

**Cynulliad Cenedlaethol Cymru | National Assembly for Wales**  
**Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and**  
**Education Committee**  
**Ymchwiliad i Eiriolaeth Statudol | Inquiry into Statutory Advocacy**  
**Provision**

**SAP 06**

**Ymateb gan : Cymdeithas y Plant**

**Response from : The Children's Society**

### **Background**

In 2015, 1,321,600 individuals claimed asylum in the European Union, of which 88,245 were unaccompanied children<sup>1</sup>. The numbers arriving in the UK have remained fairly stable through this time. There were 32,508 people (including dependents) claimed asylum in the UK, in the year ending June 2015<sup>2</sup>, and 3,04<sup>3</sup> were unaccompanied minors<sup>3</sup>; among the cohort are children arriving with family members and others who are unaccompanied or otherwise separated from their family. Some unaccompanied children have recently been arriving from Calais, where the the British and French governments took measures to relocate some children and young people out of the camp there before it was dismantled. The most recent government figure puts the number of children brought to the UK at 300<sup>4</sup>.

Some of these children will be brought to the UK to be reunited with family members already residing here and others will arrive unaccompanied, with no existing links to the UK. The most recent figure of unaccompanied children in local authority care in Wales is 30, many of whom will be placed within the care system, which will likely increase as unaccompanied children are brought to Wales as part of the Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17<sup>5</sup>.

### **Local authority support**

Local authority responses to the children arriving from Calais into their jurisdiction will differ depending on whether the children are unaccompanied, or to be reunited with family members already living in the UK. If a child is to be reunited with family, the local authority must conduct

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<sup>1</sup> Children in crisis: unaccompanied migrant children in the EU report, 2016,p8  
<http://www.publications.parliament.uk/pa/ld201617/ldselect/ldcom/34/34.pdf>

<sup>2</sup> Home Office Asylum Stats

<sup>3</sup> James Brokenshire in HoL publication

<sup>4</sup> [https://hansard.parliament.uk/Lords/2016-11-01/debates/460BAE6C-94E8-4E6F-B071-0B71C6198090/EUUnaccompaniedMigrantChildren\(EUCReport\)](https://hansard.parliament.uk/Lords/2016-11-01/debates/460BAE6C-94E8-4E6F-B071-0B71C6198090/EUUnaccompaniedMigrantChildren(EUCReport))

<sup>5</sup> [http://adcs.org.uk/assets/documentation/Draft\\_National\\_UASC\\_transfer\\_protocol\\_v0\\_8.pdf](http://adcs.org.uk/assets/documentation/Draft_National_UASC_transfer_protocol_v0_8.pdf)

an assessment of the child and provide support in accordance with Section 21 of the Social Services and Well-being (Wales) 2014 Act (SSWB)<sup>6</sup>, or temporarily place the child in a secure care placement with access to the child's family in the event that an assessment of the family's means is conducted and they do not have enough resources to care for the child in their home.

As time goes on, the package of support provided to each family by the local authority can be reviewed and possibly eventually scaled back, but this would have to be done following consultation with the family and in a way that would not leave them without any critical support. As with any family unit, tensions may arise and there is a likelihood that any difficulties could be compounded by the young person encountering symptoms of Post-Traumatic Stress Disorder<sup>7</sup>, or it may take a while for them to settle in with family members that they have not lived with, or even have known, prior to arrival in the UK. For this reason, local authorities will need to maintain contact with the young person and their family, offering support where appropriate.

The framework of support for unaccompanied children will differ slightly. In July 2016, the Department for Education and the Home Office published an Interim National Transfer Protocol (NTP) for Unaccompanied Asylum Seeking Children<sup>8</sup> which local authorities across the UK have signed up to on a voluntary basis to share corporate parenting responsibility for unaccompanied children on a fairer basis. We are aware that Torfaen County Council has agreed to engage with this scheme following consultation with the Home Office. After receiving any children under the NTP, the children's services within a local authority will need to make decisions regarding assessments of a child's needs, placements, education needs, healthcare needs and any other support required by the child. For both unaccompanied children and those seeking to be re-united with their families, access to independent advocacy services is essential to ensure that they are fully aware of their options and fully represented in all decisions that relate to themselves.

