

ECONOMIC DEVELOPMENT, CULTURE AND LEISURE SCRUTINY PANEL

MINUTES of the meeting of the Economic Development, Culture and Leisure Scrutiny Panel held on Friday, 16 November 2018 at 4.30 pm at the Guildhall, Portsmouth

Present

Councillor George Fielding (in the Chair)

Councillors Tom Wood
Frank Jonas BEM

10. Apologies for absence (AI 1)

Apologies had been received from Councillor Robert New (who was away) and Councillor Scott Payter-Harris (who was delayed in traffic).

11. Declarations of Members' Interests (AI 2)

There were no declarations of members' interests.

12. Minutes of Previous Meeting - 10 October 2018 (AI 3)

RESOLVED that the minutes of the EDCL Scrutiny Panel meeting held on 10 October 2018 be approved as a correct record and these were signed by the Chair.

13. Review of Portsmouth International Port (AI 4)

Adam Shepherd, Head Assessment & Intervention in Children's Social Care introduced Debbie Dunne, Team Leader, Through Care Team, Children's Social Care, who gave a presentation entitled "Unaccompanied Minors - our experience in Portsmouth" as part of the review of Portsmouth International Port.

The United Nation's definition of an unaccompanied minor (UAM) is:

An unaccompanied child is a person who is under the age of eighteen, unless, under the law applicable to the child, majority is, attained earlier and who is "separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so

Children's Social Care responsibilities are in line with the Convention on the rights of the Child, in particular Article 3, paragraph 1 which states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Adam Shepherd clarified that for PCC when these young people pass the age of 18, if they have been Looked After Children for 13 weeks or more they continued to be supported by PCC to the age of 25 as Care Leavers under Children (Leaving) Care Act 2000.

Debbie Dunne explained that the UAMs arrive for a range of reasons, and the social care team worked closely with colleagues in UK Border Force (who have a presence at the Port) who search vehicles arriving from France and Spain. When they discover illegal entrants who are minors Border Force will notify Portsmouth's Children's Social Care. These young people are the victims of significant harm so it is PCC's responsibility to intervene and work with Hampshire Constabulary in the interview process to see what harm/exploitation (including trafficking) they have been exposed to. There is a partnership approach to work proactively with voluntary and private organisations to meet the varied needs of UAMs within UK legislation and national policy frameworks. Regardless of immigration status, the child or young person's needs should be considered as paramount and an Unaccompanied Minor will be entitled to assessment as a child in need of care and protection under the Children Act 1989.

Whilst the national press covered stories of migrants being trafficked from Africa, Iran and Iraq, most of these migrants chose to settle in adjacent countries but some come further, sometimes by boat via Greece. For Portsmouth the countries of origin are as set out (with the highest number from the Sudan via Libya):

Sudan, Albania, Iraq, Iran, Kurdistan, Afghanistan, Libya, Eritrea, Syria, Bangladesh, Niger, Ethiopia, Vietnam, Gambia

The age profiles are:

Under 15	4%
Aged 15	15%
Aged 16	42%
Aged 17	38%

From February 2018 there had been a clear process for liaising and social workers go with the police and interpreters to interview the young people to find out about their experiences (with many being caught up in conflicts or other extreme conditions) and take the child into the local authority's care.

It was reported that Border Force had sent apologies for not being able to attend this meeting to explain further their role. Social Care have a good working relationship with the Immigration Enforcement Team and UK Border Force, and are aware when boats are coming into port. There are quarterly meetings with port colleagues to share intelligence and Border Force and the police have a sophisticated database to combat modern day slavery, which could be used to seek prosecution.

Members asked how the true age of the asylum seekers was ascertained?

It was reported that many arrive without documentation so as part of their interview process a timeline and history are taken. Medical and dental assessments do not give a definitive age. In circumstances where there is a reason to doubt the age claimed, a more vigorous assessment is undertaken.¹

It was asked why the UK is the ultimate destination for those arriving? It was reported that some did not have that intention and are caught up in organised crime. The UK does have a reputation for sanctuary, along with other European countries such as Italy that takes a high proportion of Afghan refugees.

