

# Cabinet Paper

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**Date of Meeting: 13 September 2016**

**Report of: Steph Cordon, Head of Communities**

**Subject/Title: Next Steps for Syrian Refugees and Unaccompanied Children**

**Portfolio Holder: Cabinet Member for Communities and Health**

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## **1. Report Summary**

- 1.1 At March 2016 Cabinet, work to progress at sub-regional and local level preparations to welcome Syrian families and three unaccompanied children from Kent County Council here in Cheshire East was agreed. This report provides both an update on work that has happened since the March Cabinet along with the proposed next steps for all government refugee programmes.
- 1.2 Warrington, Cheshire West and Chester and Cheshire East have worked together to consider how best to welcome Syrian families (SVPR) and whether collaboration would be beneficial. Primarily, this has focused on central co-ordination for the region, and a single point of contact with the Home Office Resettlement Team. This collective plan has now been considered by both the Chief Executive and Local Authority Leaders groups during July 2016.
- 1.3 The practical delivery of the programme in particular the availability of adequate and affordable housing, to meet health and social care needs, have been all important considerations. We know from other Local Authorities (LA's), who have received large numbers of families at anyone time, that they advise receiving small numbers of families. With this in mind the sub regional proposal for 2016/17 year is to support the resettlement of between 3-8 families collectively.
- 1.4 Locally, there has been considerable work done by a Multi-Agency Group to consider the right area in terms of housing, access to services with the right levels of other community support. This group recommends that the North of the Borough has the appropriate infrastructure to support this Councils contribution to this programme. The proposal is that we support a maximum of 3-5 families dependent on matching family needs with accommodation.
- 1.5 Three Unaccompanied Asylum Seeking Children (UASC) have now been resettled here in Cheshire East, who are from Syria and previously cared for by Kent County Council. Therefore the decision taken by Cabinet at its March 2016 Cabinet has been fulfilled. A Ministerial request for all LA's to assist Kent realised a lower than required response. As a result government is developing

a national dispersal / transfer scheme which would ultimately require LA's to source care provision. This would ensure a fair and equitable distribution across LA's at a national level. A phased implementation of this widening of the scheme commenced in July 2016. The dispersal and distribution of UASC is to be proportionate to the authority's child population; set at 0.07% of the child population.

- 1.6 This Council has previously indicated its support for future delivery of the Asylum Seeker Dispersal Compass (ASD) programme to the Home Office (Cabinet November 2015). This Councils humanitarian support and delivery of governments SVPR and UASC programmes requires delivery resource and management resources across Council departments and also those of our multi agency partners. The impact of this work needs to be fully considered, to inform any future delivery decision for the ASD programme. The Home Office have also requested a meeting with officers to further discuss this programmes delivery.

## **2. Recommendation**

That Cabinet agree to:

- (i) Thank and show their continued appreciation to the faith communities and partners for their work in preparing to welcome Syrian refugees.
- (ii) To delegate authority to Head of Communities to work with Cheshire West and Chester (CWaC), and Warrington Borough Council to plan for collective delivery of the SVPR programme. This work will coordinate the approach for supporting a maximum of 3-8 families across Cheshire during 2016/17. The total range for Cheshire East being a maximum of 3-5 families across the lifetime of the programme at this stage.
- (iii) To delegate to the Head of Communities the authority to work both sub-regionally and with the Home Office to further consider this Councils involvement in the ASD programme, accounting for the experience and learning from the delivery of SVPR and UASC programmes.
- (iv) To delegate to the Executive Director of People the authority to negotiate this Councils additional support for the widening of the UASC programme, accounting for the support we already provide. To update Cabinet of any financial considerations and implications on the Local Authority and to take these into consideration in any budget planning decisions.
- (v) To receive a further update on progress with the SVPR, UASC and ASD programmes from the Head of Communities at the end of this financial year.

### **3. Other Options Considered**

- 3.1. Government may move to require LAs to deliver UASC, SVPR, and ASD programmes by making specific allocation of families or individuals to ensure fair and equitable distribution across LA's at a national level. We could opt to await this occurring, prior to commencing or expand our local delivery response.

### **4. Reasons for Recommendation**

- 4.1. To update Members on progress made on work since the last Cabinet report March 2016.
- 4.2. To alert Members to the recommendation of the combined Cheshire Authorities the number of SVPR families we are collectively proposing at a sub-regional level.
- 4.3. To ask Members to support the view that we accept up to a maximum of three to five refugee families over the lifetime of the programme into Cheshire East with a possible arrival time schedule starting from late autumn – March 2017. This would enable the Multi-Agency Group to progress local preparation in conjunction with sub-regional co-ordination support.
- 4.4. To set out the possible financial impact and the need for upfront financial resourcing to support preparation for SVPR programme delivery.
- 4.5. To secure delegated authority for the Executive Director of People and the Head of Communities to continue to work on behalf of this Council with Regional and Sub Regional authorities to agree arrangements for programme delivery.

