

**HERTFORDSHIRE COUNTY COUNCIL
POLICY STATEMENT FOR UNACCOMPANIED
ASYLUM-SEEKING AND REFUGEE CHILDREN**

GUIDING PRINCIPLE

All unaccompanied asylum-seeking and refugee children will be regarded as children in need and will be provided with the same level of service as any other child in need in Hertfordshire.

CARE PLANNING

All unaccompanied children will be accommodated under section 20, of the Children Act 1989, unless the care plan indicates that the child's needs could be met in other ways.

EDUCATION AND TRAINING

All unaccompanied asylum-seeking children will be provided with appropriate education and training that meets their needs.

EMPLOYMENT

All unaccompanied asylum-seeking and refugee children will be entitled to access employment training opportunities as would any other young person. They will be assisted in seeking permission from the Home Office if they wish to obtain paid employment.

ACCOMMODATION

All unaccompanied asylum-seeking and refugee children will be supported to live in accommodation commensurate with their assessed need. We will ensure that they live in suitable and safe accommodation and will actively work to prevent them becoming homeless.

HEALTH AND PERSONAL SUPPORT

All unaccompanied asylum-seeking and refugee children will be supported to enable them to maintain their health and development and to be part of the community. They will be provided with the emotional and practical support that they require to meet their needs.

**HERTFORDSHIRE COUNTY COUNCIL
POLICY FOR UNACCOMPANIED ASYLUM-SEEKING AND
REFUGEE CHILDREN**

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Hertfordshire County Council
Policy for Unaccompanied Asylum-seeking and Refugee Children

1. Guiding Principles

- 1.1 All unaccompanied asylum-seeking and refugee children will be regarded as children in need and will be provided with the same level of service as any other child in need in Hertfordshire.**
- 1.2 The Policy reflects the principles of the Children Act 1989 which is to safeguard and promote the welfare of children within the area who are in need by providing a range and level of services appropriate to those children's needs.
- 1.3 The Policy also incorporates the principles of the Children (Leaving Care) Act 2000 which are to improve the life chances of young people living in and leaving local authority care. Unaccompanied asylum-seeking children and refugees who are looked after are entitled to the same service as any other children who have been looked after when they leave care. The definitions and commitments as described within the Hertfordshire County Council Leaving Care Policy are therefore applicable to this group of young people.
- 1.4 All services provided will start from the needs of the unaccompanied asylum-seeking and refugee child.
- 1.5 We will ensure that their needs are established through an assessment, using the Assessment Framework, which recognises their particular vulnerability due to their separation from their family and country of birth.
- 1.6 We will ensure that, following initial contact or referral, action is taken to ensure their care and protection. Wherever possible, consideration will be given to supporting any current arrangements, which are in place.
- 1.7 Hertfordshire County Council will ensure that the services that are provided are sensitive and responsive to the individual needs and wishes of this group of children, recognising their vulnerability and racial identity.
- 1.8 We will use the existing joint planning systems to ensure that the specific needs of these children are addressed so that they can be integrated, without prejudice into the local community.
- 1.9 We will ensure that all services provided will meet their ethnic, linguistic, cultural, religious and any other needs.
- 1.10 We will ensure that any care arrangements will provide help to form a secure base from which they can make the transition from childhood to adulthood within the context of secure, appropriate relationships.

- 1.11 We will ensure that all information provided and all communication is in their own language for as long as is necessary. This will include translation and interpretation.
- 1.12 We will provide opportunities for all unaccompanied asylum-seeking and refugee children to develop written and oral skills in the English Language.
- 1.13 We will assist children to trace any family members who may be living in the UK. Where the child wishes to trace family members residing in another country we will provide assistance so that they can get the support of the established organisations providing tracing facilities. Where no family members can be found we will provide support in order to help them cope with this.
- 1.14 Unaccompanied asylum-seeking and refugee children will be supported to develop and maintain relationships with their local community and with children and adults from their own country living in the UK
- 1.15 Hertfordshire County Council will ensure that it has an information system that can identify the needs of all the unaccompanied asylum-seeking and refugee children being supported by the county.
- 1.16 Hertfordshire County Council will ensure that it fulfils all its statutory duties towards unaccompanied asylum-seeking and refugee children under the Children Act (1989), the Children (Leaving Care) Act 2000, and Education legislation.

2. Care Planning

- 2.1 **All unaccompanied children will be accommodated under section 20, of the Children Act 1989, unless the care plan indicates that the child's needs could be met in other ways.**
- 2.2 Where it is decided that the child's needs could be met under section 17 of the Children Act 1989, we will ensure that the arrangement is a satisfactory way of discharging our responsibility.
- 2.3 A legal planning meeting, to consider whether a Care Order should be applied for, will be convened where the child:-
 - is likely to be looked after for a period of more than three years,
 - has a disability
 - has a mental health problemand/or is likely to be at risk of significant harm.
- 2.4 The Framework for the Assessment of Children in Need and their Families will be used to identify the needs of all unaccompanied asylum-seeking and refugee children.

