

Meeting:	Executive Meeting
Meeting date:	25 January 2024
Report of:	Martin Kelly - Corporate Director Children, Families and Education
Portfolio of:	Cllr Robert Webb

Developing a welcome centre approach for unaccompanied asylum-seeking children

Subject of Report

1. This report sets out proposals to develop a welcome centre approach to providing accommodation and support to unaccompanied asylum-seeking children, aged 16 and 17 years old, referred to the City of York by Migration Yorkshire and Home Office under the National Transfer Scheme **(NTS)**.
2. The proposal sets out our plans to repurpose capital funding, which was agreed in 2019 to address placement sufficiency for children and young people in care.

Benefits and Challenges

3. The key benefits of making the decisions outlined in this report are:
 - Better financial control of placements, in a landscape of rising placement costs across the sector.
 - Provide services locally and close to supervising social workers, alongside other resources, making this geographically more practical and cost effective.
 - There will be immediate access to a range of specialist roles using our residential and edge of care service, called Together, We Can.

- It will enable the Council to develop more effective and smoother pathways into independence and resettlement.
- It provides unaccompanied asylum-seeking children with a sense of being welcomed in York, a city of sanctuary (i.e., not agreed to be accepted by one local authority and then placed in another).
- Through a careful and coordinated matching process, we will be better placed to ensure that services are coordinated and cost effective i.e., the use of single language interpreters providing services to a small group rather than individual arrangements being made.

The challenges of making the decisions outlined in this report are:

- In approving the decision to have a welcome centre, we recognise the need to build close working relationships within the community to ensure that young people are fully integrated and accepted.

Policy Basis for Decision

4. On 23rd November 2021 the UK Government took steps to ensure the National Transfer Scheme (**NTS**) works effectively, and ensures all children are transferred promptly to local authorities to be cared for.
5. The NTS is currently operating under the powers set out under Section 72(3) of the 2016 Act, providing for the Secretary of State for the Home Department to direct local authorities to comply with the scheme.
6. All local authorities and Health and Social Care Trusts in Northern Ireland are subject to a direction under Section 72(3) of the 2016 Act, and are under a mandatory duty to comply with the NTS. This was reflected in the judgment of Mr Justice Chamberlain in *ECPAT UK, R (On the Application Of) v Kent County Council & Anor* [2023] EWHC 1953 (Admin) (27 July 2023).

7. The Council Plan 2023-2027, **One City, For All**, sets a strong ambition to increase opportunities for everyone living in York to live healthy and fulfilling lives. This proposal will develop and provide a welcome centre approach to unaccompanied asylum-seeking children within the City of York and aligns to our four commitments:
- **Equalities and Human Rights** – Equality of opportunity
 - **Affordability** - Tackling the cost-of-living crisis
 - **Climate** - Environment and the climate emergency
 - **Health** - Improve health and wellbeing and reduce health inequalities, taking a Health in All Policies approach.

Financial Strategy Implications

8. The Council currently has 19 unaccompanied asylum-seeking children in placements, 10 of which are within our own in-house provision and a further 9 in private foster care, residential or supported accommodation. The average cost per placement per week is £930, with our highest cost placement being £2,200 per week.
9. These figures are set to increase overtime as we are required, under the National Transfer Scheme (NTS) to continue to provide safe and effective placements for unaccompanied asylum-seeking children. We are now seeing other local authorities meeting their threshold (up to 0.1% of child population), meaning that increased pressure will be placed on neighbouring authorities due to demand.
10. As a result of this, our overall costs will continue to rise as we meet these requirements through spot purchasing private placements. Whilst the funding received from the Home Office will mitigate some of these costs, we would still have no control of the private sector market in terms of placement availability, costs and location. Therefore, we would be at the behest of what is available at the time.
11. The costs incurred with time and travel to and from these placements in terms of managing, overseeing, and ensuring good governance of these provisions would also increase in line with the number of placements commissioned.
12. Therefore, taking no action and relying on the private sector at this time would see our overall costs increase.