### **5. Background/Chronology**

- 5.1. The SVPR programme was set up to help those in greatest need who are resident in refugee camps. People are granted Humanitarian Protection Orders and have leave to remain for five years, with recourse to public funds and are able to seek employment. Central Government have agreed SVPR funding per person to both Councils (for the 5yrs of the programme) and Health (for Year One).
- 5.2. The Home Office have requested that areas work collectively to pledge accommodation for a certain number of families. From early discussions with the Home Office, Cheshire and Warrington officers have considered our capability to both support and accommodate. The sub regional proposal is to resettle 55 families (approximately 285 individuals) over the course of the remaining 4 year programme (2020). At this stage, Cheshire East are able to offer support for 3-5 families.
- 5.3. For UASC the widening of local authority support would equate to approximately 52 UASC, minus the number we currently accommodate.

Additional capacity of: social workers, care leaver support, and independent reviewing officers to meet our statutory requirements would be needed. Advocacy & interpretation services capacity and how best to source suitable placements will need review. The funding proposal from government and anticipated costs are set out in the financial section of this report. The NW ADCS (Northwest Association Directors childrens Services) group are working collectively with the NWSMP (Northwest Strategic Migration Partnership) to develop collective delivery proposals for the region; this work will further inform our local response.

- 5.4 The ADS programme is lead in the Northwest by the Home Office along with their delivery partner SERCO, and the NWSMP. SERCO require support from the LA in respect of its knowledge of the local area, this is to sense check property locations prior to contract signing for houses of multiple occupation. A post code check meeting would be held, which would include a larger number of properties due to attrition rate.
- 5.5 The Home Office directly fund this programme, SERCO seek economically viable property rentals and pay utility costs. Individuals receive £36 per week personal allocation. Once asylum cases have been processed, individuals will either achieve the right to remain and become eligible to seek work (then likely move to a City region for employment), or have to leave the country as they have not received the right to remain. Demand for this programme (80%) is from single males aged 18 – 40yrs. A Home Office decision on refugee status is generally determined in 182 days.

## **6. Wards Affected and Local Ward Members**

- 6.1. The proposal is to support SVPR families in the north of the borough. UASC may be supported within Cheshire East and/or across the Northwest region, dependent on individual need.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- 7.1.1. Currently policy implications are not evident, as planning and delivery work progresses, the Multi Agency Partnership will continue to consider any policy implications.

### **7.2. Legal Implications**

- 7.2.1 The Council is empowered to take the proposed actions 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 positions in relation to ASD, SVPR and UASC are 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 Immigration and Asylum 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. Section 100 of the 1999 Act makes provision for the Secretary of State to instruct the cooperation and support of local authorities in carrying out his functions under the Act.

For asylum seekers who arrive in our area we have responsibility for assessing and meeting their care and support needs whether they were a child / YP or an adult under the Children Act 1989 and the Care Act 2014.

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.

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 (No Recourse to Public funds Network) 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).

**7.2.3 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.

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.

**7.2.4 Unaccompanied Asylum Seeking Children:** Are supported by Local Authorities in accordance with duties to children under the Children Act 1989. The Immigration Act 2016 provides a legislative framework for UASC; this has four key provisions to assist in the implementation of this national scheme:

- To make the transfer of legal responsibility from one local authority to another much easier.
- Places a duty on the local authority to provide information about available services.
- Places an obligation on the local authority to set out in writing reasons for not supporting the transfer of children.
- Provides a duty to accept the transfer of relevant children under a mandatory scheme, if sufficient voluntary commitment is not provided by local authorities.

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 Syrian Vulnerable Person Relocation (SVPR) programme:**

- 7.3.1.1** Financial modelling has been undertaken to estimate the likely costs. In summary, the income from welcoming five families with two adults, two 5-18 year-old children, one child 3-4 years old and one child under 3 years could be £255,600 for Year 1.

7.3.1.2 Based on our modelling, income would cover estimated expenditure for the year (though there will be a need for some up-front, preparatory expenditure, in the order of £10,000, in advance of grant funding being received). Whilst these are best estimates, actual costs may be different and this will become clearer as each family is assessed.

7.3.1.3 In addition to Year 1 funding, Government has confirmed funding for years 2-5 of the programme. On a family's arrival in the UK, an initial payment to the co-ordinating local authority of 40% of the total annual amount would be made. This would be followed by two further equal payments over the year. For Health colleagues, the funding is channelled through CCGs and the initial payment of £2,600 per person is made in full.

