

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	8 th March 2016
Report of:	Steph Cordon, Head of Communities
Subject/Title:	Update on Support for Asylum Seekers and Refugees and Unaccompanied Children
Portfolio Holder:	Communities and Health

1. Report Summary

- 1.1. Cabinet first considered what Cheshire East Council, working with partners at a sub-regional and local level, could do in response to the crisis in Syria on 10 November 2015. At this point it was clearly recognised that as a Council we were absolutely committed to providing support that was within ours and partners' capacity. It was critical to get the right infrastructure in place and give consideration on a case by case basis. This could only be achieved by getting some clarity about the funding; collective and collaborative agreement at a sub-region; and harnessing the strong commitment and energy from our partners, especially from the voluntary, community and faith sector.
- 1.2. Work is ongoing with partners, the Home Office (HO) and the North West Regional Strategic Migration Partnership (RSMP) to establish the detail and implications at a voluntary level in both Compass, which supports asylum seekers, and the Syrian Vulnerable Persons Relocation (SVPR) scheme that supports refugees. We have registered our intent with the Home Office to participate in SVPR in future phases once the details have been worked out.
- 1.3. All of the above work so far has re-confirmed that there is a great deal still to do at a local level to create the right level of infrastructure support. To facilitate this, a multi-agency group is looking at what needs to be done in Cheshire East. This group has strategic oversight and is also working through the practical implications. As a Council, we continue to collaboratively work with Chester and Cheshire West and Warrington Councils to agree a sub regional approach.
- 1.4. The multi-agency group has prioritised the work that needs to be done on SVPR and is working through the Statement of Requirements that Central Government expect all Councils to meet before they can be accepted onto the SVPR scheme. The details of this can be accessed at <http://www.local.gov.uk/refugees>
- 1.5. We have made contact with other areas to learn from their experience, for example, Coventry City Council who have a well developed Sanctuary

scheme and with the Nottinghamshire & Nottingham Refugee Forum (NNRF) who have recently commenced the SVRP programme. Key advice has been to get the infrastructure and funding right and work with all key partners including the local community before you begin implementation.

- 1.6. As the likelihood is that we would be welcoming families with school aged children and working age parents, we are looking as a group at what a possible welcome would look like and where. There is obviously a need to ensure that services are accessible and equipped to meet needs, which may be very complex. For example, the local Clinical Commissioning Group is considering how best to meet primary health care needs. Considerations include: scenario planning around numbers and capacity in GPs, the advantages of all families being located in one place to access services and co-commissioning of specialist services including translation which could be beneficial for all. Equally, the VCF sector are working hard to develop offers of support which range from designing welcome packs to offers of buddying support and accommodation offers. In the Council, equally there are discussions about school places, housing supply which is appropriate and balanced out against the needs of residents who are on the waiting list.
- 1.7. Unfortunately, the Central Government funding announcement has not provided the level of clarity that was anticipated and there is a degree of uncertainty about the levels of support proposed, especially in Years 2 – 5. We continue to receive support from the Local Government Association who are lobbying nationally to enable a review of the funding support after 18 months as a minimum and seeking clarification around the support for complex needs and what this means. The timescales for knowing the details are unclear at this point. Therefore, it is recommended that Cabinet continue to commit to the development of an infrastructure that meets the Statement of Requirements and supports a Cheshire wide approach. However, Cabinet make no final decision on numbers until the implications are known in more detail.
- 1.8. Participation in the Compass programme has been considered by Cabinet and agreed that up to 15-20 properties could be used by Serco and considered by the Council on a case by case basis. The view of officers is that the SVPR programme is the priority and with limited capacity should be prioritised at this moment in time.
- 1.9. In addition, the Council has received a request from Central Government to assist Kent County Council with unaccompanied children on a voluntary basis as they are overwhelmed with demand. Cheshire East Council has a proven track record of effectively supporting unaccompanied children and currently has 2 unaccompanied children in its care and thirteen who are now care leavers. Therefore, we feel that we have the right infrastructure in place to care for 3 unaccompanied children from Syria. We also understand that a further announcement is imminent from the Government around accepting more unaccompanied children direct from Syria.

