

UKBA

ADCS

**London Safeguarding
Children Board**

UKHTC

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**Guidance for the Child Protection Agencies and the UK
Border Agency for cases (including child victims or
suspected child victims of trafficking).**

**An Information Sharing Protocol
Date of Draft Protocol: Jan 2009**

Introduction

The parties to this protocol are the Association of Directors of Children's Services (ADCS), the London Safeguarding Children Board (LSCB), the UK Human Trafficking Centre (UKHTC) UK Border Agency (UKBA). This protocol sets out the practical arrangements for information sharing between the named agencies and UKBA. *[Agreement from agencies still being sought 29 Jan 2009]*

Purpose of information sharing

The named agencies will share information for the following purposes;

- To refer children that UKBA suspects are children in need including victims of human trafficking to local and national safeguarding agencies.
- To enable other agencies to request appropriate information that UKBA may hold that will assist in the investigation, assessment and/or safeguarding of a child.
- To inform UKBA of any grounds the agencies, named in this protocol, have grounds for believing a child, who is subject to immigration controls, has urgent protection needs that may be affected by UKBA actions or decisions
- To inform UKBA decision makers of the outcomes of investigations and assessments regarding the protection and care needs of a child subject to immigration controls, which may have bearing on UKBA decisions regarding the child's status.
- To co ordinate the statutory actions of parties to this protocol in ways that take account of the need to safeguard and promote children's welfare.
- *To enable designated agencies to take up their roles as "Competent Authorities" as described in the Council of Europe Convention on Action against Human Trafficking (CoE Convention). In due course when*

¹ Logos are indicated but full agency agreement remains to be sought.

"competent authorities" are set in place communications about child victims of trafficking may take the form set out in annex A²

The named agencies will only share information in ways that are compliant with all relevant legislation.

In implementing this protocol will ensure that all communications about children in need of protection will receive a prompt response, avoiding unnecessary delays in making decisions that are vital to the child.

Where a competent authority decides there are reasonable grounds or conclusive grounds that a child is a victim of human trafficking the agencies will implement the protocol in ways that are fully compliant with the CoE Convention.

Arrangements for sharing information

Information exchanges between the UKBA and safeguarding agencies, under this protocol, will fall into two main categories:

Information in Category A: Referrals from UKBA, when the Agency suspects any child is a child in need, including those who may be in need of protection from human traffickers. This protocol includes arrangements for sharing information over and above that contained in a referral from UKBA where this will help statutory agencies to safeguard and promote the welfare of the child.

Information in Category B: *Information exchanges which fall directly under the CoE Convention. Any agency may initiate requests for the exchange of more detailed information about children or families where there may be reasonable grounds to suspect or sufficient grounds to conclude that a child is a victim of human trafficking.*

After initial contact is established in both categories, each agency will identify a suitable practitioner, who is responsible for any subsequent exchanges of information about the particular case.

UKBA Arrangements

1. Enquiries from a party to this protocol to UKBA will be sent in the first instance to the Evidence & Enquiry Unit (E&E), 12th Floor, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY (email/fax address)
2. The Evidence and Enquiry unit will identify an existing case owner if one exists and forward the request, asking for a response within XXX working days (to be confirmed). In urgent cases where a the case has not yet been allocated, the local authority will be put in contact with the UKBA staff who made the referral. Once a UKBA practitioner has been named all further communication about the case will be via the named practitioner.
3. The UKBA practitioner will respond to detailed requests for advice providing the safeguarding agency with information relating to the immigration status of a child, adults associated with the child and any information in its

² All paragraphs shown in italics are subject to change before the Convention is implemented on 1st April 2009.

possession that the practitioner considers relevant to the enquiry. Further UKBA will ensure that the relevant safeguarding agencies in the child's network are kept informed about any new matters that arise that might affect the child's welfare.

