

refugee council

policy response



Refugee Council response to Care Matters: Transforming the Lives of Children and Young People in Care

January 2007

About the Refugee Council

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. We not only give help and support to asylum seekers and refugees, but also work with them to ensure their needs and concerns are addressed by decision-makers.

The Refugee Council has a long tradition of working with children, in particular through our Panel of Advisers for Unaccompanied Refugee Children (Children's Panel). We believe that every refugee or asylum seeking child in the UK should:

- feel safe, secure and loved, be listened to and have a responsible guardian to turn to;
- receive accurate advice, appropriate guidance and support throughout the asylum determination procedure thus ensuring the fairest outcome for them;
- be seen as a child and a refugee rather than primarily a refugee.

The young people we work with seek refuge in the UK for a range of reasons. Many have experienced or witnessed human rights abuses, including violence in their home country, in addition to being separated from their parent or usual carer. Most of the unaccompanied children and young people we work with are cared for by local authority social services departments as looked after children and care leavers, and experience many of the difficulties shared by their peers in those systems. However, the Refugee Council feels that these children are particularly vulnerable and marginalised, even in the context of the general population of looked after children. Indeed, in *Every Child Matters* unaccompanied children seeking asylum were described as 'some of the children in greatest need'.¹

It is in this context that we respond to *Care Matters*. The Refugee Council welcomes the stated intention of the paper; that in future children will be properly cared for and supported, with the looked after system living up to its name. We cannot state strongly enough what a difference a positive placement can make to an unaccompanied child struggling to cope with trauma, loss and the challenges of seeking asylum in the UK.

1. The case for reform

Unaccompanied children form part of the 'far from homogenous group' of children and young people in care as described at 1.18. The Refugee Council therefore believes that the statement in 1.26; that unaccompanied children 'often have different needs to other children in care' is unhelpful and implies that their complex needs cannot be met by the care system. Many children in care have complex needs; recognition of this fact does not and should not lead to an abdication of responsibility for their care being provided through a local authority system.

The proposal to explore how to encourage a more consistent lead professional role in 1.33 and 1.34 is welcome, but will not in itself afford the necessary protection for unaccompanied children seeking asylum; the only children in the UK for whom no-one is exercising parental responsibility. Whilst this may not affect their care on a day to day basis, the Refugee Council believes that every unaccompanied child should be appointed a legal guardian who can exercise parental responsibility and ensure that their best interests are the primary focus for decisions made about their future. If

¹ Every Child Matters, The Stationery Office, September 2003
Other Refugee Council publications are available at www.refugeecouncil.org.uk

necessary the guardian would instruct a legal representative for those children of insufficient age and/or understanding to make informed decisions about their own protection.

2. Children on the edge of care

For most unaccompanied children seeking asylum in the UK, care is the appropriate measure to ensure their protection and support them as they begin to recover from their experiences. Unaccompanied children will often have a higher level of need than is initially apparent as they navigate their way through processes that are strange to them and learn to live in the UK as an asylum seeker. We therefore welcome the statement that for some children care is the right option and urge government to ensure that policies aimed at reducing the looked after children population or reducing the length of placements do not lead to local authorities failing to provide the necessary level of support for the period of time that best meets each child's needs.

The proposal to ensure that all options are explored before care proceedings are lodged, with a particular focus on family and friends' placements, should be extended to include those children who enter care through a 'voluntary agreement' i.e. without involving the courts.

3. The role of the corporate parent

The Refugee Council strongly agrees with the statement that 'what children need more than anything is a stable, confident parent able and willing to be vocal on their behalf'. Many unaccompanied children seeking asylum in the UK will have no relationships with adults other than those working with them in a professional capacity. The proposals in this chapter are therefore crucial to the welfare of and outcomes for this vulnerable group of children. We particularly welcome the plan to issue revised guidance on the creation, use and management of care plans and the exploration of the role of independent visitors and advocates.

In addition to the need for an independent guardian to exercise parental responsibility for these children and ensure that their best interests are met in all decisions that affect them, unaccompanied children in care need strong corporate parents to take responsibility for the care they receive. The points made in 3.16 and 3.17 outlining some of the problems faced by social workers and recognising the long tension between long term preventive work and child protection / crisis intervention is reflected in our observations of the social work undertaken with unaccompanied children seeking asylum.

The tension described in 3.19 is compounded by the day to day examples we see of decisions being made for unaccompanied children, not just, as described in 3.19, by managers with no direct knowledge of the child's needs, but also by people with little understanding of the refugee experience or of the problems the children face as they seek to recover from the trauma and loss they have experienced.

Resources are often cited as a factor which inhibits social workers ability to make decisions that are best for a child and provide them with the appropriate care and support.² Any proposals to improve the quality of looked after services must examine the arrangements for funding local authorities in this area of work.

² Another Country, Audit Commission, 2000 and Local Authority Support to Unaccompanied Asylum-Seeking Young People, Save the Children 2005.