Recommendation and Reasons

Recommendations:

That Executive:

13. Approve the delivery model of developing a welcome centre approach for unaccompanied asylum-seeking children aged 16 and 17 years by a) committing a total spend of £275,000 from the existing capital budget for the development of a bespoke supported accommodation provision to accommodate 4 unaccompanied asylum-seeking children (aged 16/17) and b) developing a second such provision in 2024/25 within available capital budget.
14. That delegated authority be granted to the Corporate Director of Children services and Education, in consultation with the Corporate Director of Place and the Director of Governance, to approve and effect any necessary appropriations of Council-owned properties from general housing stock (or from other existing use(s)) or any properties necessary to deliver the plans outlined in this Report.
15. That delegated authority be granted to the Corporate Director of Children's and Education, in consultation with the Director of Governance, to negotiate and conclude/enter into any legal documentation required for the freehold purchase and/or lease by the Council of any properties necessary to deliver the plans outlined in this Report for supported accommodation.
16. That delegated authority be granted to the Corporate Director of Children's and Education, in consultation with the Corporate Director of Place and the Director of Governance, to apply for and obtain any necessary planning permission(s) and/or building regulations approvals in respect of any change of use of and/or adaptations to said properties necessary to deliver the plans outlined in this Report for supported accommodation.

Reasons:

17. To continue to develop the City of York's provision for children in care and ensure the Council meets its statutory sufficiency duty and its duty under Section 72(3) of the Immigration Act 2016 in respect of unaccompanied asylum-seeking children.

Background

18. A capital budget of £1,360,000 was approved by the Executive on 18th July 2019, as an overall allocation to support a Children in Care Commissioning Plan. This was to purchase 3-residential properties and make adaptations to Wenlock Terrace (a property owned by the Council which was previously leased to an appointed service provider for operation of it as a children's home until termination of the lease and associated service contract on 30th September 2021).
19. Since then, £496,000 has been spent or allocated on adaptations to Wenlock Terrace (York) which will provide residential care for up to 6-young people when it re-opens in February 2024. In addition to this spending, £49,000 was transferred (with Executive approval) to the Adaptions to Foster Carer Homes Scheme in 2022/23.
20. The Council has a remaining uncommitted budget from the 2023/24 capital programme of £815,000 to support placement sufficiency. Within this there will be further costs associated with furnishing Wenlock Terrace and providing flats which are linked to the residential home for the purpose of developing independence and in line with the 2019 decision.
21. Of the remaining capital it is proposed through this report to use 275k to secure one property initially, which will provide a welcome centre to 4 unaccompanied asylum-seeking children (aged 16/17).
22. Of the 91,047 people who applied for asylum in the year ending March 2023, children (i.e., aged 17 and under) accounted for almost a fifth (18%) of the total number of people applying for asylum.
23. A recent judgment of Mr Justice Chamberlain required the home office to close several hotels in Kent which were housing Unaccompanied Asylum-Seeking Children resulting in placements from the NTS moving forward at greater pace. We have therefore reviewed our sufficiency strategy and have identified an evolving risk of insufficient placements both locally and nationally.
24. The Council currently has 19 UASC in placements, the average cost per placement per week is £930, with our highest cost placement being £2,200 per week.

25. The Home Office does subsidise these placements by contributing £143 per night, per child. This is an income revenue of £52,000 per year, plus an additional financial contribution of £6,000 if we can provide a placement for the child within 5-days of referral. However, due to higher cost placements sourced outside of the local authority, our forecasted expenditure is predicted to be up to £500k higher than the income we receive from the Home Office.
26. Children's Social Care continues to have significant budget and resource pressures to meet the needs of an already growing population within the city as well as the additional young people moving into area under the NTS, who should be welcomed and properly supported by the city.
27. As part of its care, support, and accommodation strategy the Council is committed to developing in-house provision, where we welcome Unaccompanied Asylum-Seeking Children (who are the most vulnerable young people), to the City of York.
28. We also aim to work proactively with Migration Yorkshire and the Home Office to match small cohorts of Children to live together. We want to ensure that this work is undertaken sensitively, where we can place young people who share the same language, culture, and faith needs in one placement.
29. The cost of purchase and furnishing a property for the purpose of a welcome centre is c. £275,000.
30. Therefore, it is recommended that agreement is approved to commit a total spend of £275,000 from the existing placement sufficiency capital budget for the development of supported accommodation (welcome centre) provision.
31. If this scheme proves successful, we will aim to develop a second welcome centre within 6 to 12 months exploring all prudently affordable options, including the use of existing council owned property to minimise further financial liability. However, to minimise delay this report seeks further approval to delegate decision making including possible purchase within, the limitations of the capital budget available above.

32. Based on a 4-person provision, the annual income revenue generated to subsidise this provision would be:

£52,000 x 4 UASC	£208,000
£6,000 x 4 UASC (placed within 5-days)	£24,000
Total	£232,000

33. This income would pay towards the ongoing additional support costs, providing direct, high-quality support, delivered locally. This would be delivered in line our 'Together We Can' residential provision. This approach would ensure the service provided is delivered within the budget available from the home office, therefore minimising any additional financial pressures on the local authority revenue budget.