4. Information provided by UKBA in this way may be further explored between the named practitioners to allow the parties to the protocol to understand complex immigration issues that may have a bearing on the options for care or protection plans.
5. The UKBA will respond to request for information from partner agencies within X days and will inform the other agencies' practitioners if there are any constraints leading to non disclosure of information.
6. *In due course when a competent authority is established UKBA will contact other relevant agencies to inform them of any suspension of removal action or any consideration of granting a residence permit.*

Safeguarding and Protection Agency Arrangements

1. The parties to this protocol will make arrangements to receive referrals from the UKBA about children in need of protection, including possible child victims of human trafficking. The local authority children's services or in urgent cases to the police child abuse investigation team covering the area where the child is, will ensure UKBA is aware of these contact points. UKBA staff will make urgent referrals by telephone and follow them up by fax using the designated form (Annex B).
2. Where a child has urgent protection needs including protection from a human trafficker³, then all agencies including UKBA staff will prioritise the child's immediate safety and ensure information is sent promptly to all authorities with a statutory duty to the child including in due course a competent authority under the CoE Convention.
3. Children's services and local police agencies will always acknowledge receipt of a UKBA referral in writing, indicating such action as they deem appropriate in line with their statutory safeguarding duties.
4. Where any child requires urgent protection, a social worker or police officer may follow up the UKBA referral through direct contact with the UKBA staff member named on the referral form.
5. All non urgent follow up should be sent via the Evidence and Enquiry Unit⁴ (see UKBA arrangements para.2 above). Non urgent information requests relating to a child suspected to be a victim of human trafficking will be made using the LSCB form letter at Annex (?) asking for a response within YYY days.

³ A referral from UKBA about a child in need in this way should not be taken as a decision to grant a period of reflection or a residence permit,

⁴ Case responsibility in UKBA moves rapidly from ports and screening units to case owners or specialists. The Evidence and Enquiry unit will help partners' communications reach the right part of UBA and will create a central record of the contact.

6. Where a child has no permanent right to remain in the UK the parties to this protocol will inform UKBA of any issues of concerns that the Agency should consider in order to keep the child safe (safeguard the child). In due course this will include detailed information on suspected child victims of human trafficking.

Grants of leave or plans to remove a child in need.

Where UKBA decisions or actions are likely to affect a child in need of protection or care, including child victims of human trafficking, it will ensure that its practitioners exchange information with safeguarding agencies in order to keep the child safe (best interests of the child will be a primary consideration) taking account of their advice in its decisions and actions. *In the case of child victims of human trafficking planning for the child will be fully compliant with the CoE Convention once it is implemented.*

This may be done by a face to face professional planning meeting, a telephone conference call or in writing. UKBA is responsible for arranging any necessary planning meetings to consider immigration decisions or actions that may affect a child in need. In all cases the decision on whether a child needs continuing protection from the UK Government or may be safeguarded in another country will be made promptly, within VVV days.

While there is an expectation that agencies attending a planning meeting will proceed by consensus wherever possible, however the meeting cannot fetter the statutory or agency responsibilities of the respective attendees.

Complex cases.