- 1.10. We are in the process of reviewing and updating the Council website and associated web pages to provide clear information and explanation for the public on each of the three programmes.

2. Recommendations

- 2.1. That Cabinet agree to:

- (i) Thank and show their continued appreciation to the faith communities in particular for the work that they are doing in preparation of welcoming refugees and asylum seekers.

- (ii) Continue working at a sub-regional and local level to agree a co-ordinated approach and delegate authority to Head of Communities to work with Cheshire West and Chester (CWaC), and Warrington Borough Council (and wider if appropriate) to plan for and collectively deliver the SVPR and Compass programme in collaboration with our local key partners once the financial implications are known.

- (iii) Support a maximum of three unaccompanied children and delegate the Director of Children's Services to work in partnership with Kent County Council to achieve this.

- (iv) Receive a further update on progress on the SVPR and Compass programme in three months time from the Head of Communities.

3. Other Options Considered

- 3.1. Currently delivery of these programmes is not mandated centrally and therefore voluntary. As a Council we are able to determine/consider whether we wish to participate in programmes to support refugees, asylum seekers and unaccompanied children and how.

4. Reasons for Recommendation

- 4.1. To provide an update on the current position to enable Cabinet to make informed decisions on the way forward.
- 4.2. We have not as yet taken a decision on supporting the resettlement of UASC from Kent Council, therefore this recommendation seeks to determine this Council's intention in this regard.

5. Background/Chronology

5.1. Syrian Vulnerable Person Relocation (SVPR)

- 5.1.1 The UK government are taking part in the United Nation's programme to resettle refugees who have fled their home countries, including those affected by conflict or civil war. Cheshire East has confirmed its commitment to support this relocation programme which is predominantly for families . This is subject to the financial detail being determined.

5.1.2 The Prime Minister, David Cameron, announced on the 7th of September 2015 that the UK would accept up to 20,000 Syrian refugees over the next 5 years. Cheshire East comprises about 0.00579% of the population of the United Kingdom, therefore we could anticipate supporting approximately 20 families (equating to approximately 116 people out of the 20,000).

5.1.3 This programme has no central delivery partner. Therefore all support arrangements would need to be undertaken directly by the Council with its partners.

5.1.4 The accommodation that will be needed for SVPR will primarily be family housing (e.g 3 bedroom plus properties). As mentioned above, we would need to ensure accessible services and this needs to consider access to a main hospital, GP, schools, safe environment with main transport links, along with access to wider community infrastructure services.

5.1.5 The RSMP recommends that local authorities work together over larger footprints to share support arrangements and experience. As a result it is proposed that the Council would work sub-regionally with other local authorities such as CWaC, and Warrington. If this approach is agreed, a lead Council would be identified to hold the funding instruction with the Home Office, and would then in turn hold partnership agreements with its participating other councils.

5.2. **Compass**

5.2.1 This programme is for those individuals who arrive in the UK where their status is to be determined following the submission of an application for asylum. The Home Office have a contract with a service delivery partner to accommodate and support Asylum Seekers, in the North West this is Serco. Serco source and equip dispersal accommodation (including maintenance and payment of utility bills, and entering into lease agreements for accommodation for up to five years) and provide support to individuals to settle within the community whilst their application is being assessed.

5.2.2 Currently 12 local authorities have delivered the programme from its inception, and a further 7 local authorities have commenced delivery.

5.2.3 Serco will identify housing officers, a community link person, and a partnership lead who will work within the borough consistently, this would allow good working relationships to develop. Serco require our assistance to identify suitable locations within the authority where they can source accommodation that is economically viable, with access to good public transport routes, closeness to post offices and other community services.

5.2.4 Security and safeguarding is an area that is addressed and continually monitored. Health screening is included within the initial assessments carried out with the individual.

5.2.5 Serco requests a local authority to agree to the provision of 20-30 properties over 6 – 10 month period. This allows for both a phased commencement plan and assurance that the staffing provision is financially sustainable. This is not a level that as a Council that we are able to commit to at this point with the high levels of housing demand and so it is recommended that priority is given to developing our response to SPVR.