- 2.5 A recorded plan of action will be made for meeting the identified developmental needs of all unaccompanied children prior to making any decisions regarding appropriate placement.
- 2.6 Where a child is looked after the Department of Health "Looking after Children" materials will be completed. The care plan will identify a strategy to meet the assessed needs. Placements must be able to support children who have little or no other source of support. The care plan for unaccompanied asylum-seeking and refugee children should include the following:
- the child's identified needs, including needs that arise from the asylum-seeking process (e.g. advocacy and legal advice)
 - how these needs will be met
 - timescales
 - proposed placement
 - other services to be provided e.g. counselling, group work, extra educational support
 - contingency plans for placement breakdown and other possibilities such as reunification with family members
- 2.7 A child's age, sex, health, personality, race, culture and life experiences are relevant to any consideration of needs and vulnerability and will be taken into account when planning or providing help.
- 2.8 In reaching any decision about the plan for a child we will ensure that they have detailed information about the alternatives, in a language that they can understand. They should also be provided with an opportunity to explore properly the meaning and implications of the various options open to them before a decision is made.
- 2.9 The plan for the looked after child should be reviewed within statutory timescales and should include the full participation of the children and their caregivers. The child should always be provided with information in a language that they can understand. This may need to involve translation and interpreting services. In relation to unaccompanied asylum-seeking and refugee children, the following will need to be considered in addition to the usual statutory requirements for reviews:
- the impact of exile and progress in coping
 - the forming of healthy relationships including peers and adults
 - settlement into a new community and the development of necessary skills for survival in the UK including awareness and strategies for dealing with the impact of hostility and racism
 - an update on the legal status for those still in the asylum-seeking process
 - the child's contact with community groups from their culture of origin who can give them advice and support in their mother tongue
 - an update on tracing family members (subject to the child's wishes for a trace to be carried out)
 - progress in preparation for adult life

- 2.10 The needs of children aged sixteen and seventeen will be assessed in order to consider whether their welfare is seriously prejudiced and what arrangements are needed for their accommodation and their other social care needs. A carefully selected support package will be put in place based on the outcome of the assessment. Depending on the identified needs of the child, the support network should include professional and community support. The child's daily living skills will be assessed as well as information provided on issues such as drugs, sexual health etc. This group of children will be supported up to the age of eighteen.
- 2.11 All care leavers will have a designated Leaving Care Personal Adviser and a Pathway Plan, which will include details of how their future needs will be met. Within the Pathway Plan, consideration must be given, where the child has a status of "Exceptional Leave to Remain" to the fact that they may be deported or have to appeal against being deported on or soon after their eighteenth birthday.
- 2.12 Unaccompanied asylum-seeking and refugee children will be provided with information and given support in order to be able to access the Complaints Procedure. Children who are looked after will be provided with details on the advocacy service provided by the Voice of the Child in Care.
- 2.13 Where the unaccompanied asylum-seeking or refugee child has a Home Office "agreed age" but, after an assessment has been undertaken, they physically and emotionally appear to be that of an adult, the County Council will carry out their duties to "safeguard and protect their welfare" as though they were a child, but will liaise with the Home Office Immigration and Nationality Directorate on this matter. Where the manager of the fostering and residential service takes the view that admission of the child would contravene the Care Practice Standards then other suitable accommodation and support services will be provided.

3. Education and Training

- 3.1 All unaccompanied asylum-seeking children will be provided with appropriate education and training that meets their needs.**
- 3.2 Unaccompanied asylum seeking children are entitled to statutory education to age 16 and access to further and higher education college courses. We will provide an appropriate school or college place within 20 days of referral. Arrangements will build on existing practice within the Minority Ethnic Curriculum Support Service using School Admission Rule 2 when necessary. The carer will attend the admissions meeting at the school or college. Taking account of previous education, any interrupted schooling and choice of subjects, schools will ensure that the young person is placed in the year and form which best suits their educational needs.