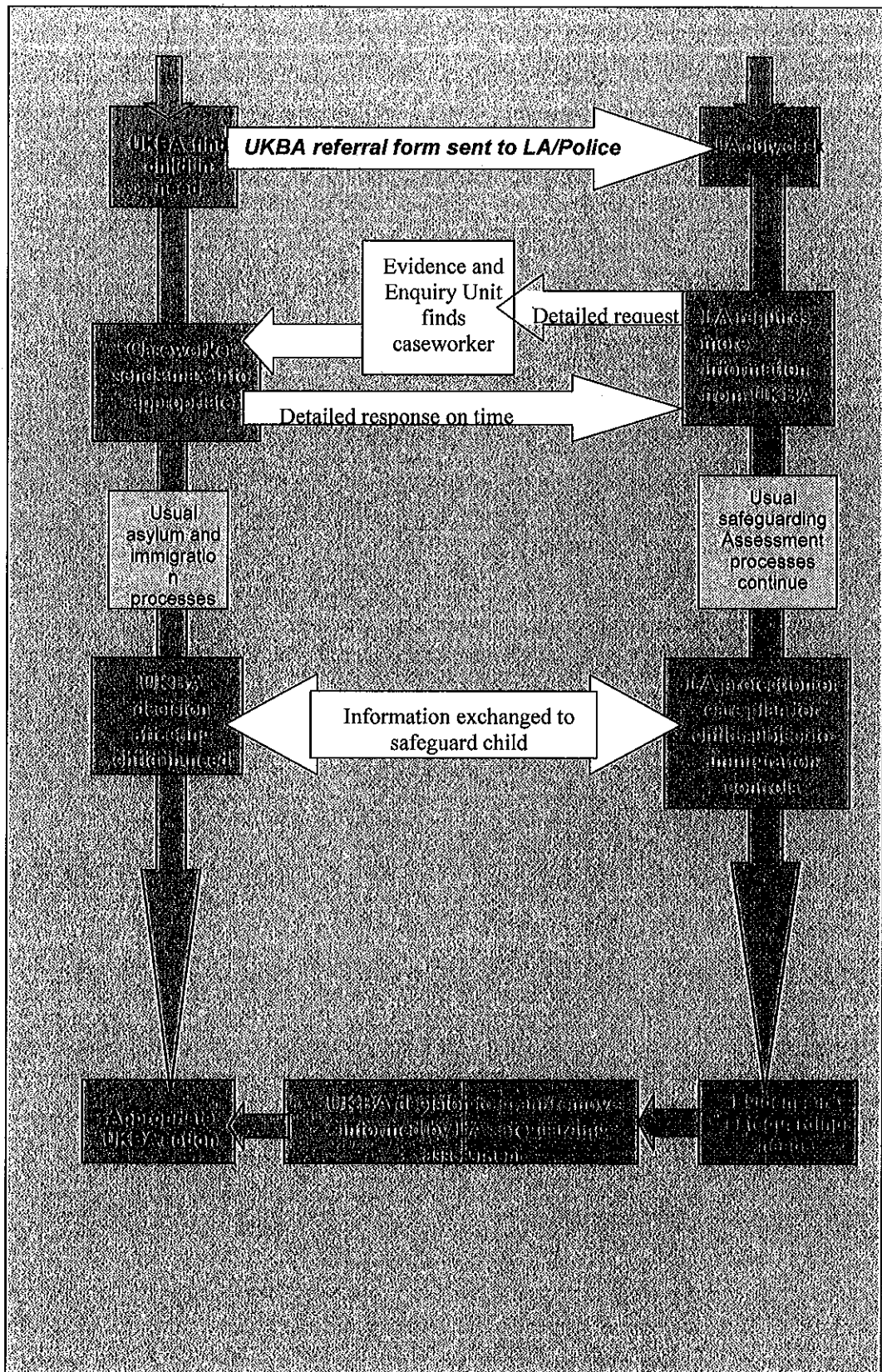
Under this protocol a complex case is defined as, a case where there is conflicting information or professional opinion as to the effect of immigration decision on the protection/care needs of the child (in due course this might include reasonable or conclusive grounds for thinking a particular child is the victim of human trafficking).

Agencies subscribing to this protocol are expected to resolve these issues at a face to face or telephone planning meeting in the first instance. Any further action such as gathering information, making further assessment or seeking sanction for decisions discussed at the meeting must be delivered by set dates which take account of the "no delay" principle⁵.

Where an issue cannot be satisfactorily resolved within a short period the matter will be referred a nominated senior decision maker who will seek to resolve the matter without delay. Partner agencies will be given contact details for this person in order to make any further representation that they consider necessary.