5.3. Unaccompanied Syrian Children

5.3.1 Central government have asked all local authorities to consider whether they are prepared to accept unaccompanied children on a voluntary dispersal basis from Kent County Council. This will be supported with funding for each child.

5.3.2 For many years Councils across the country have cared for unaccompanied children, including the longer term responsibilities for these children once they transition to being care leavers. Currently the Council is caring for two unaccompanied children and thirteen who have a care leaver status.

5.3.3 Whilst taking a small number of unaccompanied children from Kent would put some pressure on service capacity, this could however be just the case if there were a new arrival of an unaccompanied children in the borough. Some of our current unaccompanied children and care leavers are accommodated within the borough and across the region.

5.3.4 To date 19 local authorities who have responded and accepted UASC into their care from Kent. This means that 42 of the nearly 1,000 children in Kent's care have been transferred into the care of another local authority. Government have indicated that this is simply not enough and urge local authorities with the capacity to support UASC to do so.

5.3.5 The proportion of UASC as per the calculation used for the Syrian refugees, would be 6. As we have already supported three unaccompanied children, along with thirteen care leavers, we feel it would be reasonable to recommend that we support a further three UASC from Kent local authority.

6 Wards Affected and Local Ward Members

6.1 Key consideration will be given to location bearing in mind the need to get the right infrastructure in place.

7 Implications of Recommendation

7.1 Policy Implications

Currently policy implications are not evident, as planning work progresses with partners will be considered further.

7.2 Legal Implications

7.2.1 The Council is empowered to take the proposed action under Section 1 of the Localism Act 2011 and can be compelled to assist under Sections 100 and 101 of the Immigration and Asylum Act 1999. The legal position in relation to ASD is different from SVPR, as described below.

7.2.2 Asylum Seeker Dispersal: The Council has neither the statutory duty nor the power to provide financial support or accommodation to asylum seekers. Section 95 of the Immigration and Asylum Act 1999 provides that the Secretary of State may provide, or arrange for the provision of support for asylum seekers and their dependants who appear to be destitute. This support is provided by the Home Office under the Asylum and Immigration Act 1999, the only exception being cases in which asylum seekers have eligible social care needs. In those cases, the Council may have duties to provide support. Asylum seekers have access to a range of public services including health and education.

7.2.3 If an asylum seeker is granted Refugee Status; Humanitarian Protection; Discretionary Leave (unless a “No Recourse to Public Funds” condition is attached); or Indefinite Leave to Remain they are able to access mainstream benefits on the same basis as a British national. Where an asylum seeker is granted one of these statuses the Council may have a statutory obligation to prevent homelessness. This is generally only applicable when the service user can identify that they have a local connection, are at risk of becoming unintentionally homeless, and satisfy criteria identifying them as in priority need.

7.2.4 Failed asylum seekers may remain in the UK with no recourse to public funds until they are served with removal directions by the Home Office. Section 115 of the Immigration and Asylum Act 1999 states that a person will have ‘no recourse to public funds’ if they are subject to immigration control. Public funds include welfare benefits and public housing. Since local authority support provided under community care and children’s legislation is not a public fund, a destitute person with NRPF can turn to their local authority for assistance. In those cases, there may be duties on the Council to provide support in the form of subsistence and accommodation. However, if such persons fail to comply with removal directions they will be in breach of immigration law and the Council’s duties would end (subject to the outcome of any human rights assessment).

7.2.5 Syrian Vulnerable Person Relocation: There is no statutory duty to offer accommodation to Syrian families, however, in offering to do so, the

Local Authority will be exercising a public function and will therefore be subject to s149 of the Equalities Act 2010. It will be necessary to ensure that the application process does not directly or indirectly discriminate families due to protected characteristics.

7.2.6 These families are not asylum seekers and have leave to remain in the United Kingdom from day one. As refugees they will be granted a five year humanitarian protection visa, which will entitle refugees access to public funds including housing, access to the labour market and the possibility of family reunion.