Asylum outcomes

These are:

- i) **Granted refugee status** (i.e. granted asylum) with limited leave to remain for five years, after which time they can normally apply for settlement (i.e. indefinite leave to remain).
- ii) **Refused asylum but granted humanitarian protection with limited leave to remain for five years**, after which time they can normally apply for settlement (i.e. indefinite leave to remain). This is most commonly granted where the person is at risk of a form of 'ill treatment' in their country of origin but which does not meet the criteria of the Refugee Convention. As it is very likely that those granted refugee status or humanitarian protection will qualify for indefinite leave to remain, their care and pathway planning should primarily focus on their long-term future in the UK, in the same way as for any other care leaver.
- iii) **Refused asylum but granted Unaccompanied Asylum Seeking Child (UASC) Leave**. This is normally for 30 months or until the age of 17½, whichever is the shorter period. This form of leave is granted to unaccompanied children where they do not qualify for refugee status or humanitarian protection, but where the Home Office cannot return them to their home country because it is not satisfied that safe and adequate reception arrangements are in place in that country. It is a form of temporary leave to remain and is not a route to settlement. It is important to note that this decision is a refusal of the child's asylum claim and will attract a right of appeal.

or

- iv) **Refused asylum and granted no leave to remain**. In this case the unaccompanied child is expected to return to their home country and their care.

The unaccompanied minors will be asked why they have come to the UK. The child will have access to an immigration solicitor. With use of interpreters

¹ In order for an age assessment for an unaccompanied minor to be valid, it must comply with the findings of R (B) v Merton LBC [2003] 4 All ER 280 (commonly referred to as the age assessment being "Merton Compliant"), where the Court provides guidance as to the conduct of an age assessment.

language tests are undertaken to try to identify dialects and a profile is established. Those who are granted leave to remain will be given support to acquire skills.

English Language Assistants (ELA) in Portsmouth, work alongside pupils in schools to enable them to access the curriculum. They assist in this by providing:

- Advisory support for schools in Portsmouth and beyond – helping schools improve provision and outcomes for pupils who have English as an additional language
- Bilingual support – helping pupils make rapid progress with their English language acquisition so that they can access the curriculum and participate fully in school life
- Resources – bespoke bilingual resources for schools covering a wide range of subjects, age groups and languages

'Starting Out' is a 2 year, Department for Education funded project to help unaccompanied asylum-seeking children access education, which is used for funding of classroom assistants. There is also work with the Red Cross to help with orientation into British life. The 'Starting Out' project's objectives are to:

- Ensure UAM are ready and able to engage with education
- Ensure the speediest and most effective integration with mainstream education
- Minimise disruption to schools and the learning of other pupils

Debbie Dunne then gave two case studies (anonymised) of child asylum seekers who had settled into a new life in Portsmouth with positive outcomes in their educational and personal lives, one running in the Great South Run and the other a care leaver who undertook voluntary work and set up a local football club in their local community.

In response to further questions additional information was given:

- The length of time support would be given was potentially up to the age of 25 in the case of care leavers.
- Is there a pattern of arrivals? Staff are aware of the days and routes through the sharing of information and intelligence with Border Force.

Challenges/Pressure on resources - there is staff involvement by team leaders, social workers and personal advisors, so UAMs will put pressure on the Children's Social Care resources (such as staff time) and the overall budget. Adam Shepherd expanded that when placements cannot be identified locally, such as with foster parents, there can be the need to place

outside the city, with social workers and reviewing officers then needing to travel further afield, often to London.

There is a shortfall in government funding and the **National Transfer Scheme** is a voluntary one. The quota is 0.07% of the population to be UAM but for Portsmouth it is 3 times this level with 96 UCMs in the care of the local authority. There were between 35/40 care leavers (approximately a quarter of the Portsmouth care leavers' population).

The government grant for each care leaver is only £200 per week which does not cover PCC costs.

Adam reported that there is a publicity campaign and recruitment drive to attract local foster carers specifically for Unaccompanied Minors.

Security - Members asked whether colleagues on the continent had similar responsibilities and it was reported that they have different child social care systems and response regarding immigration, but the Home Office would be better placed to respond to any questions regarding immigration matters. Photographs and fingerprints are checked and shared with European colleagues which gives factual evidence which can substantiate or not, the account of the journey shared by the young person. It was reported that there had been security strengthening measures at Calais since the dismantling of the informal refugee and migrant centre, although people were still gathering there. Security measures had been increased at Caen to prevent undetected accessing of vehicles. Mike Sellers as Port Director reported that last year there was government funding of £46m to the channel ports in France for security measures. At Ouistreham in Caen there was now a double perimeter fence as well as investment in more CCTV.

Mike Sellers advised that as a statutory authority, along with HMRC and Border Force, PCC have to provide the facilities to deal with incursions and the police have their own set of responsibilities. Adam Shepherd reported that **plans for a reception facility** were being considered, which would be used for short-term assessments. This would also help with the dispersal to other local authorities.

Councillor Fielding, as chair, thanked Debbie and Adam both for their interesting presentation and the work that Children's Social Care were undertaking with UAMs.

It was felt that further written information should be sought on this subject from Border Force and the Home Office.

14. Date of next meeting (AI 5)

It was agreed that the next meeting be scheduled for January 2019.

The meeting concluded at 5.20 pm.

Councillor George Fielding
Chair