

Item No. 9	Classification: Open	Date: 28 February 2024	Meeting name: Corporate Parenting Committee
Report title:		Brief report on the Immigration Support Pledge	
Ward(s) or groups affected:			
From:		Director of Children's Services	

RECOMMENDATIONS

1. That the Corporate Parenting Committee note that the immigration support pledge is set out in detail in the report '***taking care - how local authorities can best address the immigration issues of children in care***' published by the South London Refugee Association and Coram Children's Legal Centre in 2021. (Appendix 1)
2. That the corporate parenting committee sign the immigration support pledge which has four key commitments which are to:
 - Identify all looked after children and care leavers with immigration and nationality issues
 - Connect looked after children and care leavers with good quality legal support as soon as possible
 - Take a proactive and informed role in supporting looked after children and care leavers through any immigration applications and appeals
 - Enable those who are eligible to apply for permanent status and British citizenship.

REASONS FOR URGENCY

3. The reason for urgency is the importance of the immigration support pledge for our children in care and care leavers and wanting to support this at the next Corporate Parenting Committee rather than waiting for the following meeting in April 2024.

REASON FOR LATENESS

4. The report is submitted with less than five working days before the committee, as there was a need to ensure legal advice for the corporate parenting committee on signing the immigration support pledge.

BACKGROUND INFORMATION

5. The Children Act 1989 has the overriding principle of acting in a child's best interests. In our role as corporate parents it is vital we take action to ensure the best possible outcomes for children in our care. This means for children remaining in our care then the local authority will arrange for any immigration advice required for the child via a specialist solicitor.
6. Children in care are entitled to free legal aid to fund specialist advice to make their applications. Within this it is recognised some children enter care for very short periods of days and weeks and then return to their parents care and for these children when they return to their families their parents with parental responsibility will then lead on immigration matters for their children.
7. When children leave care to live with relatives under special guardianship orders the local authority should proactively support with immigration support as part of the Special Guardianship Support Plan.
8. It is crucial that children who are remaining in care receive high quality immigration advice as a matter of urgency and that this is considered and tracked in any care plan, assessment or pathway plan. Obtaining this advice in a timely way is vital to ensure that the child's best interests are met.
9. If advice is not sought, this can have very significant consequences for the child, their life opportunities and mental health and well-being opportunities and affect them significantly into adulthood. Some opportunities to resolve immigration as a child are not open to adults so this is time critical.
10. The impact for our children of not proactively addressing immigration is huge we have heard directly from children in care how uncertainty over immigration can adversely impact their mental health, making them feel worried and like they do not belong. It is like a cloud of uncertainty impacting all aspects of their life.
11. The financial cost for the local authority of not addressing immigration early is also significant. It means that care leavers are not then entitled to student finance, right to work, mainstream benefits and support with housing so these costs then need to be met by the local authority to provide housing and the equivalent financial support to benefits.

12. There is also risk to the local authority of judgements against them for not acting in the best interests of a child in care if they have not done all possible to resolve immigration in a timely way. The failure of several local authorities to properly assist looked-after children to obtain legal advice in time has led to Local Government Ombudsman decisions against those authorities, with compensation paid to the young people affected.
13. Delays in resolving immigration status can mean children miss opportunities to travel with their foster family, with their friends and miss critical opportunities such as exchanges with other countries when learning languages in secondary school. Obtaining passports for children remaining in local authority care is critical so they do not miss these opportunities.
14. The immigration support pledge in summary asks local authorities to commit to helping children to overcome the barrier of lack of immigration status or citizenship so that they can build stable, independent lives in the UK after being a child in care. The four key requirements of the pledge are set out above in the recommendations to the committee.
15. The 'taking care report' (Appendix 1) indicated that by the end of 2021 there were at least 19,000 children in care and care leavers known to have an immigration or citizenship issue in England. Data show that at least one in ten children in care in England are non-British. It is vital not to make assumptions about nationality and immigration status. For children born in the UK it is possible they do not have British citizenship and this may be something that parents and grandparent are worried and scared to speak about.
16. As at 19 February 2024 there are 401 children in our care and our MOSAIC recording system shows 273 (68%) have confirmed British citizenship. We are undertaking more detailed work to ensure this is accurate and ensure for those who have nationality of other countries and are in the process of making applications to the Home Office there is clear line of sight of this.
17. As at 19 February 2024 there are 52 unaccompanied asylum seeking children in our care, which is 13% of our children in care, and 189 former unaccompanied asylum seeking children who are now care leavers.
18. The issue of not having resolved immigration disproportionately affects children who are from Black backgrounds with 88% of children without British citizenship being from a Black background. In comparison for those with British citizenship 68% are Black and 32% White. It is therefore part of the council commitment to Southwark Stands Together to address this disproportionality and actively support the immigration support pledge.

