

RAS 08

Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru

Inquiry into refugees and asylum seekers in Wales

Ymateb gan: Cymdeithas y Plant

Response from: The Children's Society

1) The Children's Society is a leading charity committed to improving the lives of thousands of children and young people every year. We work across England with the most disadvantaged children. Our direct work with vulnerable groups includes a long history of working with refugee and migrant children both within families and those who arrive unaccompanied and enter the care system. Last year we worked directly with over 650 such children and young people through projects in the North East, Leeds, West Midlands, Greater Manchester and London. Whilst we do not provide direct work with children in Wales we currently have one policy officer who is based in the Church of Wales offices.

2) In this response we will be focusing on unaccompanied children and the Refugee and Asylum Seeker Delivery Plan. We will not be commenting on the Syrian Vulnerable Persons Relocation Scheme (SVPRS). We will also make some commentary on the needs of children who have been reunited with family members in Wales under the Dublin III Transfers.

3) As we do not currently operate frontline services in Wales, we will be referring to best practice in context of the existing projects we run across England, as well as the 'Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People: All Wales Practice Guidance' (2011)<sup>1</sup>.

4) We will focus on issues around safeguarding, access to advocacy, mental and physical health, education, and crucially we also explore the urgent need to ensure that the often complex immigration cases of unaccompanied and separated children and young people are addressed in a timely and thorough manner with access to expert advice.

### **Assessments and support frameworks for unaccompanied children arriving in local authority care**

5) The experiences for children and young people vary depending on whether they are reuniting with family in the UK, or arriving with no connections in the UK. In either scenario, thorough assessments of the best interests of the child should be conducted, taking into account their wellbeing, development needs, safety and security considerations and individual views and desires<sup>2</sup>, and they should be referred into independent advocacy services in all instances. As outlined

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<sup>1</sup> All Wales Child Protection Procedures Review Group (2011) 'Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People: All Wales Practice Guidance' <https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwidnflI3rzQAhWKDcAKHazRB74QFggkM AA&url=http%3A%2F%2Fwww.childreninwales.org.uk%2Fwp-content%2Fuploads%2F2015%2F09%2FSafeguarding-and-Promoting-the-Welfare-of-Unaccompanied-Asylum-Seeking-Children-and-Young-People-All-Wales-Practice-Guidance.pdf&usg=AFQjCNHRAWPF1dnFCHA8Txq3b-JJVzfKMQ> [accessed 22 Nov 2016]

<sup>2</sup> Guidance on conducting best interests assessments can be found in 'Annex 1' of the 'Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17'; 'Section 1(3) of the Children's Act 1989'; 'The Children Act 1989 guidance and regulations' 'Volume 2: care

in the 'All Wales Practice Guidance', social services should discuss this with the individual child and offer the services to them.<sup>3</sup>

**6)** For children being reunited with family members in Wales we would recommend all children joining family members in Wales receive a thorough assessment of their needs and the capacity of their family member to meet them under section 21 of the Social Services and Well-being (Wales) Act 2014.

**7)** As the young person gets used to their new life in the UK, post-traumatic stress-related issues and other problems that were not initially identified may become apparent. For example one study of young refugees found that the likelihood of a child refugee experiencing post-traumatic stress disorders (PTSD) increased by 8% three years after arrival whilst depression rates doubled<sup>4</sup>. In order to respond to future difficulties local authorities will need to maintain contact and offer support where appropriate. This is easier to facilitate if the young person remains in contact with an advocate.

**8)** Those children without family in the UK are likely to have been dispersed to Wales through the National Transfer Protocol<sup>5</sup>. The scheme only began operation in June 2016 and some receiving local authorities may not be experienced in supporting unaccompanied children.

**9)** Many unaccompanied children will be older teenagers. This does not make them any less vulnerable than younger children<sup>6</sup>. Supported accommodation has been used by the Home Office for unaccompanied children upon arrival but we would discourage this as a long term option. This cohort is at risk of going missing<sup>7</sup>, being trafficked<sup>8</sup>, and experiencing severe mental ill-health<sup>9</sup> issues. There is significant evidence to suggest that when placed in foster care, as opposed to supported accommodation, unaccompanied children are 18% less likely to experience post-traumatic stress disorder related symptoms<sup>10</sup>. Unless run by specialist staff, supported accommodation is unlikely to provide enough support and appropriate safeguarding<sup>11</sup> and is unlikely to be the best option for placement upon arrival.

