



Department
for Education



Home Office

Interim national UASC transfer protocol 2016-17

Version 0.6

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Introduction

This interim national Unaccompanied Asylum Seeking Children (UASC) transfer protocol (“the interim transfer protocol”) has been created to enable the safe transfer of UASC from one UK local authority (the entry authority from which the UASC transfers) to another UK local authority (the receiving authority) from 1 July 2016.

The interim transfer protocol forms the basis of agreement made between local authorities to ensure a fairer distribution of Unaccompanied Asylum Seeking Children across all local authorities and all regions. It is intended to ensure that any local authority does not face an unmanageable responsibility in accommodating and looking after unaccompanied children pursuant to its duties under parts 3, 4, and 5 of the [Children Act 1989](#) or equivalent legislation in Scotland and Northern Ireland, simply by virtue of being the point of arrival of a disproportionate number of UASC, and in doing so to ensure that all appropriate services are available to all unaccompanied children.

It has been drafted in cooperation between the Department for Education, the Home Office, the Association of Directors of Children’s Services and the Local Government Association and gives effect to, and operates in accordance with, the provisions for the transfer of responsibility for relevant children under Part 5 of the [Immigration Act 2016](#). Specifically, it provides a scheme under section 72(1) of this Act to assist local authorities in effecting transfers in accordance with section 69.

The Interim transfer protocol sets out the agreed roles and responsibilities of the officials with principal responsibility for its implementation, including:

- Local authorities which have functions under parts 3,4 and 5 of the Children Act 1989;
- Central administration teams.
- Regional administration leads.

The interim protocol is subject to initial consultation prior to becoming operational from 1 July 2016. From that point it will be an operational transfer protocol available at [\[insert link to ADCS website\]](#). During the first few months of transfer the expectation is that the protocol will be subject to minor changes when necessary to ensure the transfer scheme is fit for purpose. Notification of any updated versions will be communicated by ADCS. In addition to ongoing revisions the protocol will undergo a more comprehensive review on a yearly basis, with the new protocol for 2017/18 scheduled to be introduced with local authority grant agreements in April 2017.

Contacts

Any comments **which should include suggested changes** on this draft document should be directed to bekah.little@education.gsi.gov.uk by COP 22.06.16.

Underpinning principles

This page provides guidance on the underpinning principles of the Unaccompanied Asylum Seeking Child (UASC) transfer scheme.

1. Where an Unaccompanied Asylum Seeking Child first presents in a local authority which is over the ceiling of 0.07%¹ UASC to child population^{2, 3}, the local authority is expected to arrange for the transfer of the child through the national transfer scheme. In all decisions the welfare of the child is paramount pursuant to section 1(3) of the Children's Act 1989 and the best interests of the child shall be a primary consideration. Guidance on best interest assessment within the national transfer scheme can be found in Annex 1.
2. The national UASC transfer scheme is intended to build on existing regional structures and enable regional pooling of knowledge and resource.
 - a) If the region⁴ in which the child first presents is under the ceiling of 0.07% then the child would be expected to be transferred to a local authority **within** that region.
 - b) If the region is over the ceiling of 0.07% then the child would be expected to be transferred **out of** the region using the transfer protocol.
 - c) Due to the preponderance of unaccompanied children arriving in Kent, the county of Kent will be treated as a region in itself until further notice. This will allow transfers from Kent to be effected to all other areas where capacity is available, including other parts of the South East. This will be reviewed in advance of 1 April 2017.
3. The percentage of 0.07% has been agreed to ensure estimated numbers of unaccompanied children arriving in 2016-17 can be catered for. The percentage is not a target but will be used to indicate when a local authority has reached the point where they would not be expected to receive any more unaccompanied children.
4. The long-term objective of the transfer scheme is to achieve a fairer distribution of unaccompanied children through a scheme which is equitable and transparent, across all local authorities and all regions. However, where children are settled and established in a local authority area, that local authority may make the

¹ This percentage is agreed for the year 2016-17 and will be reviewed annually.