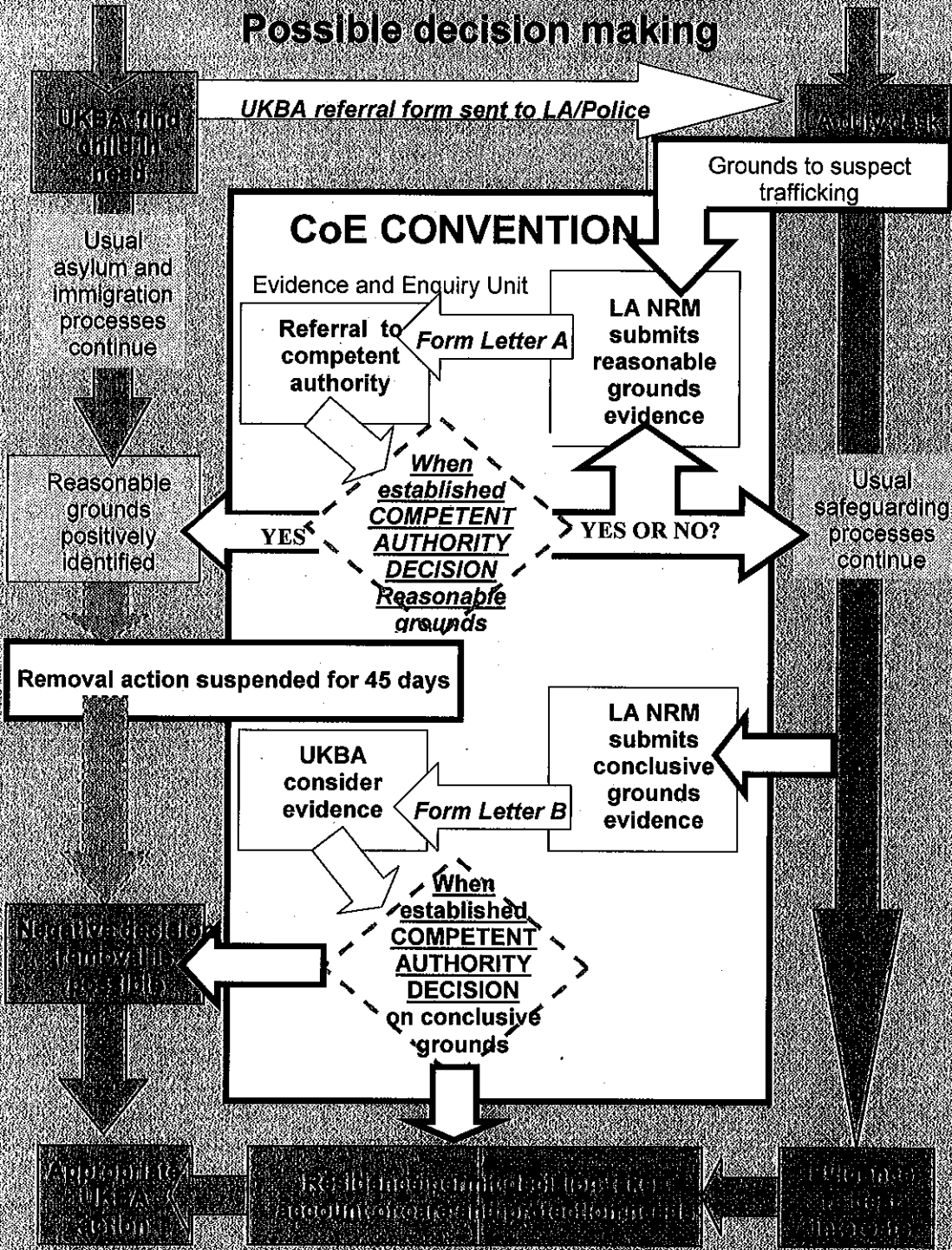
[Further guidance will be issued to participating authorities on how to deal with child trafficking victims including age dispute cases and transfers from child victim to adult victims arrangements.]