The Welsh Government must also support local authorities in their preparations for receiving separated and unaccompanied migrant children and young people by ensuring that the relevant Welsh frameworks are in place, local authorities are fully equipped and by facilitating full access to independent advocacy services for this cohort across all regions.

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<sup>6</sup>[http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)

<sup>7</sup><https://www.ncbi.nlm.nih.gov/pubmed/21916692>

<sup>8</sup>[http://adcs.org.uk/assets/documentation/Draft\\_National\\_UASC\\_transfer\\_protocol\\_v0\\_8.pdf](http://adcs.org.uk/assets/documentation/Draft_National_UASC_transfer_protocol_v0_8.pdf)

Another way that the Welsh Government can bolster provision of advocacy for separated and unaccompanied migrant children is by updating existing guidance and frameworks of support, most notably the 2011 All-Wales Practice Guidance for [‘Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People’](#)<sup>9</sup>, and the 2015 [‘Age Assessment for Unaccompanied Asylum Seeking Children All-Wales Multi-Agency Toolkit’](#)<sup>10</sup>. We recommend that the Welsh Government consults with specialist NGO stakeholders working with unaccompanied and separated migrant children to improve the guidance in line with the ongoing needs of separated and unaccompanied children arriving to Wales and ensure that they draw attention to the need for specialist advocacy services for this cohort.

In ‘Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People’, Section 6 on Multi-Agency working states that local authorities “have a duty to provide information to children and young people about advocacy services” and “must find an advocate for children and young people who receive a service from them.” However, Section 9 on Advocacy in the same document states that “advocacy services should be discussed and offered to unaccompanied asylum seeking children.” Consistency is required between these sections to emphasise the duty upon local authorities to make advocacy services known and to facilitate access to them, if requested.

The document also states that “social workers should follow their own procedures when arranging an advocate for a child.” We would argue that this leaves provision prone to too much variability which will disrupt consistent and professional provision of support for children. This needs to be updated to reflect a uniform statutory requirement for local authorities to provide children in care with access to advocacy.

Section 6 of the 2015 Toolkit – on the role of social services in engaging with advocacy services – could also be explained more clearly. A point under section 6 states that “unaccompanied children and young people should be made aware at the earliest possible opportunity that they are entitled [...] to make a complaint and be provided with information about the complaints process.” Given the potentially intimidating nature of the age assessment process, we recommend that unaccompanied children and young people are

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<sup>9</sup><http://www.wsmg.org.uk/documents/wsmg/Asylum%20Seeking%20Children/All%20Wales%20UASC%20Practice%20Guidance%20FINAL%20PDF%20Version%2009%2008%2011%20for%20AWCPFR%20G.pdf>

<sup>10</sup><http://www.wsmg.org.uk/documents/wsmg/News%20and%20Events/150330%20Age%20Assessment%20Toolkit%20Final%20July.pdf>

made aware at the earliest opportunity of their right to make a complaint if they believe that they have been treated unfairly during this process. The wording in the document must also make it clear that unaccompanied and migrant children are entitled to access to advocacy services.

Unfortunately, we have heard anecdotal reports that unaccompanied and migrant children and young people struggle to obtain 'looked after' status when they do not have access to the advocacy services they are entitled to. Clear pathways to accessing advocacy support would help them to access all of the statutory support they are entitled to. This is a serious issue that the Welsh Government must address to ensure that unaccompanied and migrant children and young people have their voices heard and rights upheld during a needs assessment.

The Welsh Government's 2016 '[Refugee and Asylum Seeker Delivery Plan](#)'<sup>11</sup> states that the "current All Wales Multi Agency Toolkit will be built upon to include all migrant children bringing together legal and policy briefings into a user friendly resource for service providers" and that "UASC have access to independent advocacy in respect of the duties owed to them under the Social Services and Well-being Act 2014." While this is welcome, we recommend that reference is made to updating both the 2011 and 2015 documents to state that advocacy is a statutory obligation to unaccompanied and migrant children and young people.