² The number of children per local authority as published by the Office for National Statistics in the Mid-2014 Population Estimates

³ At the commencement of the transfer scheme the number of UASC in each local authority will be determined by data from financial claims submitted by local authorities to the Home Office. Data will be updated on an ongoing basis (see para xx). From dd/mm/yy local authorities can contact the national transfer scheme central administration team at [insert email address]

⁴ The regions are: Kent, South East (excluding Kent), South West, North East, North West, Yorkshire and Humber, East of England, West Midland, East Midlands, London, Wales, and Scotland.

decision that it is not in the best interests of the child for them to be moved. In this case the child may stay in that local authority area. This means that some local authorities with high numbers of unaccompanied children will only see a reduction over a number of months or years.

5. For the purposes of the national transfer scheme “UASC” are defined as unaccompanied **asylum seeking** children and unaccompanied **refugee** children who are **looked after children or young people**. Unaccompanied looked after children who have not made a claim for international protection are not eligible to be included in the transfer scheme.
6. All asylum seeking individuals who are accepted or temporarily treated as being below 18 years of age during the initial Home Office welfare interview are eligible to be included in the transfer scheme. An individual who claims to be a child during the welfare interview, but whose physical appearance and demeanour is decided by the Home Office as very strongly suggesting that they are significantly over 18 years of age, will not be considered to be a child and therefore will not be eligible for inclusion in the transfer scheme.
7. Where the age of a child is disputed (but accepted as being under 18 years of age) a Merton compliant age assessment will be conducted by the entry local authority if the unaccompanied child is not transferred or the receiving local authority if they are transferred.
8. All information shared between local authorities, regional administration teams and central administration teams will be via secure email addresses in accordance with good practice in data protection. E-fax may be used as a short term contingency in situations where secure e-mail is not available.
9. Notifications to the central administration team will be via the UACSCentralAdmin@homeoffice.gsi.gov.uk inbox.

Additional information and advice and frequently asked questions on the national UASC transfer scheme are available here [\[insert link to ADCS website\]](#)

The reception and transfer processes

This page provides guidance on the process for the safe transfer of unaccompanied children from one local authority to another local authority.

Point the child comes to the attention of the UK authorities

10. Children who wish to seek asylum can arrive or be encountered in a variety of ways – for example, at ports, in enforcement operations, as clandestine arrivals or at the Asylum Intake Units in Kent, Croydon and the Midlands:

- Port of arrival: On identification by the Home Office at a port of entry of an unaccompanied child, Home Office staff will:
 - Conduct a welfare interview to register the case, collect biometric data and establish whether they have immediate health or protection needs.
 - Inform the entry local authority administration lead and the social care team as soon as possible to request the attendance of the duty social worker to transfer the child in to local authority care.

Port arrivals will include children arriving in the UK under the family provisions within the Dublin Regulation ([Regulation \(EU\) No 604/2013](#)).

- Police stations: On identification at a police custody suite of anyone claiming to be a child and who appears to be unlawfully in the UK, the police will:
 - Inform the Home Office and arrange for a Home Office member of staff to travel to the station and conduct a welfare interview to register the case, collect biometric data and establish whether they have immediate health or protection needs.
 - Inform the entry local authority administration lead and the social care team to request the attendance of duty social worker to transfer the child in to local authority care.
- Asylum Intake Units (Kent, Croydon or the Midlands): If the asylum claim was not registered at the port of arrival or police station, the individual may attend an intake unit to claim asylum⁵. Home Office staff will:
 - Conduct a welfare interview to register the case, collect biometric data and establish whether they have immediate health or protection needs.
 - Inform the entry local authority administration lead and the social care team as soon as possible to request the attendance of the duty social worker to transfer the child in to local authority care (if the child is not already a looked after child).