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[planning, placement and case review](#) and [Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children March 2015](#) [All accessed 11 Nov 2016]

<sup>3</sup> All Wales Child Protection Procedures Review Group (2011) 'Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People: All Wales Practice Guidance' page 18

<sup>4</sup> Fazel and Stein (2002) 'The mental health of refugee children' <http://adc.bmj.com/content/87/5/366.short> [Accessed 11 Nov 2016]

<sup>5</sup> Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children (2016-17)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/534258/Interim\\_National\\_UASC\\_transfer\\_protocol.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534258/Interim_National_UASC_transfer_protocol.pdf) [Accessed 11 Nov 2016]

<sup>6</sup> The Children's Society (2015) 'Seriously Awkward: how vulnerable 16 and 17 year olds are falling through the cracks' [http://www.childrenssociety.org.uk/sites/default/files/seriously\\_awkward\\_youth-at-risk\\_full\\_online-final.pdf](http://www.childrenssociety.org.uk/sites/default/files/seriously_awkward_youth-at-risk_full_online-final.pdf) [Accessed 11 Nov 2016]

<sup>7</sup> Department for Education (2014) 'Care of unaccompanied and trafficked children'

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330787/Care\\_of\\_unaccompanied\\_and\\_trafficked\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330787/Care_of_unaccompanied_and_trafficked_children.pdf) [Accessed 14 Nov 2016]

<sup>8</sup> *Ibid*

<sup>9</sup> UNICEF (2006) 'Seeking asylum alone' [http://www.childmigration.net/files//SAA\\_UK.pdf](http://www.childmigration.net/files//SAA_UK.pdf) [Accessed 11 Nov 2016]

<sup>10</sup> UNICEF (2006) 'Seeking asylum alone' [http://www.childmigration.net/files//SAA\\_UK.pdf](http://www.childmigration.net/files//SAA_UK.pdf) [Accessed 11 Nov 2016]

<sup>11</sup> The Children's Society (2015) 'On your own now'

[https://www.childrenssociety.org.uk/sites/default/files/Supported\\_Accommodation\\_Report\\_2015.pdf](https://www.childrenssociety.org.uk/sites/default/files/Supported_Accommodation_Report_2015.pdf) [Accessed 11 Nov 2016]

**10)** The Department for Education has recently commissioned a programme of free training for this purpose in England<sup>12</sup>. We recommend Wales considers a similar scheme. In addition, local authorities should strongly consider further training for their social workers in areas where they have not previously supported many unaccompanied children as it demands specific additional skill and knowledge from their practice.

**11)** It will be important to have access to good interpreters, both on arrival, and for ongoing access to services. Interpreters need to be appropriately vetted and not pose a risk to the young person. They should be able to explain complex terminology, enabling professionals to have open and honest conversations with the young person, in their first language, about their wishes, risks they face and decisions they must make.

### **How can we best safeguard these children?**

**12)** The most immediate risk is that unaccompanied children go missing. They may be re-trafficked or could disappear from their placement, particularly if they feel they are not being adequately supported, or have not reached their final destination. Often young people will have travelled with the knowledge that there is a specific location or community that they must reach or join which will cause them to go missing. For children being transferred as part of the national interim protocol there is a specific risk that the receiving local authority might not be the place they had planned as the end of their journey.

**13)** The risk of going missing is highest within the first few hours of arrival<sup>13</sup>. Professionals will have to work hard to build a trusting relationship quickly emphasising that they have the best interests of the child at heart and that they are there to keep them safe. It will also be important to get as many personal details as possible from the young person during the initial meeting – recent photographs are particularly important for missing person investigations conducted by the local police force. Advice on best practice for avoiding trafficking in the first few hours can be found in [‘Safeguarding children who may have been trafficked: practice guidance’](#)<sup>14</sup>.

**14)** The UK Government is due to launch the early adopter phase<sup>15</sup> of the Independent Child Trafficking Advocates scheme, established through the Modern Slavery Act 2015<sup>16</sup>. It will be available in Wales during the early adopter phase. Whilst a strong relationship with an advocate may help to reduce the risk of a child going missing it cannot guarantee it. Furthermore, as currently devised, the scheme will not meet the needs of all unaccompanied and separated

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<sup>12</sup> ECPAT (2016) ‘Foster Carer and Accommodation Support Training’ <http://www.ecpat.org.uk/content/foster-carer-and-accommodation-support-training> [Accessed 11 Nov 2016]

