

BECOMING ADULT

Protecting the ‘best interests’ of the child in transition to adulthood

Research Brief 3

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Key findings

- Out-of-county placements for unaccompanied asylum seeking children have increased in the last few years.
- Placements happen without transfer of responsibility between Local Authorities (LAs). LAs receiving young people report having little or no information provided about them. This lack of information affects the capacity of professionals within the LA to address emerging care needs and provide timely access to services and support.
- Money-saving concerns are affecting the care LAs are able to provide to young people seeking asylum in their care. Services for older children seem particularly affected and there is evidence that the quality of service provision can sharply decline as they become care leavers at 18.
- Closer collaboration between LAs and the Home Office means that social workers find it more difficult to build trust with and to fulfil their statutory duties towards migrant young people in their care.

The responsibility for unaccompanied asylum seeking children (UASC) is devolved to local authorities (LAs) in the UK. Although there is statutory guidance regarding the care UASC and former UASC care leavers should receive, the implementation of these policies at the local level varies considerably.

The duty of care for these children is governed by the Children Act 1989 (as amended by the Children and Young Persons Act 2008). When a child reaches 18 years old the duty to the young person is held within the Care Leavers (England) Regulations 2010. This Act was amended in 2014 to require that such duties are fulfilled with particular regard to the circumstances and needs of unaccompanied or trafficked children. Data are particularly scarce for former UASC care leavers and their trajectories once they reach 18 years and are no longer considered to be children. This lack of knowledge is increasingly problematic in view of the changes in statutory duties ushered in by the Immigration Act in May 2016, although not yet implemented. The Immigration Act 2016 changes the nature of support for UASC care leavers who are 'Appeal Rights Exhausted' (or ARE). Once the regulations have been approved and guidance issued, former lone children who have reached adulthood in the UK and have not established a protection claim for asylum would no longer be supported by LAs but by the Home Office, with minimal access to support and legal pathways to settlement.

The introduction in July 2016 of the National Transfer Scheme (NTS) allows the duty of care for a child to be formally 'transferred' from one LA to another. Prior to the NTS, a LA would take responsibility for any unaccompanied child who came to their attention. The NTS was established in order to 'ensure that any LA does not face an unmanageable responsibility in accommodating and looking after UASC simply by virtue of being the point of arrival of a disproportionate number of UASC'¹. The transfer protocol establishes that an 'unmanageable responsibility' is above 0.07% UASC of the LA child population.

Irrespective of the NTS, out-of-county placements still occur where only the child is moved, rather than both the child and the statutory duty to care for the child. Rather than provision of services being driven by the 'best interests' of children and young people, children are now looked after where they are considered least likely to constitute a 'burden' or drain on resources for the LA concerned.

Our research² shows that the principle of the 'best interests of the child' that underpins the child protection regime is being transformed by the concomitant pressures from budget cuts, expanding market logics in the asylum system and widespread anti-immigration attitudes that find expression in the policy goal of producing a 'hostile environment' for foreigners. We have identified three main changes that are reshaping the governance of unaccompanied children since a series of austerity-driven reforms were introduced.

Firstly, we argue that the increased use of out-of-county placements for young people, driven primarily by budget saving, may result in lone young people having their social networks disrupted; haphazard and poor information sharing about their circumstances and needs³; and children not being notified in reasonable advance of the transfer⁴. This is confirmed by our FOI survey that shows on the one hand an increased use of out-of-county placements by LAs over the period 2013–2015, particularly in the South East and Greater London region, and on the other that there seems to be less communication between sending and receiving LAs, which may result in isolation and lack of support for young people. Our research also shows that, in some circumstances, for example when placements are arranged in regional hubs by smaller LAs, out-of-county placements may also promote a virtuous economy of scale for services and expertise for unaccompanied children.

Table 1: Geographical placement and knowledge of placement by year

	2013	2014	2015
Placed outside responsible LA	616	632	872
Known to LA where placed	147	86	57

Secondly, social workers and support groups voiced their concerns about the long-term impact of service cuts and money-saving actions on young people in their care. Services for older young people as they turn 18 seem particularly affected, as indicated by the following support worker:

"They [LA] can just literally withdraw accommodation and that person will effectively end up being homeless in a completely different part of the country."

The quality of service provision may decrease even before the young person reaches institutional adulthood. While a wide range of experiences of social care were described by young people in the study, young people who were ARE often described quite abrupt and violent transitions at 18 – including immediate homelessness; enforced relocation far from their social networks and friendship groups and reduced models and packages of care. Rasheed and Mohammed from Afghanistan, for example, both experienced an abrupt reduction in services and support when they reached 18.