KEY ISSUES FOR CONSIDERATION

19. Current practice in the Care and Care Leaver Service is that it is good practice to do all four commitments in the pledge and we should be ensuring this is the case for every child in our care.
20. The corporate parenting committee signing the pledge is about demonstrating at the highest levels of the council we are committed the immigration support pledge for our children.
21. In signing the pledge we would be committing to ensure from earliest entry to care we are proactively identifying all children with immigration nationality issues and not making assumptions about this.
22. Current practice shows while these issues are proactively addressed this often happens when children are in the Care and Care Leaver Service and we need to ensure this work begins as early as possible at the front door and entry to care. This means making issues of immigration and nationality an explicit consideration and gathering key information and documents when decisions are made that children need to enter care.
23. We know for children who become looked after as unaccompanied young people our support offer is good and in our Ofsted focussed visit in December 2023 they found, *“The provision of effective advocacy and legal advice helps to ensure that these care leavers are able to navigate successfully through the relevant processes to progress their asylum claims.”*
24. If the corporate parenting committee sign the Pledge we will get access to free consultation and training from the South London Refugee Association on how to implement the commitments in the immigration support pledge and guidance in the learning package to support our Social Workers and Personal Advisors. We will hold a quarterly meeting that we propose is chaired by the Head of Service for Care and Care Leavers and attended by the performance team, our voluntary partners at Refuge Council, a young person with lived experience of addressing their immigration status, a Children’s Rights Officer and the Quality Assurance Team.
25. In highlighting the importance of immigration for young people we would also like improve our access to data on our MOSAIC recording system so that for every child who does not have British citizenship and a passport we are tracking are we doing all possible to achieve this and challenging delay. We think this links to our role as corporate parents and doing all possible to achieve stability and a secure base for children in care and care leavers. The role of Independent Reviewing Officers (IROs) will also be critical to ensure immigration status is scrutinised at every looked after review and escalated on behalf of children where any delays occur.

Policy implications

26. The key duty to act in a child's best interests comes from the Children Act 1989. Section 55 of the Borders, Citizenship and Immigration Act 2009 contains a mandatory duty on the Home Office and others making immigration decisions to safeguard and promote the welfare of children in the UK as they carry out their functions. Article 3(1) of the United Nations Convention on the Rights of the Child 1989 ('UNCRC') provides: 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. The pledge is not adding extra duties to what is currently set out in legislation but is about affirming our commitment to ensure we strengthen our systems to provide the best possible support to children in our care and care leavers.

Financial implications

27. There may be some short term resource implications to ensure children have proactive support to address their immigration including some resource to further develop current tracking systems for every child in care. Most legal costs will be met by Legal Aid funding. In 2022 the Home Office introduced a fee waiver for children in care applying for British citizenship. If applications are made for care leavers post 18 then fees apply.

Community, equalities (including socio-economic) and health impacts

Community impact statement

28. The decision to note this report has been judged to have a small but important impact on local people and communities. The work relating to children in care and care leavers is intended to improve the outcomes for them.
29. Section 149 of the Equality Act 2010, lays out the Public Sector Equality Duty (PSED) which requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The council's approach to equality commits the council to ensuring that equality is an integral part of our day to day business.

30. The council's children's services involves working closely with all relevant stakeholders and partners across the sector and collectively we are committed to upholding the responsibilities towards advocating the Public Sector Equality Duty and complying with the Equalities Act 2010. 13. The PSED enables public bodies to consider the diverse needs of groups and have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Due regard is about considering the different needs of protected characteristics in relation to the three parts of the duty.
31. The Equalities Act 2010 define the following as protected characteristics; age; disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Equalities (including socio-economic) impact statement 15. The report takes account of the ethnicity, age and disabilities of care leavers, as well as their racial ethnic background and considers these areas in light of commitments set out by Southwark Stands Together.

Health impact statement

32. We know for children in care not having their immigration status resolved can impact upon their mental health.

Equalities (including socio-economic) impact statement

33. Research suggests that when children in care are compared with children who have not been in care, they tend to have poorer outcomes in a number of areas including their and mental and physical health. Corporate parenting work supporting our children in care and care leavers seeks to address these inequalities and this paper is about addressing inequality via an immigration support pledge.

Climate change implications

34. There are no relevant climate change implications

Resource implications

35. There are none.

Legal implications

36. In signing up to the "taking care " pledge, Southwark is discharging its statutory duties by making a commitment to proactively and methodically process immigration claims for its looked after children and care leavers. This is consistent with requirement meet the need for permanence for its children as a

corporate parent and enable its children to achieve full potential in their lives.

Financial implications

37. There are none.

Consultation

38. There are none.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive of Governance and Assurance

39. A concurrent is not required.

Strategic Director of Finance

40. A concurrent is not required.

Other officers

41. There are none.

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	<i>'taking care - how local authorities can best address the immigration issues of children in care'</i> published by South London Refugee Association and Coram Children's Legal Centre in 2021

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director of Children and Adult Services	
Report Author	Helen Woolgar, Assistant Director - Safeguarding and Corporate Parenting	
Version	Final	
Dated	21 February 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive of Governance and Assurance	No	No
Strategic Director of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2024	