through, discuss and explore with the UASC. Notes of the discussion and SMC's responses should be recorded by the practitioner within the screening tool.

While the identification of one or two risk factors in isolation may not be indicative of modern slavery, the more questions which are answered in the affirmative by the SMC should provide the practitioner with evidence to decide whether Section 47 enquiries should be triggered.

NAME [CHILD/YOUNG PERSON]: _____ **DATE:** _____

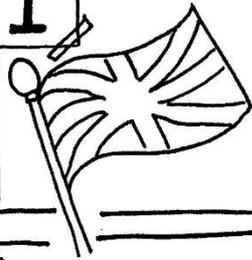
1.	Does the young person have little or no money but does have a mobile phone?	
2.	If the young person possesses a phone, do they receive unexplained or unidentified phone calls?	
3.	Does the young person have expensive items such as clothing or jewellery?	
4.	Is the young person withdrawn and/or refusing to talk?	
5.	Does the young person show signs of physical or sexual abuse e.g. have	

	they contracted a sexually transmitted disease or show sexualised behaviour?	
6.	Has someone arranged the young person's journey i.e. other than themselves or their family?	
7.	Is the young person saying they have a debt to pay off?	
8.	Does the young person know anyone in the UK? Are they trying to meet anyone in the UK?	
9.	Has the young person been told to contact someone 'specific' when they arrive? If so, who?	
10.	Is the young person planning to work for someone in the UK?	
11.	Is there anyone the young person appears to fear?	
12.	What has the young person been told to say or do when found in the UK?	
13.	Has the 'agent' travelled with the young person to the UK?	

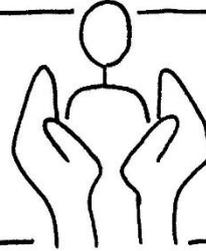
COMPLETED BY: [Police] _____ [Social Care] _____

WELCOME

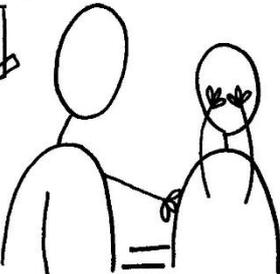
1



You are in the United Kingdom and
You are safe



2



We are here to look after you

3

This is where you are



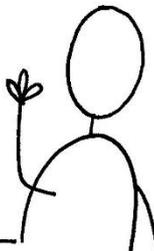
4



We are going to take you somewhere safe

- Try and relax
- Get some sleep
- You need to rest.

5



Someone will visit in a couple of days to talk about what you want to do next

Appendix C

Destitution Resources

The Bradford Destitution Project

Offers these individuals an alternative by providing them a room in a shared house, a weekly allowance, food parcels, bus money, advice and support and signposting services. Our aim is to see our residents' emotional, physical and spiritual well-being be cared for to allow them the stability they need to appeal their negative decision or consider their other options. We are based in Bradford City Centre and currently manage 5 houses across the city.

https://www.asaproject.org/uploads/Destitution_Services_Directory.pdf

The No Accommodation Network (NACCOM)

<https://naccom.org.uk/about-us-2/>

NACCOM is a national network of over 140 frontline organisations and charities across the UK, working together to end destitution amongst people seeking asylum, refugees and other migrants who aren't able to access to public funds because of their immigration status.

Asylum Support Appeals Project (ASAP)

ASAP reduce destitution amongst asylum seekers by protecting their legal rights to food and shelter. ASAP carries out three types of work:

We offer free, high-quality legal representation and advice to asylum seekers and refused asylum seekers appealing to the Asylum Support Tribunal against the Home Office decisions to refuse or discontinue their housing, financial subsistence, or both.

We provide asylum support advice and training to frontline organisations, advice agencies and legal practitioners working with asylum seekers. We provide a range of training options and operate a second-tier Advice Line for advisers.

Policy, lobbying and litigation to improve policies and procedures on asylum support.

<https://www.asaproject.org>

Right to Remain Detention Toolkit

This "zine" is a hand-made guide about preparing in case you are detained. It talks about practical things you and supporters can do, as well as giving you some insight into what the experience might be like – although everybody is different. It's been made by Rosie in Sheffield using accounts from experts-by-experience (people who have been detained) and the Right to Remain Toolkit.

<https://righttoremain.org.uk/wp-content/uploads/2019/03/detention-zine.pdf>