“I had lots of support back at that time until I was 18 but then when I was 18, everything goes, everything stops.” (Rasheed, Afghanistan)

“When I was 18, believe me, everything got stopped. Everything dropped off. I didn’t have a social worker anymore. Once after 18, each opportunity I used to have stopped. All the things were completely different and then I was all alone. I did everything by myself and it was hard. You don’t know your ways around as well, I was completely stuck. Every time you seek help they told you that you are not a teenager anymore. You are adult, you do it yourself, do it yourself! They give you a lot of independence but they never asked whether this person is capable of being independent or not.” (Mohammad, Afghanistan)

Thirdly, restructuring and mainstreaming UASC children’s services have diluted social service expertise needed in this complex area. Experienced social workers are frequently replaced by newly qualified ones while high staff turn-over makes relationship building with young people more arduous. These problems are further exacerbated by commissioning arrangements, new private partnerships, and the complex interface between the roles social workers fulfil in relation to both social care provision and the Home Office. This may be ultimately disenfranchising for front line workers, as one of them explained:

“I didn’t want to do that [the team manager role] because I didn’t want to do the Home Office’s work, which I felt it would be. I did feel quite powerless.”

It also affects the nature of relationships between young people and their social worker as reflected on by Adnan, from Albania:

“It was literally like a stab in the back cause even the social workers they supported you in the beginning but this support stopped as soon as I had the appeal denied,

everything just switched for them as well. All this caring all this all this fakeness trying to be so nice like ‘oh that’s so nice you’re doing this or that I’m very proud of you’ all that stuff. It is unbelievable it’s honestly unbelievable. They’re just doing their job I don’t blame them but at least don’t try to act so sympathetic and nice, just do your job and do what you have to do. Don’t like make a connection with a person cause it’s tough for the other person you know.” (Adnan, Albania)

Policy implications

- Closer monitoring should be carried out on the impact of policies, such as out-of-county placements and the National Transfer Scheme, on young people and their outcomes.
- The loss of specialist teams for unaccompanied asylum seeking minors and their incorporation into children services may lead to loss of critical expertise for work with this population. This knowledge gap requires significant resources to be directed into training for generalist social workers across all LAs, given that dispersal of unaccompanied children is a core tenet of the National Transfer Scheme.
- While in principle the inclusion of UASCs in mainstream children’s services is a positive development, in the context of austerity, there is a risk that the best interests of ‘foreign’ children in care become deprioritised and that they experience a decline, qualitatively and quantitatively, in services and support.

1. Home Office (2016) Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016–17 Version 0.8 London: Home Office available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534258/Interim_National_UASC_transfer_protocol.pdf
2. Humphris and Sigona (2018 forthcoming) 'Outsourcing the 'best interests' of unaccompanied asylum seeking children in the era of austerity', *Journal of Ethnic and Migration Studies*. DOI: 10.1080/1369183X.2017.1404266
3. Association of Directors of Children's Services (2017) *Out of Area Children in Care Notifications in England*. Available at: <https://adcs.org.uk/contacts/out-of-area-looked-after-children-notifications-england>
4. Refugee Children's Consortium (2017) *Briefing on the National Transfer Scheme*, August 2017. Available at: <http://refugeechildrensconsortium.org.uk/national-transfer-scheme/>
5. Humphris, R. and Sigona, N. (2016) 'Mapping unaccompanied asylum seeking children in England', *Becoming Adult Research Brief Series*, no. 1, London: UCL

The Becoming Adult project

The Becoming Adult project is a three-year ESRC-funded research project exploring the post 18 wellbeing outcomes of young people who migrated on their own to the UK as children from Afghanistan, Eritrea and Albania. While the main focus of the research has been on young people who arrive in the UK, the policy implications are relevant to Europe and beyond. Furthermore, the grant-linked studentship has enabled a comparative analysis of experiences of unaccompanied young people in the UK and Italy.

Methodology

The study comprises three research components addressing (i) how ideas about migration, futures, 'becoming adult' and wellbeing are conceptualised in different cultural media; (ii) unaccompanied young people's lived experiences of becoming 'adult' after migrating on their own as children; and (iii) policy and practice governing unaccompanied young people.

Young people between the ages of 18–25 took part in research. A narrative enquiry approach was used, combining retrospective narrative interviews and longitudinal research with participants up to a period of 18 months. Questions were asked about: experiences of turning 18 and other key transitions; educational experiences and outcomes; accommodation and living arrangements; factors perceived to promote or undermine their health and wellbeing; migration history, influences and experiences; social ties and networks; experiences of social care and leaving care; family ties; and aspirations for the future. In addition to taking part in interviews, other young people engaged in the research through activities including photography, art, writing, and theatre projects. A core team of young people who had previously migrated to the UK on their own worked as core members of the research team. In total some 100 young people participated in the research in the UK and Italy. Fifty interviews with policy stakeholders and practitioners in four local authorities and a FOI survey of all local authorities in England offered insights into the governance of this population and the encounters between the asylum and child protection regimes and young migrants.

How to cite

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