Consultation Analysis

34. No direct consultation has taken place in respect of this paper. There is appropriate capital funding available, which was ring-fenced for the development of residential provision and placement sufficiency that had previously been agreed by the Exec in 2019 following extensive consultation.
35. This funding remains ring-fenced and concurrent, however due to the nature of the proposed spend (Supported Accommodation for Unaccompanied Asylum-Seeking Children), it was appropriate for this proposal to be reconsidered by the Exec and a revised delegation of authority granted for the Corporate Director of Children and Education to utilise some of these funds as described in the report.
36. Due to the nature of the service provision and the sensitivities of supporting Unaccompanied Asylum Seeking Children in local communities, once approval is granted, discussions and consultation with communities will take place in relation to delivery of this service.
37. It will be important to work together with local communities, leaders and members to ensure that any proposed purchase and service delivery is supported at a local level to ensure that placements and locations are appropriate.

Options Analysis and Evidential Basis

38. Option 1

We chose to continue to spot purchase private placements, as per our legal duties to provide placements under the National Transfer Scheme.

Due to the lack of local provision (both 'inhouse' and private), these placements are likely to be in other local authority areas. At times, we will be required to explore further afield in other areas across England due to a high demand on these placements.

The costs of such placements are set to rise in line with this demand. We will have no control over market costs.

Social workers and/or case managers will be required to regularly travel to these placements to deliver our social work and corporate parenting duties, placing a greater impact on climate through travel and costs through time.

39. Option (2)

We develop our own inhouse provision by purchasing a suitable property within the City of York.

We will be able to work proactively with the Home Office to carefully match young people in line with their language, culture and faith.

Funding received from the Home Office will meet the financial costs of ongoing support and accommodation and we will have better financial control and management.

Social workers and/or case managers will be able to have better oversight of care, support and accommodation needs as placements will be local.

Resources and associated costs (such as interpreting services) can be met more efficiently through supporting a small number of young people who share the same language and culture.

Other associated costs in relation to social work and/or case management time and travel will be limited and more effectively managed.

This approach will provide young people with a greater sense of belonging and identity and lessen the potential isolation from living in solo placements that are not culturally aligned. It will therefore improve the long-term transition and integration into the local community and city.

Organisational Impact and Implications

40.

Financial - The funding for this scheme is available within the approved capital programme. As outlined in the body of the report, this capital investment will prevent significant additional revenue expenditure.

Human Resources (HR) - At this stage of the project, staffing implications are limited, resourcing and project managing this project will be within existing resources. Further consideration of staffing implications will be in accordance with HR policies and practice.

Legal - The proposals in this report relate to the discharge by CYC of absolute, non-derogable duties under the Children Act 1989 and the Immigration Act 2016. The duties are to assess need, accommodate and safeguard children and to comply with directions given under the NTS.

It is clear in law that Unaccompanied Asylum-Seeking Children cannot be treated less favourably than other children. The recommendations in the report are clear and lawful and the decision, including appropriate delegations, properly within the remit of the Executive.

Procurement - There are no direct procurement implications with the purchase of a property in York and possible future properties in 2024.

Health and Wellbeing - Public Health fully support the capital expenditure outlined within this report to develop a welcome centre. Any programme to support unaccompanied asylum-

seeking children upon their arrival is welcomed, and this will contribute to a reduction in health inequalities within the city.

Environment and Climate action - There are no negative environmental implications within the context of this report. Providing placements locally will significantly reduce travel by professionals who support Looked After Children

Affordability - There are no direct affordability implications of this report on the young people who will reside in the accommodation.

Equalities and Human Rights - The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

The Universal Declaration of Human Rights (Article 14), states that everyone has the right to seek and enjoy asylum from persecution in other countries. This model will allow CYC to support young people seeking that asylum in such a way that they may integrate fully into the life of the city.

Data Protection and Privacy – As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a DPIA. This is evidenced by completion of DPIA screening questions.

Communications – There are limited implications, but we will expect to develop proactive approach to communicating with residents.

Economy - This report has no direct economy implications.

Risks and Mitigations

41. There are significant financial risks associated with raising placement costs in meeting our obligations under our sufficiency duty and duties under the NTS.
42. This proposal provides mitigations to those risks by providing local supported placements that are of high quality and affordable.

Wards Impacted

43. All Wards

Contact details

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Background papers

None

Annexes

None