⁵ Children Act 1989.



CHILD VICTIMS OF TRAFFICKING

Possible decision making



Note of Ministerial Meeting with Liam Byrne MP, Minister for Borders and Immigration and Kevin Brennan MP, Parliamentary Under Secretary of State for Children, Young People and Families, with London Councils and the Local Government Association

Date: 22 April 2008

Attendees:

Liam Byrne MP (Home Office), Kevin Brennan MP (Department for Children, Schools and Families), Cllr Roger Lawrence (LGA), Cllr Merrick Cockell (London Councils), Cllr Paul Carter (Kent)

Matthew Coates (Home Office), Paul Darling (Home Office), Jeremy Oppenheim (Home Office), Brian Kinney (Home Office), Dee Burke (Home Office), Mark Burrows (DCSF), John Ransford (LGA), Helen Johnston (London Councils)

The two issues raised with ministers were:

1. Funding for unaccompanied asylum seeking children leaving care
2. Special Circumstances funding 2006/07 for unaccompanied asylum seeking children (UASC)

1. Funding for unaccompanied asylum seeking children leaving care

Cllr Lawrence set out the need to resolve ongoing funding issues for UASC leaving care so that we can draw a line under the old system of support for asylum seeking children and deliver the principles of the UASC reform programme.

Cllr Carter described the funding pressures in the "Joint Councils" group of the 10 highest spending local authorities on asylum seekers. He set out the shortfalls in his own authority, Kent, which spends £5 million per year on UASC leaving care and receives funding for just half of this giving an annual shortfall of £2.5 million. Cllr Cockell described the situation in Hillingdon which has an outstanding deficit of £15.5 million since the Hillingdon Judgement ruled that local authorities have a duty to support UASC leaving care with education and associated costs.

The government outlined the distinction between invalid claims and unmet costs. Around 13% of the current grant claims for UASC leaving care are invalid which means support was given to people without a genuine asylum claim. The local government representatives clarified that this was not a discussion about invalid claims, and that they accepted that payments should not be made where the grant conditions have not been met, but that this was a discussion about the shortfall between the total spend on UASC leaving care and the contribution through the DCSF grant.

Cllr Cockell pointed to the government's New Burdens principle which states that any new burden on local authority should be met in full – not partially as is the current arrangement with UASC leaving care. This has cross party agreement from local authorities and a partial contribution is not good enough. Local authority estimates are that the shortfall in 2006/07 alone will be £32 million.

2. Special circumstances 2006/07

John Ransford described the breakdown in the process for negotiating special circumstances bids in 2006/07. London Councils and the LGA were not informed of the proposed allocations and did not know the levels of funding until member authorities received letters offering an unsatisfactory settlement of 70% to the 3 gateway authorities and 38% to all other authorities. Paul Darling clarified that shortfalls are only on the levels over the basic and enhanced rates which are met in full but local government representatives stated that this still amounts to £10 million and is unacceptable.

Liam Byrne referred to inconsistencies in administration costs where, for example, the number of UASC supported in Kent has fallen by 39% but administrative costs have fallen by just 4%. Cllr Carter explained that the facilities were put in place by the local authority to support previous levels of asylum seekers and this cost had to be met whether places were taken up or not. There will always be a lag in the reduction of costs for a service where numbers fall.

Cllr Lawrence made the case that administration costs were still just 25% of the total expenditure on UASC. Cllr Cockell stated that the local government associations will contact member authorities to provide individual explanations where costs have not fallen in line with numbers and that we can then get into the negotiation of funding levels for 2006/07. PriceWaterhouseCoopers has audited Kent, Hillingdon, Oxfordshire and West Sussex and has independently validated the expenditure on UASC.

Liam Byrne concluded the meeting reflecting on the future of the UASC reform programme and, in particular, the need for authorities to come forward as specialist authorities. He acknowledges that these discussions can not progress until these funding legacy issues are resolved. He made a commitment to working on this shared agenda with local government.