- 3.3 Unaccompanied asylum-seeking and refugee children are entitled to educational provision and should have access to all aspects of education. Schools with an Ethnic Minority Achievement (EMA) Budget can use it to support refugee pupils as they would any other ethnic minority pupil. Schools who do not receive EMA funding may be eligible for support from the local EMA Centre or School Based Interpreter (SBI) support. This may be part funded by the CSF Interpreting and Translating Service.
- 3.4 Schools should consider the following strategies to assist refugee pupils:
- a liaison person in the school who will befriend the child and arrange peer support
 - promoting positive images of the country of origin
 - arrange first language support, possibly via bilingual classroom assistants (BCA's) or school based interpreters (SBI's)
 - using dictionaries and other resources in first language or dual textbooks
 - on arrival familiarising children with the school layout , routines, resources and equipment
 - for those over 13 years old, ensure that the link Connexions Personal Adviser is notified and arrangements for an interview made
- 3.5 Children who are looked after must have a Personal Education Plan developed, which is regularly reviewed. This Plan will identify the type of education provision that best suits their needs. This should take account of English language development needs and the importance of maintaining their mother tongue and culture. Where possible they will not be moved during exams nor during a reasonable period leading up to them.
- 3.6 In considering appropriate education provision, regard must always be given to the need to keep siblings together in order that they can support each other and reduce isolation.
- 3.7 We will ensure that they have access to support such as pastoral care and mentors. All refugee pupils over 13 years old will be referred to a Connexions Personal Adviser who can offer impartial information and advice on careers and personal development opportunities and, where necessary, intensive support for the transition from post-compulsory education. Pupils with learning difficulties and disabilities (LDD) who are leaving school after year 11 will be referred to a Connexions Personal Adviser for a Section140 assessment during the Autumn term of that year to identify any additional needs the pupil will have on accessing further learning.

4. Employment

4.1 **All unaccompanied asylum-seeking and refugee children will be entitled to access employment training opportunities as would any other young person. They will be assisted in seeking permission from the Home Office if they wish to obtain paid employment.**

4.2 We will work collaboratively with Connexions and B2E (Hertfordshire's education business link organisation consortium) to improve the opportunities of unaccompanied asylum-seeking refugee children to enter the world of employment. This will be achieved by providing work experience placements, helping them to develop the skills they will need to access employment and, where appropriate, supporting them in transition to employment of their choice.

4.3 We will ensure that there is access to Connexions for advice and support in seeking and sustaining employment, recognising that it may take time to identify the most suitable opportunities. This will include, where possible, helping them to access training programmes that prepare them for work in a supportive environment. Working collaboratively with Connexions and the LSC, we will also develop agreements with local employers to offer employment opportunities to unaccompanied asylum-seeking and refugee children.

4.4 Teenagers to Work Scheme

Through the Teenager to Work scheme Hertfordshire County Council will provide placements that:

- Reflect the young persons individual abilities, interests and aspirations
- Are used creatively to increase the young persons employability skills
- Develop confidence, skill and motivation
- Promote the idea that young person can benefit from work experience placements within and external to the authority
- Raise awareness of the authority of their potential as employers of young people who are care leavers.

5. Accommodation

5.1 **All unaccompanied asylum-seeking and refugee children will be supported to live in accommodation commensurate with their assessed need. We will ensure that they live in suitable and safe accommodation and will actively work to prevent them becoming homeless.**

5.2 A kinship placement will be the first consideration for any child who has to live apart from his/her family and is assessed as in need. Kinship is the full time nurturing and protection of children by their relatives or friends in this country. The kinship bond includes relatives and other significant adults in a child's life. This may include adults who were

resident in the area of the country in which the child was formerly living. The relative or friend will be given financial and other support to ensure that the assessed needs of the child can continue to be met.

- 5.3 Where a child cannot be in a kinship placement a carefully selected and supported placement in a foster family will be considered. The placement should take account of the child's ethnic, cultural and religious background. Where the carer/s cannot meet these needs, arrangements will be made for support to be available from the social care network and local community.
- 5.4 Where a residential placement is considered to be the most appropriate way of meeting the child's needs, resources such as interpreters, counselling and other such support will be provided. Dietary, cultural and religious needs will also be met.
- 5.5 We will continue to develop and have available a wide range of accommodation, so that young people are not placed in accommodation that does not respond to their needs. We will monitor the suitability and security of accommodation and its providers, and ensure that young people are not placed alongside people who are unsuitable or potentially unsafe.
- 5.6 In making any arrangements for unaccompanied asylum-seeking and refugee children siblings should be placed together unless an assessment indicates to the contrary.

6. Health and Personal Support

6.1 All unaccompanied asylum-seeking and refugee children will be supported to enable them to maintain their health and development and to be part of the community. They will be provided with the emotional and practical support that they require to meet their needs.

6.2 Health

Unaccompanied asylum-seeking and refugee children are entitled to medical treatment on the NHS. They will be supported in gaining access to health care in the same way as any other looked-after child or care leaver.

6.3 Hertfordshire County Council will:

- facilitate the development of their understanding of their own health needs and how to meet them
- ensure that, where they are looked after children, they have a Personal Health Plan which outlines how their health needs will be met
- ensure that all unaccompanied asylum-seeking and refugee children are registered with a doctor and a dentist

- develop policies and practices to promote healthy living for unaccompanied asylum-seeking and refugee children in conjunction with health agencies
- identify appropriate counselling services in the child's first language where this is an identified need

6.4 **Practical Living Skills**

All unaccompanied asylum-seeking and refugee children will be provided with appropriate support in learning practical independent skills, such as cooking, decorating and budgeting. They will be given advice and support on managing their own finances dependent on their maturity and independence.