4. Ensuring children are in the right placements

We welcome the section of this chapter that looks at increasing the range of placements available to children in public care and the proposals aimed at increasing the efficiency of local authority commissioning. These proposals would reduce the need for separate arrangements to commission placements for unaccompanied children. Building local authorities' capacity to effectively manage the placements market renders any need for a parallel process for unaccompanied children redundant. It is neither efficient nor reflective of an inclusive philosophy to identify certain groups of children to whom some of these proposals will not apply. Indeed the reasoning behind the statement in 4.41 that unaccompanied children 'because of their special circumstances, may be subject to a different placement regime' is not explained at all.

We particularly welcome the proposal in 4.19 to spread the lessons from research and good practice through local commissioning units. We would urge those involved in piloting new regional commissioning units to include the placement needs of unaccompanied children seeking asylum in their work. There is much research and good practice to be shared and this move will send an important message that the government is as committed to meeting the needs of unaccompanied children seeking asylum as it is to all other children in public care. Similarly, the Refugee Council welcomes the attention paid to the need to recruit more Black and minority ethnic carers and is encouraged by the recognition in 4.34 that particular skills may be required in caring for children from BME backgrounds. The proposal to allow IND staff to access the proposed new national training framework is an excellent idea that should be implemented as soon as possible. There is little history of child care expertise in the Immigration and Nationality Directorate and our view that officials would benefit from the skills and knowledge of the child care sector has already been acknowledged by some of the officials themselves.

5. A first class education

The Refugee Council has campaigned for children seeking asylum to be afforded the same opportunity to reach their potential as other children and young people. Some of the proposals in *Care Matters* would be of huge benefit to those children for whom our education and looked after systems have thus far failed. We particularly welcome proposals related to school admissions; many children seeking asylum arrive mid-term and encounter huge problems accessing an appropriate school place.³ We are very pleased to see proposals aimed at ensuring that children are supported in remaining in school when they move placements; however we would urge government to do more to monitor the adherence of local authorities to all these new measures; our research⁴ shows that in many cases current guidance is not being followed and introducing more stringent checks and/or penalties for non compliance may be the only way to ensure that these children are supported to reach their potential.

The proposal in 5.76 for the Learning and Skills Council to take care leavers up to age 25 into account in their plans is to be commended, but the impact of this on unaccompanied children and young people will largely be negated by the recent announcement of removal of further education funding for asylum seekers over the age of 19.⁵ It is imperative that the Learning and Skills Council

³ Daring to dream: Raising the achievement of 14 to 16 year old asylum-seeking and refugee children and young people, Refugee Council 2005.

⁴ A Case for Change, Refugee Council 2002 and Daring to Dream, *ibid*.

⁵ Learning and Skills Council, Raising Our Game: Our Annual Statement of Priorities, 2006.

be allowed to continue to fund further education for all asylum seekers and refugees, not least to avoid skills gaps for those who are given permission to stay in the medium term.

6. Life outside school

The proposals in this chapter are largely to be welcomed; it will particularly benefit some of the young people we see who live isolated lives with little opportunity for leisure activities. Encouraging free access to leisure opportunities would help unaccompanied children and young people to integrate and relax with their British peers.

The Refugee Council is concerned that whilst attention is paid to guidance on the health of looked after children; little mention is made of actually improving the provision of mental health services for these children, including those who have experienced torture or sexual violence. It is imperative that children and young people have access to appropriate support to enable them to recover from their experiences.

Concerns about the scarcity of mental health provision for looked after children are reported on in a recent piece of research that suggested that where available, specialist mental health services had helped unaccompanied children and young people to overcome the considerable challenges they face in dealing with their experiences.⁶

7. The transition to adult life

The proposals in this chapter broadly follow the principle that looked after children must be allowed to move into adult life gradually and have access to specialist support throughout the transition. The Refugee Council welcomes this view and broadly concurs with many of the proposals; although we must ensure that all children are offered the same opportunity to be supported in their move into adulthood, regardless of the kind of placement they are in or the path they will follow after 18. Some of the children in greatest need will not be living in foster care or be moving on to university; they too must be allowed to benefit from the ongoing support and consistency of placement beyond the age of majority. We must not make the mistake of helping children to recover and rebuild their lives only to fail them as they make the difficult journey into adulthood.

The development of training modules to teach care leavers the necessary life skills must take into account the additional needs of people who have not grown up in the UK, including unaccompanied children seeking asylum.

8. Making the system work

Many of the proposals in this chapter will ensure that people have greater faith in a care system that truly cares for its children and young people. However, measures to ensure that a closer look is taken at what actually happens within the system must be stringent enough to examine detail. In 8.10 the point is made that small numbers of children can become invisible in statistics; this will be the case in many local authorities for unaccompanied children; and any new measures must therefore be prescriptive enough to look at particular groups of looked after children including those who are seeking asylum.

⁶ Unaccompanied asylum seeking children; the response of social work services, Wade et al, 2005. Other Refugee Council publications are available at www.refugeecouncil.org.uk

The Refugee Council welcomes the proposal to set out the responsibilities of members and officers on their corporate parenting role. Similarly, the moves towards greater independence for Independent Reviewing Officers should improve the outcomes for looked after children, including unaccompanied children seeking asylum. All of these proposals need to be monitored. We would also urge government to consider statutory guidance to ensure that inspections of looked after services talk to relevant voluntary organisations about the care provided to children we work with.

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