<sup>13</sup> Department for Education ‘Statutory guidance on children who run away or go missing from home or care’ [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/307867/Statutory\\_Guidance\\_-\\_Missing\\_from\\_care\\_3\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307867/Statutory_Guidance_-_Missing_from_care_3_.pdf) [Accessed 14 Nov 2016]

<sup>14</sup> Home Office and Department for Education (2011) ‘Safeguarding for children who may have been trafficked’ [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/177033/DFE-00084-2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/177033/DFE-00084-2011.pdf) [Accessed 11 Nov 2016]

<sup>15</sup> Home Office (2015) ‘Evaluation of Independent Child Trafficking Advocates trial: Final Report’ [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486138/icta-horr86.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486138/icta-horr86.pdf) [Accessed 11 Nov 2016]

<sup>16</sup> Modern Slavery Act 2015 <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted> [Accessed 11 Nov 2016] Guidance forthcoming

children as it will only support those who have been trafficked. We recommend that all unaccompanied, separated and trafficked children have access to an independent advocate.

**15)** If indicators of trafficking are evident, an immediate referral to the National Referral Mechanism<sup>17</sup> (NRM), which identifies and supports victims of trafficking, could be appropriate. We are aware of at least one local authority that is referring all unaccompanied children to the NRM regardless of their individual circumstances and allowing the mechanism to determine if a child has been trafficked. In our practice in England we offer training to social workers on the NRM process – many social workers have not had to work through this process in their casework before and often require additional training.

### **Access to health and mental health services**

**16)** In terms of the physical health of young people, it will be important to complete registration with a local GP quickly and ensure that a statutory health assessment is carried out in accordance with relevant guidance, following arrival into a local authority<sup>18</sup>. We would recommend that, as outlined in guidance on promoting the health of looked-after children, social workers play a leading role in ensuring that this is done for both unaccompanied children and those being reunited with family. GPs will need to be properly briefed about the young person's circumstances and this needs to be done in a way that is thorough, in line with the young person's wishes and does not re-traumatise them. Thorough physical examination will be needed and should include tests for sexually transmitted infections. Often unaccompanied and separated children will be living with malnutrition, undiagnosed and untreated infections and injuries<sup>19</sup>.

**17)** The mental health needs of these children and young people are likely to be significant, but may not be immediately or clearly apparent<sup>20</sup>. Many will not present with a diagnosable condition<sup>21</sup> despite having experienced significant trauma. They are likely to need access to therapies addressing trauma and, if the young person has experienced the death of close family members, some form of grief counselling may be appropriate.

**18)** In our own practice we have found that strong advocacy, health education, befriending and strong orientation programme can play a significant role in empowering young people to seek mental health support, which, often for cultural reasons, they might find a difficult issue to raise on their own.

### **Making the immigration system accessible**

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<sup>17</sup> National Crime Agency (2016) 'National Referral Mechanism' <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism> [Accessed 11 Nov 2016]

<sup>18</sup> Department for Education and Department for Health (2015) 'Promoting the health and well-being of looked-after children' [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/413368/Promoting\\_the\\_health\\_and\\_well-being\\_of\\_looked-after\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413368/Promoting_the_health_and_well-being_of_looked-after_children.pdf) [Accessed 14 Nov 2016]

<sup>19</sup> Merredew and Simmonds (2010) 'The Health Needs of Unaccompanied Asylum Seeking Children and Young People' <https://www.nice.org.uk/guidance/ph28/resources/looked-after-children-ep23-unaccompanied-asylum-seeking-children-john-simmonds-and-florence-merredew2> [accessed 14 Nov 2016]

<sup>20</sup> Fazel and Stein (2002) 'The mental health of refugee children' <http://adc.bmj.com/content/87/5/366.short> [Accessed 11 Nov 2016]

<sup>21</sup> Future in Mind (2015) 'Vulnerable Groups and Inequalities Task and Finish group Report'

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/414326/Vulnerable\\_Groups\\_and\\_Inequalities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414326/Vulnerable_Groups_and_Inequalities.pdf) [Accessed 11 Nov 2016]

**19)** Unaccompanied and separated children arriving in the UK will require long term support to ensure that their immigration status in the UK is secured. An independent advocate can help them to access to independent and high quality legal advice.