11. Anyone claiming to be a child but whose physical appearance and demeanour very strongly suggests that they are significantly over 18 will be treated by the Home Office from that point onwards as an adult, though the decision will be reviewed if relevant new evidence is received. Anyone whose claimed age is disbelieved but who are not assessed as significantly over 18, will be treated as a child until a Merton compliant assessment of their age has been completed. An IS.97M form will be issued in all cases in which an applicant's claimed age is disbelieved setting out the reasons for this decision.⁶

⁵ Home Office guidance on registering an asylum claim in the UK: <https://www.gov.uk/claim-asylum/screening>.

⁶ For further guidance on the Home Office's assessing age process, refer to the [Assessing Age](#) asylum instruction and the [Age Assessment Joint Working Guidance](#).

Reception into the entry local authority care

12. If the child is referred to local authority children's services prior to having registered a claim for asylum, the entry local authority will arrange a welfare interview with the Home Office through the appropriate procedures.
13. Once the child has had their claim for asylum registered by the Home Office (by way of a welfare interview), the entry local authority will notify the central administration team of the child's reception into their care using Part A (Reception Information) of the **Unique Unaccompanied Child Record**. This form must be completed for all unaccompanied asylum seeking children regardless of whether the child could be considered for transfer or not.
14. If the entry local authority has more than 0.07% UASC to child population they will decide whether to request the child's transfer to another local authority. This decision will take in to account the child's best interests as a primary consideration considered alongside other considerations – this may include but not necessarily be limited to: medical treatment, family ties, education, ethnic group, religion and continuity of care (refer to Annex 1 for further information on taking into account best interests of unaccompanied children within the national UASC transfer scheme).
15. If a child is going to be transferred they will be placed into suitable and safe temporary accommodation by the entry local authority.
16. The entry local authority duty social work team will accompany the child to temporary accommodation, or arrange for them to be transported there by an approved transport provider.
17. Entry local authority accommodation carers and social workers will identify any immediate risks to the child and will take all safeguarding actions necessary, including following processes required in the first 24 hours described in the Department for Education and Home Office Practice Guidance (2011) Safeguarding Children who may have been Trafficked, Chapter 5: Actions for Services . Carers and social workers will provide appropriate immediate support for the unaccompanied child during their stay and also escort the child for any emergency medical treatment required.
18. After the child has been accommodated by the entry local authority for 24 hours they become a looked after child. The entry local authority will therefore need to comply with its obligations under sections 22 and 22C of the [Children Act 1989](#) or equivalent legislation in Scotland and Northern Ireland – in particular, ensuring that the child is accommodated in the most appropriate placement available. In determining the most appropriate placement available the entry local authority may take into account the likelihood that the placement will be for a very short period, along with all other circumstances relevant to the child. The entry local authority will also need to comply with its obligations under the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) or equivalent legislation in Scotland, Wales and Northern Ireland.

Referral into the transfer scheme by an entry local authority

19. The reasons for the decision on whether to refer the child for transfer will be recorded in writing and kept by the entry local authority.
20. If requesting a transfer to another local authority, the entry local authority will complete Part B (Transfer Request) of the Unique Unaccompanied Child Record and submit this to the central administration team. If the request is for a transfer within the region of entry, the entry local authority will also submit Part B (Transfer Request) to the regional administration lead.
21. The entry local authority will make the transfer decision as soon as practicable and suitable - ideally within 48 hours (two working days) of the child's arrival in to the care of the entry local authority. However, in some circumstances it may be in the best interests of the newly arrived unaccompanied child to stay in the entry local authority accommodation for an extended period of time before being transferred. Where a decision is made to defer the transfer decision, the entry local authority will notify the regional administration lead and the central administration team as soon as possible after the deferral decision is made.

