

AGENDA ITEM 10 - Monitoring Officer Report
(Portsmouth City Council working outside applicable statutory duty)

It is Proposed that the Council:

1. Notes that there is an existing tension as between the delivery of two statutory duties of the council: one being the duty under the 1989 Children Act ("sec 20 duty") to provide accommodation for young people, including unaccompanied asylum seeking minors, for whom no alternative care arrangement is possible and the other the duty under the 2004 Children Act to provide safe care for children for whom the council has parenting responsibility ("Corporate parenting").
2. Notes that the council is currently not discharging the responsibility under the 1989 Act in respect of unaccompanied asylum seeking minors arriving through the Port or identified elsewhere in the city; the Home Office is currently arranging for these young people to be accommodated by other local authorities. Since 1 October 2020 6 young people have been accommodated in this way.
3. The council's ability to provide safe care under the 2004 Act is being kept under close review and the council will aim to resume discharging its duty under the 1989 Act as soon as either a judgement is made that it has become able to provide safe care or the number of unaccompanied asylum seeking children within the care of the council falls to the number set by the National Transfer Scheme (see report), whichever is the soonest.
4. The council continues to mandate the Lead Cabinet Member and DCS to continue to work with all relevant Central Government Departments' and to report upon an immediate basis when the current numbers of unaccompanied asylum seekers are such as to be within the National Transfer Scheme criteria (see report).

Proposed by (Name) Councillor Gerald Vernon-Jackson

Seconded by (Name) Councillor Suzy Horton