**20)** These children and young people will have a range of immigration statuses. Immigration proceedings concerning this cohort are often complex and are unlikely to reach a quick conclusion. In all instances young people will need access to quality advice and would ideally receive independent advocacy support so they can fully understand their options and make informed decisions. Local authorities must be proactive in supporting young people to make their immigration claim. If deadlines are missed or applications not pending it can result in serious consequences for a young person's long term prospects. This is true for both unaccompanied children but also separated young people reunited with family members in Wales. Local Authorities need to plan long term to ensure that unaccompanied children in care can access services as care leavers once they turn 18 and are not prohibited from doing so because their immigration status has been left unaddressed.

**21)** The immigration system can be prohibitively expensive to vulnerable young people. Whilst asylum cases are still eligible for legal aid<sup>22</sup>, most other more complex cases are now out of scope following implementation of the Legal Aid Sentencing and Punishment of Offenders Act (2012)<sup>23</sup>. The Act can also have funding consequences for asylum cases that also have non-asylum related grounds. Exceptional Case Funding<sup>24</sup> may be available in some cases but, in our own practice, the funding is difficult to achieve without specialist legal support which can be difficult to secure.

**22)** There is also a disparity in the availability of quality immigration advice across the country<sup>25</sup>. Social workers and advocates will need to liaise closely with solicitors and help young people to attend appointments, ensure that the young people feel empowered and understand decisions relating to themselves and follow up to make sure that solicitors progress cases in a timely manner.

## **Orientation and integration**

**23)** The Welsh Government, through its Community Cohesion Delivery Plan has committed to providing funding for orientation and integration support for refugees and asylum seekers. This aspect of the work is currently delayed however as the Government decide how best to take it forward.

**24)** Orientation is a valuable opportunity not only to help refugee and migrant children during transition but also to improve their well-being, monitor progress and spot unmet needs. Orientation

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<sup>22</sup> Legal Aid, Sentencing and Punishment of Offenders Act (2012), <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted> [Accessed 11 Nov 2016]

<sup>23</sup> The Children's Society (2015) 'Cut off from Justice', [http://www.childrenssociety.org.uk/sites/default/files/LegalAid\\_Full\\_0.pdf](http://www.childrenssociety.org.uk/sites/default/files/LegalAid_Full_0.pdf) [Accessed 11 Nov 2016]

<sup>24</sup> Gov.uk (2014) 'Legal aid: apply for exceptional case funding' <https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding> [Accessed 11 Nov 2016]

<sup>25</sup> The Children's Society (2015) 'Cut off From Justice' [http://www.childrenssociety.org.uk/sites/default/files/LegalAid\\_Full\\_0.pdf](http://www.childrenssociety.org.uk/sites/default/files/LegalAid_Full_0.pdf) [Accessed 14 Nov 2016]

schemes can also play a crucial role in providing opportunities to make friends, socialise and form support networks.

**25)** The Welsh Government should bring forward its plans to deliver this aspect of the programme as quickly as possible. For children and young people the orientation provided should be as long term as possible and provide lasting opportunities for young people to participate and develop.

### **Recommendations**

- a) All children, whether unaccompanied or being reunited with family members need to be thoroughly assessed by a qualified social worker. For those being reunited, assessment should closely scrutinise the family's capacity to care for the child in question and long term contact plans should be in place to monitor progress.
- b) The Welsh Government should commission free training for foster carers and accommodation support workers caring for unaccompanied children to give them the necessary skills to support unaccompanied children.
- c) The Welsh Government should consider supporting local authorities in providing training for social workers around the needs of unaccompanied children. This should include the NRM process and an overview of the immigration system.
- d) The Welsh Government should review access to high quality interpreters. Any gaps identified in current provision should be addressed with an action plan.
- e) All unaccompanied and separated children, regardless of whether they have been trafficked, should have access to an independent advocate as soon as they arrive in Wales. Training should be provided to existing advocates to ensure they have the skills to properly support these children in the long term.
- f) The Welsh Government should review access to quality legal advice across Wales for unaccompanied children and support local authorities to help children access the legal advice they need.
- g) Local authorities must include immigration planning within their care plans to ensure that children's long term needs can be met when they turn 18 and become care leavers.
- h) The Welsh Government should bring forward the offer for refugees and migrants under the Community Cohesion Plan and ensure it has a specific strand of work targeted at migrant children that provides them with skills for life, opportunities to make friends, and long term support.
- i) Much of the framework in place to support unaccompanied children is very new or recently updated. The Welsh Government should commit to a wholesale review in the near future to ensure that all documents are complimentary, that policy is being properly implemented and gaps in provision are effectively addressed.

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