7.3.1.4 Cost and income estimates for the SVPR programme will be refined and reflected in the business planning for 2017/18-2019/20.

7.3.1.5 Provision of year-end accounts is required, to include all expenditure and income, and any repayments to the Home Office. The money provided must not be used for any purpose other than the delivery of the programme as detailed in the Statement of Requirements. A ring-fenced account will be created to manage SVPR transactions and facilitate separate financial reporting.

### 7.3.2 Unaccompanied Asylum Seeking Children (UASC) programme:

7.3.2.1 The Minister for Immigration informed Council leaders in May of this year of a revised funding package for LAs receiving UASC via the dispersal scheme (as of July 2016); this is as follows:

- Under 16 year-olds - £114 p/day or £41,601 per annum
- 16–17 year-olds - £91 p/day or £33,215 per annum
- Unaccompanied minors that go on to attract a leaving care package - £200 p/week

On the basis that the majority of UASC are 16/17 years old it is estimated that an annual grant of £33,215 pa per UASC would be received; for 52 UASCs, this would mean funding of some £1.73m.

A modelled projection of core costs to Cheshire East for a 52-person UASC programme per annum is:

- Staffing (IRO / SW / PA) - £313,151
- Placement Costs for 52 UASC - £1,364,164
- Interpreting Services - £100,000
- Advocacy - £75,000

- Floating Support £100,000
- **Total - £1,952,315 per annum**

Consequently, with estimated funding of £1.73m and subject to the make-up of the children received in the UASC programme, there may be a shortfall in income compared to expenditure. Further updates will be provided later in the year, when the scope of additional support requirements is clearer.

### 7.3.3 Asylum Seeker Dispersal (ASD) programme:

- 7.3.3.1 The ASD programme is currently funded directly by Home Office. At this stage the financial impact for the Council and its partners of any future programme delivery requires further work.

## 7.4 Equality Implications

- 7.4.1 An Equality Impact Assessment has commenced and continues to be reviewed by the Multi Agency Group. This provides 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

- 7.5.1 From our work to date it is seen as important that accommodation has good access to infrastructure services, and transport routes. Therefore it is considered that accommodation in rural areas may not best suite Syrian families who may need or want to travel readily to other areas to connect, to access Mosque and specialist food suppliers.

## **7.6 Human Resources Implications**

7.6.1 We would be able to access stakeholder training sessions in conjunction with CWaC & Warrington provided by the NWSMP and British Redcross. This would assist our local Multi Agency group in considering wider local professional and voluntary workforce support needs.

## **7.7 Public Health Implications**

7.7.1 The delivery of these programmes within the borough would have no specific adverse health implications for our population. Clinical Commissioning Groups are also directly involved in the planning work.

## **8 Risk Management**

### **8.1 Reputational for Council:**

The Council's readiness to deliver these programmes with its partners mitigates any potential reputational risk. We have in place a local Multi Agency Group, and also a Sub Regional Group. A phased approach to this work enables us to deliver, whilst recognising the learning from others, and to work collectively on programme delivery where appropriate.

### **8.2 Provision of Accommodation for SVPR programme**

Cheshire East is working closely with the Faith Sector to support the SVPR programme specifically. This mitigates risk in respect of the wider demand for both social and private rental accommodation. Currently we are not delivering the ASD programme which also provides some risk mitigation.

### **8.3 Welcoming Communities**

Our faith communities are working together to prepare to support this work across their normal footprints. Statutory agencies and the Council are working positively together to provide strategic leadership to ensure that the right support is in place for Syrian families.

### **8.4 NW regional working**

Children & Families are engaged in this regional work to scope out a proposal to address the UASC widening dispersal requirements. This means co-ordinated support and the sourcing of appropriate accommodation will be addressed collectively.

### **8.5 Financial Impact**

The funding provided by central government for the SVPR programme and the UASC programme, has been compared to modelled expenditure and shows that the Council would not be negatively impacted by delivering the SVPR programme, but may for UASC dependent on the make up of the individuals received.

## 8.6 **Government Refugee Programmes**

Delivering an offer under the SVPR programme in conjunction with CWaC and Warrington would demonstrate this Council's humanitarian commitment to Government. This programme fits appropriately with our Statutory duties and the support already provided to UASC and the young people we have received from Kent. Delivering this humanitarian support for SVPR and UASC requires both delivery resource and management resource across Council departments and those of multi agency partners. The impact of this work needs to be fully understood, to inform any future decision on the ASD programme.

## 9 **Access to Information/Bibliography**

9.1 Cabinet, 10th November 2015

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=5810>

9.2 Cabinet, 8th March 2016

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=5686>

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