### **Interpretation services**

To bolster the provision of support available for unaccompanied and migrant children and young people, advocates must have access to interpreters to enable a child or young person to communicate their rights and wishes. It is welcome that both 2011 and 2015 documents make reference to accessing interpreters when supporting unaccompanied and migrant children and young people. The 2015 Toolkit is particularly strong in this area, stating that "separated Children in Wales do not have a system of Guardianship or support of the Refugee Children Panel, and therefore it is essential that their social worker makes a referral to advocacy services and that the advocate uses interpretation services if they are to be afforded the same UNCRC rights as other looked after children in Wales." However, this requirement of an interpreter must be expanded to the other, more informal occasions during which a child or young person needs access to an advocate, particularly during the needs assessment process. This needs to be done by updating the 2011 document. This service must also be available to all

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<sup>11</sup> <http://gov.wales/docs/dsjlg/publications/equality/160316-refugee-asylum-seeker-delivery-plan-en.pdf>

unaccompanied and migrant children and young people, to ensure that they can also access their rights.

The Welsh Government has a responsibility to bolster provision for interpreters by allocating funding specified for this requirement. We have heard anecdotally that advocacy providers have difficulty in accessing interpreters, which compromises the service they can provide to children and young people.

### Training for local authorities and independent advocacy services

In order to support unaccompanied and separated people existing advocacy services will have to gain new knowledge and skills. Immigration advice is highly regulated and we would not recommend that advocates are upskilled to this level. There is however a need for a basic understanding of the immigration process and some of the other needs that unaccompanied and separated children often have, particularly around mental health, orientation, and English language skills. The Department for Education has recently commissioned specialist training for foster carers and support workers in England, on the care of trafficked and unaccompanied asylum seeking children in the UK. The course is intended to enable those working with the named cohort to understand the challenges and risks facing the children, as well as equip participants with the knowledge and tools to respond effectively to their needs. A similar level of training would be appropriate for advocates working with unaccompanied children and we recommend that the Welsh Government fund a similar scheme in Wales designed to meet the specific needs advocates have in this area.

### **Recommendations**

For children reunited with family in Wales, the relevant local authorities should conduct a full assessment in line with Section 21 of the Social Services and Well-being (Wales) 2014 Act (SSWB)<sup>12</sup>. We recommend that all children, at least initially, receive support under section 21 to aid them as they get used to life in the UK. By extending these services local authorities will also be able to provide access to advocacy services which may be critical as separated children navigate the complex and unfamiliar immigration and public services environment of the UK.

For both unaccompanied children and those seeking to be re-united with their families, access to independent advocacy services is essential to ensure that they are fully aware of their options and fully represented in all the decisions they need to make.

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<sup>12</sup> [http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)

The Welsh Government must support local authorities in their preparations for receiving separated and unaccompanied migrant children and young people by ensuring that the relevant Welsh frameworks are in place, local authorities are fully equipped and full access to independent advocacy services for this cohort across all regions is facilitated.

Welsh Government must consult with specialist NGO stakeholders working with unaccompanied and separated migrant children to improve official guidance in line with the ongoing needs of separated and unaccompanied children arriving to Wales.

All official guidance must consistently reflect the duty on local authorities to provide access to advocacy services for 'looked after' children and young people in accordance with the SSWB 2014 Act.

The SSWB 2014 Act and Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People (2011) guidance must be updated to state that provision of advocacy services is a statutory obligation to unaccompanied and migrant children and young people.

An appropriate interpreter should be provided for young people who need them through any assessment processes and other important procedures that relate to the child. The Welsh Government should bolster provision for interpreters by allocating funding specified for this requirement.

The Welsh government should consider commissioning a programme of training for advocates working with unaccompanied and separated children to provide them with the skills and knowledge they will need to support working with this group and properly signpost them to the appropriate immigration and other legal services they may require.