7.2.7 Unaccompanied asylum seeking children, are supported by local authorities in accordance with duties to children under the Children Act 1989.

All Directors of Children's Social Services in England have been requested to provide urgent support under Section 27 of the Children Act 1989.

Section 27 (2) states:

"An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions".

Section 20 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) contains a specific, mandatory duty to provide accommodation to a child who meets certain criteria. The criteria are that a child requires accommodation because there is no one with parental responsibility for them, because they are lost, abandoned, or because the person who has been caring for them is prevented from providing them with suitable accommodation or care.

Section 22 of the Children Act 1989 (amended by the Children and Young Persons Act 2008) places a general duty on local authorities to secure, so far as reasonably practicable, sufficient accommodation within the authority's area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area.

7.3 **Financial Implications**

7.3.1 The full financial implications for the Council and its partners are difficult to robustly predict, as we have no specific detail about the level of the needs of the individual people who we may support. Plus, there is no confirmation yet around the actual detail. The table below outlines areas of potential financial implications.

<p>Funding Summary</p>	<p>ASD programme Accommodation and support is funded by the Home Office directly therefore no funding would be received by the Council or its partners.</p> <p>SVPR programme Central government have set out a funding allocation over a 5 year period for individual refugees.</p> <p>Local authorities will receive £12,000 per person overall; tapering from £5,000 in year 2 to £3,700 in year 3, to £2,300 in year 4 and £1,000 in year 5.</p> <p>There is financial support for education and health in years 2-5 (through existing funding mechanisms) for school placements and health services that are required by individuals.</p> <p>The costs of promoting economic integration is not covered and this means the costs of help to get into work/training and costs of language support after Year 1 may not be recoverable.</p> <p>For year 1 there is additional support for educational and medical needs, and local authorities will receive £8520 for adults, £10,770 for those aged 5 to 18 years, and £8520 for those under the age of three.</p> <p>An “extreme cases” fund will be available with an application process for additional funding to support those who are the most vulnerable with additional care needs. This is held and administered by Central Government.</p> <p>Unaccompanied Syrian Children</p> <p>The Home Office wrote to the Director of Children’s Services last year to confirm that day rates of £114 for UASC aged under 16 and £91 for UASC aged 16 and 17 to local authorities taking UASC from Kent, through to the 18th birthday of that child.</p> <p>Each UASC accepted from Kent aged under 16 attract £41,610 per annum and each UASC accepted from Kent aged 16 or 17 attracts £33,215 per annum.</p> <p>Funding available for local authorities accepting responsibility between now and the end of the financial year for a UASC from Kent would also attract leaving care support of £200 per week for as long as the former UASC continues to be eligible for leaving care support.</p>
<p>Accommodation Costs</p>	<p>ASD programme Whilst a decision on an asylum seekers right to remain as a refugee is made all costs are covered by the Home Office through their delivery partner. Post decision, there may be financial costs for interim housing rental & benefit payments, whilst the person is supported to leave the UK.</p>

	<p>Should an individual be granted leave to remain, there maybe ongoing rental accommodation and benefit costs until the person secures employment and becomes financially independent.</p> <p>Those asylum seekers who are granted refugee status may seek to apply for family reunion. This may have further financial impact for the Council and its partners.</p> <p>Eligibility to claim housing benefit is determined by the status awarded when someone enters the country. If granted the right to reside, then entitlement to claim housing benefit would be at Local Housing Allowance levels for properties within the private rented sector.</p>
Translation & ESOL [English for speakers of other languages]	<p>There would be a need to increase access to such provision, in areas where accommodation is sourced.</p> <p>The Council holds a corporate contract for Interpreting and Translation Services. This is a frame work contract that includes a number of suppliers. Direct awards for work can be made online. This framework allows flexibility for increases in demand activity.</p>
Health	<p>ASD programme Initial screening occurs through the Home Office delivery partner UC24. Serco would support individuals to register with a local practice and the Home Office has set out what an individual would be entitled too. There is the potential for financial support under this programme. However, information about the level of health needs is not available to estimate the potential impact at this point.</p> <p>SVRP programme Primary care and other health care will be required as with any resident individual. The information about the complexity and level of health need is not available to be able to determine whether the funding would be sufficient under this programme.</p>
Adult Social Care/Children's Services	<p>ASD programme The current cohort is predominantly 18 to 40 year old males, and as such we anticipate that there would be a limited need for adult social care services.</p> <p>SVRP programme There is the potential for adult social care and or children's services to be required however the funding outlines provision for additional funding to meet individual needs.</p> <p>UASC resettlement Will require accommodation and support suitable to meet the needs of the individual child /young person. As individual needs are unknown at this stage we can not judge whether the funding arrangements would be sufficient.</p>
Education	<p>SVPR programme There would be financial cost for school placement, and additional funding will be provided to support this.</p>
SVPR Co-ordination	<p>Capacity across multiple partners will be required to manage the delivery of this programme.</p>