Actions undertaken by the central and regional administration leads, entry and receiving administration leads to enable transfer

22. On receipt of a Part A (Reception Information) of the Unique Unaccompanied Child Record. the central administration team will update the national UASC database.
23. On receipt of Part B (Transfer Request) of the Unique Unaccompanied Child Record. from an entry local authority in a region which has over 0.07% UASC to child population, or otherwise where there are specific reasons why a transfer out of region has been requested, the central administration team will review the national database and consider to which region to allocate the child.
24. The central administration team will, in consultation with regional administration leads, operate a fair system for allocation of unaccompanied children to regions, which will take into account other relevant demands upon them. The central team will also take in to account the following considerations on a case by case basis when allocating unaccompanied children to a region:
 - The region must have less than 0.07% UASC to child population
 - Number and timing of recent UASC arrivals to the region via the transfer scheme
 - Other relevant considerations and recommendations specified within the Unique Unaccompanied Child Record

25. Following the identification of an appropriate region, the central administration team will contact the relevant receiving regional administration lead to notify them of the allocation and forward the Unique Unaccompanied Child Record.
26. The receiving regional administration lead in the new (or the same) region will review which local authority within their region should receive the child, and will then notify the relevant receiving local authority administration lead using Part C (Transfer Allocation) of the Unique Unaccompanied Child Record. The allocation of unaccompanied children to local authorities by the receiving regional administration lead will be in accordance with a methodology agreed by each region.
27. The receiving local authority administration lead will as soon as possible:
 - Acknowledge allocation by email to the receiving regional administration lead.
 - Confirm transfer acceptance to the entry local authority, entry regional administration lead, and central admin team using Part D (Transfer Acceptance) of the Unique Unaccompanied Child Record.
28. The receiving local authority will become responsible for the child from the point that they confirm the transfer acceptance from the entry local authority under section 69 of the Immigration Act 2016. The receiving local authority will then need to comply with its obligations under the Care Planning, Placement and Case Review (England) Regulations 2010 or equivalent legislation in Scotland, Wales and Northern Ireland.⁷
29. Transport arrangements from entry local authority temporary accommodation to the receiving local authority temporary accommodation⁸ will be coordinated between the two local authorities. Unless mutually agreed otherwise, the receiving local authority will be responsible for payment of transport costs.
30. The receiving local authority will notify the entry local administration lead, regional administration lead and central administration lead of the safe arrival of the child as soon as is practicable.
31. The central administration team will update the national UASC database to take in to account the transfer.

Central record keeping – the UASC database

32. From 1st July 2016, in addition to notifying of new unaccompanied asylum seeking child into their care, each local authority will use Part E (Looked after

⁷ This will include the allocation of a social worker, independent reviewing officer, independent advocate and arrangements being put in place to ensure that a care plan, first review and single assessment will be completed.

⁸ Temporary accommodation is likely to be most suitable option to that the unaccompanied child's needs and best interests are understood and therefore inform the choice of a suitable permanent placement.

status update) promptly to notify the central administration team of the following events occurring in relation to any of the unaccompanied child in their care to whom the current UASC Funding Instructions apply:

- a) The unaccompanied child ceases to be looked after by that local authority (whether this was because the child went missing, their age was determined as being 18 or over, they reached 18 years old, they were reunited with an appropriate adult, or other reason) including the date and reason that provision ended
 - b) The unaccompanied child resumes status as a looked after child of that local authority, subsequent to notification that they had ceased to be looked after, including the date that they resumed status as a looked after child.
 - c) Responsibility for looking after the child had passed to a local authority other than that which is recorded by the central administration team, including the date that responsibility changed
33. Where any unaccompanied child is transferred from one local authority to another without the involvement of the central administration team, either the receiving local authority will use part D (Transfer Acceptance) to notify the central administration team promptly of the transfer.
34. The central administration team will maintain the UASC database up to date and use it to support fair allocation of unaccompanied children to local authorities in accordance with this Protocol, and to support timely and accurate remuneration to local authorities for the service provided in accordance with the current UASC Funding Instructions. Additionally the data provided by local authorities to claim funding will be used to identify and correct any errors which arise in the database.
35. From 1st July 2016 the central administration team will operate on the assumption that the numbers of UASC already supported by each local authority are in accordance with the most recent figures that have been returned by that authority and reconciled. When local authorities' returns for June 2016 are received and reconciled these will be used to ensure the UASC population as at 30th June is updated correctly in the UASC database.
36. The central team will complete and circulate quarterly reports detailing the number and location of all UASC across the country.