Actions agreed in the meeting

- It was agreed that a meeting between officials and local government officers would take place within a month to go through the detail of the claims and shortfalls.
- Members and Ministers will act on the conclusions of that joint meeting.

Actions agreed in debrief after the meeting

- **Members agreed not to support progress with the future arrangements for UASC reform, including identification of specialist authorities, until these funding issues are resolved. The current situation is that any specialist authority will be left with a financial burden when UASC in their care reach 18.**
- **The LGA will convene a full day session with DCSF and Home Office officials to consider both UASC leaving care and special circumstances for 2006/07. Local authority experts will be invited to attend.**
- **The LGA and London Councils will submit a joint letter to Ed Balls MP (Secretary of State for Children, Schools and Families) and Jacqui Smith MP (Home Secretary) to confirm local government's position on this funding.**

Minutes of the ADCS/ADASS Asylum Taskforce
Held on Thursday 12 February 2009 in Birmingham

Present:

Chris Spencer (CS) (Chair)	- London Borough of Hillingdon
Grace Ashaye (GA)	- NRUC
Carey Baff (CB)	- Birmingham City Council
Ian Beattie (IB)	- LGA
Mary Blanche (MB)	- Kent County Council
Claire Chilton (CC)	- DCSF
Sharon Davies (SD)	- Newport Council
John Donaldson (JD)	- Glasgow City Council
Barbara Donovan (BD)	- UKBA
Olivia Fellas (OF)	- London Borough of Islington
Karen Goodman (KG)	- Kent County Council
Joe Heatley (JHe)	- UKBA
John Hodges (JHo)	- Staffordshire County Council
Philip Ishola (PI)	- Harrow Council
Lynda Lawrence (LL)	- Sandwell Metropolitan Borough Council
Paula Neil (PN)	- London Borough of Hillingdon
Peter Olnier (PO)	- Birmingham City Council
Anne Plummer (AP)	- Solihull Metropolitan Borough Council
Nicola Rea (NR)	- Manchester City Council
Richard Ross (RR)	- Solihull Metropolitan Borough Council
Bob Spencer (BS)	- London Borough of Hounslow
Nigel Stock (NS)	- Northamptonshire County Council

Apologies:

Fran Fonseca	- Oxfordshire
Helen Johnston	- London Councils
Oliver Mills	- Kent County Council
Mark Rapley	- London Borough of Lambeth

Agenda:

1. Welcome & Introductions
2. Minutes & Matters Arising from Last Minutes
3. Judicial Reviews of Local Authorities on Age Assessments
4. LSCB Safeguarding Children Trafficking toolkit and draft pilot UKBA Referral Form
5. Proposal to Develop a CSC & UKBA Information sharing Protocol and Standard CSC to UKBA Information Request Letter
6. NASF Children's Sub Group
7. No Recourse to Public Funds Update
8. UKBA/LGA/London Councils – Post 18 Working Group
9. NRUC Briefing
10. UASC Reform Programme
11. AOB

DISCUSSION

ACTION

1. Welcome & Introductions

Apologies noted as above

2. Minutes & Matters Arising from Last Meeting

a) CAFCAS Protocol

Joe Heatley stated that CAFCAS needs to be updated in 2 ways so that Courts can get information

- via PLO so that social workers can access information
- via UKBA

The existing protocol will be circulated with the minutes.

JHe

Chris Spencer suggested that it would be useful to see how the different organisations interconnect

BD &
MB

b) Age Assessment Working Group

Correction to the spelling of Lin Homer's name

Age assessments should look at other factors as well as age. This will be discussed in more detail in the main part of the meeting

c) UASC Issues

Special circumstances: 18+

CS met with Helen Murray and Helen Johnston and they will attend the next meeting

CS

d) Resourcing the Task Force

ADASS will contribute £2500 towards the funding of the task force.