	There would be a cost to establish and maintain the delivery partnership. The impact of this could be shared with other Councils over a larger footprint.
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7.3.2 For the SVPR programme, the Home Office will have a Funding Instruction with the lead Council for the provision of the programme. The lead Council would then have a partnership agreement with each participating Council. As a council we would need to establish if we would wish to take a lead role, or solely have a partnership agreement with another lead Council. This is hard to determine at this stage as it would depend on the numbers per sub region.

7.4 Equality Implications

An Equality Impact Assessment has commenced and will be reviewed by the Multi Agency Group at its meetings. This will be an active assessment to ensure we consider any unintended consequences for specific characteristic groups through the delivery of these humanitarian programmes.

7.5 Rural Community Implications

From our work to date it is seen as important that accommodation for each programme has good access to infrastructure services, and transport routes. Therefore it is considered that accommodation in rural areas may not best suite an asylum seeker or Syrian families who may need or want to travel readily to within other areas to connect with others living in the UK.

7.6 Human Resources Implications

For the ASD programme the main infrastructure support would be provided through the Home Office delivery partner. However, the assessment of the cases and accommodation offer would require capacity within the Council.

For the SVRP programme the infrastructure support would be drawn from the Council and its partner capacity. Planning for this has begun based on scenarios of numbers, but it needs scoping out with the financial detail and will depend on the complexity of needs.

The Multi Agency Group would consider the implications for workforce capacity, along with workforce training requirements.

7.7 Public Health Implications

We consider that the delivery of these programmes within the borough would have no specific adverse implications for our population. Clinical Commissioning Groups are also directly involved in this early planning which will prove beneficial.

8 Risk Management

8.1 Reputational for Council

The Councils readiness to deliver these programmes would mitigate any potential reputational risk. However, all best practice points to having a strong and sensitive media and communications strategy.

8.2 **Provision of Accommodation**

The need for rental accommodation across Cheshire East is high with nearly 7000 residents applying for limited social housing stock. Cheshire East are utilising the private rented market to meet local needs. Both schemes will place additional pressure on the total provision. We are also working with registered providers to assess the potential suitability of some of their harder to let properties.

8.3 **Welcoming Communities**

The Council has received a number of contacts from the faith sector and local residents to express their encouragement and support of Cabinet's decisions. This interest has been sustained. Our faith communities are now working together in a number of areas, to prepare to support the multi agency work across their normal footprints.

8.4 **Financial Impact**

Section 7.3 of this report sets out the potential financial implications for the delivery of these programmes. The funding by central government for the SVPR programme has been set out over a five year timeframe, although further detail is needed. Feedback from Councils who have begun to take refugees is that the claims process is complex. 22% of the first years funding is given up front, but the remainder must be met by the receiving authority and claimed back retrospectively every two months. Evidence has to be provided that the service claimed for has been delivered and that the recipient is still resident in the local authority area. If the individual leaves the area during the claim period, the money will not be re-imbursed and this could pose a significant risk to the Council.

Several Councils have found that, although the initial health assessment (carried out prior to arrival in the UK) stated no needs, many refugees had clear and significant health issues on arrival and there is concern that meeting these needs will not be recoverable.

9 **Contact Information**

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