Supporting processes

This page provides guidance on other processes relevant to the operation of the transfer scheme.

If a child goes missing

[DN FURTHER WORK NEEDED ON THIS SECTION]

If a child goes missing before entering the entry local authority care, the agency who held the child should take immediate action. The child should be reported missing to the police of the local area and the local authority. All available information (including biometric information) should be shared with the police and the local authority without delay.

If a child goes missing from local authority care the local authority should follow **DfE Statutory guidance on children who run away or go missing from home or care January 2014**

Age assessment issues

[DN FURTHER WORK NEEDED ON THIS SECTION]

If the child is accepted by the entry local authority to be below 18 years of age but they record doubt that the age stated by the child is true

If the child is accepted by the entry local authority to be below 18 years of age but they record doubt that the age stated by the child is true, they will be recorded on the reception form as “disputed age” but the transfer process will not alter. The receiving local authority allocated to receive the child might also dispute the stated age of the child, including disputing whether they are below 18 years of age. The receiving local authority will then complete a Merton and further case law compliant age assessment once they have the child in their care to determine their age and to pass the record of the outcome to the Home Office.

If the receiving local authority concludes from their own age assessment that the individual is an adult, they will cease to be eligible for support from the local authority under section 17 and 20 of the [Children Act 1989](#) or equivalent legislation in Scotland and Northern Ireland. The local authority should immediately notify the Home Office as the adult may be eligible for asylum support, administered by the Home Office, under section 95 of the [Immigration and Asylum Act 1999](#), provided they would be otherwise destitute and meet the other specific eligibility requirements (refer to [Asylum support](#) for further information). The age assessed adult cannot be returned to the entry local authority.

Family reunification

[DN FURTHER WORK NEEDED ON THIS SECTION]

Where a child arrives unaccompanied in the UK but they declare the presence of a responsible adult in another local authority, the responsible adult is willing and able to care for them and it is assessed as being in the best interests of the child to be reunited with them, the local authority will make arrangements to move the child to live with the adult.

At the point where children are reunited with family members and cease to be a looked after and the local authority will use Part E (Looked after Transfer Status Update) of the Unique Unaccompanied Child Record to notify the central administration team.

Where a child is brought from another signatory state to be reunited with a parent or sibling under Dublin III, the child will not be eligible to be included in the transfer scheme.

Annexes

Annex 1 - Best interest of the child

[DN FURTHER WORK NEEDED ON THIS SECTION]

As stated at the beginning of this protocol in all decisions **the welfare of the child** is paramount pursuant to section 1(3) of the Children's Act 1989 and **the best interests of the child** shall be a primary consideration.

Guidance on taking into account the wishes and feelings of the child, and how the child's best interests should be included in all decisions regarding their welfare are embedded in the following regulations and guidance:

The Children Act 1989 guidance and regulations Volume 2: care 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

There are a number of points in the national transfer scheme where the welfare of the child, their best interests and their wishes and feelings will need to be included, but the decision will need to be balanced with the pragmatic need to implement a scheme which is equitable and transparent, across all local authorities and all regions. Ultimately it is in the best interest of all unaccompanied asylum seeking children that all regions are able to meet the needs of unaccompanied children in their care, rather than rely on just a few local authorities.