3. Judicial Reviews of Local Authorities on Age Assessments

KG – The Directions Hearing on the Judicial Review of the Kent/Croydon case was held 2 weeks ago with the Final Hearing scheduled for the week beginning 09.03.09. KG to feedback at next meeting

KG

During the course of the discussion, several points were noted:

- JHe – Which assessment is considered to be more important, that carried out by the Local Authority or the Paediatrician?
- KG – Will the LA be obliged to re-assess where there is a discrepancy?
- PN – What are the timescales involved? The issue of resources need to be taken into account while awaiting the outcome of the case.
- RR – There are many cases hinging on the outcome of this Hearing and the advice is not to take on too many cases until this is finalised.
- JD – There needs to be a consensus as to how Age Assessments are carried out, good practice and the impact on budgets and services.

The possibility of setting up Regional Assessment Centres is being considered as an option, but how will these be funded. It was stated that there needs to be agreement about what a good assessment looks like.

There is already an assessment centre in Kent for age & health assessments. There are also budget issues that require resolution and it was stated that this is a Section II Safeguarding issue.

DISCUSSION

ACTION

If it is decided that the medical assessment prevails, this may lead to delays as only a few paediatricians are willing to do assessments. This may lead to other issues regarding assessments carried out by social workers involving mental health, etc.

CS – There needs to be a high level round table discussion involving UKBA, DCSF, high level DCSs and others that make the decisions. CS to arrange

CS

JHe to discuss with CS about who to ask Lin Homer to involve at UKBA and Safeguarding.

JHe

UKBA has to move to a Safeguarding duty by September 2009.

Phil Woolas attended the last meeting of the LGA Taskforce

The key points need to be brought to the attention of the LGA Taskforce

- RR – Re-writing Children Act guidance (DCSF)
- KG – Written guidance re assessment framework
- MB – Few in the LGA Taskforce have experience of child care, and suggested a presentation highlighting the complexities of age assessments.

CS will represent the group at the next LGA Taskforce meeting. However before this he needs to know the key points, what is agreed and what is not. All comments and emails will be gratefully received.

All

4. LSCB Safeguarding Children Trafficking Toolkit and draft pilot UKBA Referral Form

PI gave an outline of the LSCB Safeguarding Children Trafficking Toolkit with particular reference to the progress of the pilot and the areas linked.

The 18 month pilot went live in September 2008 and finishes in March 2010.

The toolkit covers best practice, guidance and training multi-agencies re trafficking.

The main aims:

- A tool for all agencies to show safeguarding issues, CP issues
- To be used as part of national referral mechanism
- To be used as part of assessment as part of referral process.

The Toolkit is currently London centred but at the end of the pilot it will be available to other Local Authorities

The Home Office and UKBA are also looking at it being used nationally.

Information is on site to any practitioners and the victim identification toolkit is available for social workers or law enforcement.

CS said that excellent work had been done so far, but that it was too early for the LSCB Toolkit to be endorsed by the group.

It will be sent to local Safeguarding Boards for endorsing at some point in the

DISCUSSION

future, however it needs to be clear exactly what it is that they are to endorse.

PI stated that the next stage will be human trafficking
Sharing information regarding child victims of trafficking is just a special case of a child in need.

Other issues requiring resolution are how our work relates to Pauline Newman's work, who is the National Lead for ADCS, and dispute resolution procedures.

ACTION

5. Proposal to Develop a CSC & UKBA Information sharing Protocol and Standard CSC to UKBA Information Request Letter

JHe distributed additional papers re Information Sharing Protocol.

Flowcharts show that LAs and UKBA will continue to do their respective duties.

UKBA make decisions on immigration status

- If there are reasonable grounds for believing that a child has been trafficked, age assessments and refugee decisions will continue but removal will not.
- If there are conclusive grounds, then UKBA have to consider a Residence Permit and must work with other agencies regarding risk to the child.
- For all children subject to immigration control, specially trained caseworkers at UKBA are to work with safeguarding authorities.