6.5 **Sports, Arts, Leisure and Culture**

Hertfordshire County Council will enhance the physical and mental health of unaccompanied asylum-seeking and refugee children by enabling them to develop sporting and artistic skills and enable them to participate in other leisure and cultural activities.

7. **Review of the Policy**

This policy will be reviewed every three years. This review will include consultation with young people who are, or have been, unaccompanied asylum seekers.

8. Terminology, Definitions and Legal Framework

An unaccompanied child is a person who is under the legal age of majority (18 years of age) and is not accompanied by a parent, guardian, or other adult, who by law or custom is responsible for him or her.

(Department of Health, Social Services Inspectorate, 1995)

A Refugee is someone who leaves, or remains outside, his or her own country of origin

“Owing to a well-founded fear of persecution, for reasons of: race, religion, nationality, or membership of a particular social group or political opinion”.

(The 1951 United Nations Convention)

In the UK an **asylum seeker** is recognised and granted **refugee status** and usually given **indefinite leave to remain (ILR)** under the 1951 United Nations Convention on Refugees upon demonstrating eligibility.

A person who may be found not to meet the criteria of the 1951 UN Convention, but for whom removal from the UK is deemed to be unreasonable or impracticable, may be granted **exceptional leave to remain (ELR)** for a specified period of time to be reviewed upon expiry.

Article 20 of the UN Convention of the rights of the child states that:

“a child temporarily or permanently deprived of his or her family environment.....shall be entitled to special protection and assistance provided by the state”.

(United Nations 1989)

Unaccompanied children seeking asylum in the UK have the same rights as adult asylum seekers to have their claims for asylum considered under the 1951 United Nations Convention and can be granted asylum upon demonstrating eligibility. A number of children are granted **ELR** as it is considered impractical or unreasonable to safely return them to their countries of origin.

Exceptional Leave to Remain (ELR) is for a specified period of time to be reviewed on expiry and ranges from one to four years. It means that children and young people can settle in the UK and are entitled to benefits, permanent housing and higher education grants.

Indefinite Leave to Remain (ILR) is the removal of any time limit or other restrictions on a person's leave to remain in the UK.

National Asylum Support Service (NASS) was established under the Immigration and Asylum Act 1999 to carry out the task of supporting destitute adults including families who are asylum-seekers

Standard Acknowledgement Letter (SAL) Screening interviews are carried out, at the point of entry by an Immigration Officer or, for in-country applications, by the Home Office Immigration and Nationality Directorate

(IND) based in Croydon. Children are normally granted temporary admission to the UK and given a Standard Acknowledgement Letter confirming that they have applied for asylum.

Children Act 1989

- Section 17(1)

It shall be the general duty of every local authority to safeguard and promote the welfare of children within their area who are in need by providing a range and level of services appropriate to those children's needs.

- Section 20(1)

Every local authority should provide accommodation for any child in need, who appears to them to require accommodation as a result of there being no person with parental responsibility for them.

- Section 20(3)

Every local authority shall provide accommodation for any child in need within their area who has reached the age of 16 and whose welfare is considered to be seriously prejudiced if the authority do not provide him with accommodation.

- Section 24

Where a child is being looked after by a local authority, it shall be the duty of the authority to advise, assist and befriend them with a view to promoting their welfare when they cease to be looked after by them.

Children (Leaving Care) Act 2000

Unaccompanied asylum-seeking children and refugees who are looked after are entitled to the same service as any other children who have been looked after when they leave care. The provisions of the Leaving Care Act apply to the following:

- Eligible children: Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who are still looked after.
- Relevant children: Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who have left care since 1 October 2001.
- Former relevant children: Young people aged 18 – 21 who have been either eligible or relevant children since 1 October 2001 or both. If at the age of 21 the young person is still being helped by her/his responsible authority with education or training, (s)he remains a former relevant child to the end of the agreed programme of education or training even if that takes him past the age of 21.

Where unaccompanied asylum-seeking children have yet to get a status they must be referred to the National Asylum Seeker Service (NASS) before they reach the age of eighteen. In cases where the child has exceptional leave to remain (ELR) their leaving care plan will take into consideration that they may be deported or have to appeal against being deported on or soon after their eighteenth birthday.

Learning and Skills Act 2002

- Section 140

Under Section 140 of the Learning and Skills Act 2002 the Connexions Service has a statutory responsibility to carry out a 'holistic' assessment of what the additional support needs will be for any young person with LDD (Learning Difficulties and Disabilities) on leaving school, whether they have a statement or not. The assessment will identify these needs and the information will be passed on to the relevant training provider.