At the beginning of the transfer process local authority social worker will need to make a decision :

- Whether to request a transfer to another local authority; and then if they will be transferred
- When to request a transfer

The entry social worker will not have any information about the destination local authority and so the decision will be restricted to the resource which is available to meet the needs of the child in the entry local authority.

Where a local authority is over the 0.07% ceiling there will be a concern that the local authority has an unmanageable responsibility in accommodating and looking after unaccompanied children and so the welfare needs of the child as listed in section 1(3) of the children's Act 1989 may not be met and one or more of the elements listed Article 3, paragraph 1, of the Convention on the Rights of the Child may be denied them if they were not to be transferred. For example, the right to education may be breached if no school places are available.

In addition:

- The central administration team will need to decide which region to allocate to; and
- The regional administration leads will need to decide which local authority to allocate to.

The information available in Part A and Part B of the Unique Unaccompanied Child Record will be used to make the decision, and as the transfer scheme progresses, there is an expectation that as information about regional and local authority resources increases, the scheme will become progressively nuanced and sophisticated to be able to increasingly meet any specific needs which present.

The regional approach of the scheme is intended to build on regional knowledge and mapping of knowledge, support and resources which is already available via other existing schemes, and so regions will increasingly be able to identify where UASC may be placed in their best interest.

Once the child has been allocated to a receiving local authority, a social worker will then make an initial placement decision, again, based on the information available in Part A, B and C of the Unique Unaccompanied Child Record . It may be in the best interest of the child that this is a temporary placement to enable further information gathering and for the child to settle and be confident to talk about their needs, feelings and wishes.

As stated in the protocol, the receiving local authority will need to comply with its obligations under the Care Planning, Placement and Case Review (England) Regulations 2010 or equivalent legislation in Scotland, Wales and Northern Ireland.⁹ The best interest of the child and their welfare will be central as with any other looked after child.

International perspective.

The guidance on best interests assessment is elaborated in the General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) published by the UN Committee on the Rights of the Child.

Article 3, paragraph 1, of the Convention on the Rights of the Child, ratified by the UK Government, gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere.

⁹ This will include the allocation of a social worker, independent reviewing officer, independent advocate and arrangements being put in place to ensure that a care plan, first review and single assessment will be completed.

The UN Committee has drawn up a non-exhaustive and non-hierarchical list of elements that could be included in a best-interests assessment by any decision-maker having to determine a child's best interests. The non-exhaustive nature of the elements in the list implies that it is possible to go beyond those and consider other factors relevant in the specific circumstances of the individual child or group of children. All the elements of the list must be taken into consideration and balanced in light of each situation. The list should provide concrete guidance, yet flexibility.

Elements to be taken into account when assessing the child's best interests

(a) The child's views

(b) The child's identity

The identity of the child includes characteristics such as sex, sexual orientation, national origin, religion and beliefs, cultural identity, personality. Although children and young people share basic universal needs, the expression of those needs depends on a wide range of personal, physical, social and cultural aspects, including their evolving capacities.

(c) Care, protection and safety of the child

Children's well-being, in a broad sense includes their basic material, physical, educational, and emotional needs, as well as needs for affection and safety.

(d) Situation of vulnerability

An important element to consider is the child's situation of vulnerability, such as disability, belonging to a minority group.

(f) The child's right to health

The child's right to health and his or her health condition are central in assessing the child's best interest. However, if there is more than one possible treatment for a health condition or if the outcome of a treatment is uncertain, the advantages of all possible treatments must be weighed against all possible risks and side effects, and the views of the child must also be given due weight based on his or her age and maturity. In this respect, children should be provided with adequate and appropriate information in order to understand the situation and all the relevant aspects in relation to their interests, and be allowed, when possible, to give their consent in an informed manner.

(g) The child's right to education

Annex 2 – Unique Unaccompanied Child Record

[DN TO BE INSERTED]

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Annex 3 - First 24 hour trafficking good practice

[DN TO BE INCLUDED IN DRAFT 7]

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