PI – It is essential that information is shared as early as possible. Will take forward information sharing issues with others.

JHe – S11 type duties will be handled by UKBA.

6. NASF Children's Sub Group

RR gave a brief outline of the two NASF meetings held since the last ADCS/ADASS Taskforce meeting, the main points being listed below.

November meeting:

- Bolstering legal support
- The impact of devolution

January meeting:

- Dominated by the Statement by Phil Woolas
- Voluntary sector
- Zimbabwean situation
- An update on UASC reform
- Refugee Council vouchers scheme – see website
- Stakeholder engagement

JD – more Government involvement is needed as it is mainly the voluntary sector at the moment.

LAs that are interested in being involved include – Croydon, Kent, Hillingdon, Harrow, Birmingham, Northants and Manchester

There are 4 meetings held each year

JD will attend the next meeting on 26 March 2009.

JD

DISCUSSION

ACTION

7. No Recourse to Public Funds Update

OF gave an update on the NRPF network report.

- There is no information yet regarding retrospective funding for DV families
- C&F guidance is available on the website
- Guidance for adults is being updated
- There will be implications for LA
- A summary will be on the website on Monday (16.02.09)
- Media enquires will be handled by ADCS/ADASS

OF and IB will be meeting Lin Homer next Friday (20.02.09)
Both to feedback at the next meeting in May.

Strategic partners have been sent copies of the report.

OF/IB

8. UKBA/LGA/London Councils – Post 18 Working Group

The Post 18 Working Group held their first meeting in January.

There was some concern regarding primary legislation for removing ownership of those leaving care from LAs to UKBA.

LAs are reluctant to sign up to UASC reform programme unless it is clear what the objectives are and the issue of funding is clarified.

The reform programme will not progress until the issue of funding is sorted out.

IB – the point regarding funding was made to the minister at LGA taskforce meeting

JD – the Scottish Executive have agreed to fund the shortfall in funding,

UASC Reform Steering Group are due to meet at the end of the month.

Regional workshops on going.

DCSF need to attend future meetings.

IB – Service specs for modelling were put to the LGA meeting with the minister

9. NRUC Briefing

GA distributed papers re the NRUC briefing and gave a précis of the contents.

- LAs are to be encouraged to input data on to the system
- To look at upgrading the system to deal with missing UASC
- To look at expanding partnerships with other agencies
- NRUC is working in partnership with Contact Point to provide a data source for the DCSF's national project and meetings are held regularly re Contact Point
- The website is to be redesigned so that training can be done via the website.
- The data base will be linked to trafficked children and missing UASC.

DISCUSSION

- JD brought up the point of linking the various databases.
- There should also be mechanisms in place to check that entries are not being duplicated by LAs or NRUC

ACTION

10. UASC Reform Programme

The main points re UASC reform were covered earlier in the agenda.
Sub groups – how they are to be set up and the terms of reference

11. AOB

a) Third Country Removals

The JR was due on 13 February 2009 but has been postponed
Return arrangements were not properly arranged by Italian authorities

b) UKBA Grant Rules

It was felt that the larger LAs are treated differently to the smaller ones
UKBA recognise that if a YP is claiming to be under 18, they will be allowed to claim until it is proved otherwise.

c) Chair

CS suggested changing the Chair of these meetings annually and co-chairing these meetings with Oliver Mills, as this would make things easier on the Admin side.

d) Joe Heatley

This is Joe's last meeting with the ADCS/ADASS Taskforce
CS thanked him for all his input

e) Future Meetings

The ADCS/ADASS Taskforce meeting will be held in various LAs but a venue is needed for the next meeting

Next Meeting:

Tuesday 5 May 2009 – 12:00 – 2:30pm in the John Tocher Room, Mechanics Institute, 103 Princess Street, Manchester M1 6DD