

Operational from 15 March 2018



National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children

Version 2.0

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Introduction

The National Transfer Scheme (NTS) protocol ('the transfer protocol') for unaccompanied asylum seeking children (UASC, and mainly referred to in this document as unaccompanied children) has been created to enable the safe transfer of unaccompanied children from one local authority (the entry authority from which the unaccompanied child transfers) to another local authority (the receiving authority). Only unaccompanied children that meet the definition of a UASC, as set out in paragraph [352ZD of the Immigration Rules](#), are eligible to be referred to the NTS.

The transfer protocol is intended to ensure that unaccompanied children can access the services and support they need. It forms the basis of a voluntary agreement made between local authorities in England to ensure a more even distribution of unaccompanied children across local authorities. It is intended to ensure that any participating local authority does not face a disproportionate responsibility in accommodating and looking after unaccompanied children pursuant to its duties under parts 3, 4, and 5 of the [Children Act 1989](#), simply by virtue of being the point of arrival of a disproportionate number of unaccompanied children. The scheme is based on the principle that no local authority should be asked to look after more UASC than 0.07% of its total child population, according to the Office for National Statistics' 2016 mid-year population estimates.

Additional information and advice and frequently asked questions on UASC and the National Transfer Scheme are available at the following link:

<http://adcs.org.uk/safeguarding/article/national-uasc-transfer-protocol>

This version of the protocol is operational from 15 March 2018 and is available at <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>. It replaces the interim transfer protocol which was published on 1 July 2016. The protocol will be subject to ongoing revisions and regular review. Local authorities will be notified of any updated versions. Separate protocols will be developed for the devolved nations.

Contacts

Any comments regarding this document and questions about how the protocol should be applied locally should be directed to:

UASCNationalTransferTeam@homeoffice.gov.uk

The Legislative Framework

The transfer protocol provides guidance on the operation of the NTS and the way in which local authorities in England can transfer unaccompanied children to another local authority in accordance with section 69 of the [Immigration Act 2016](#). Part 5 of the Immigration Act contains provisions for the transfer of responsibility for unaccompanied asylum seeking and refugee children in England. Key provisions within Part 5 are as follows:

- Section 69 creates a mechanism to transfer responsibility for unaccompanied asylum seeking and refugee children from one local authority to another.
- Section 70 enables the Secretary of State to direct local authorities to provide information on the support and accommodation provided to children looked after by the local authority. This will inform arrangements made for the transfer of unaccompanied children from one local authority to another.
- Section 71 enables the Secretary of State to direct the provision of written reasons as to why a local authority refuses to comply with a request to accept responsibility for an unaccompanied migrant child from another local authority.
- Section 72 enables the Secretary of State to require local authorities to cooperate in the transfer of unaccompanied migrant children if they are unwilling to do so on a voluntary basis, by creating a scheme for the transfer of the functions of one local authority to another local authority in accordance with arrangements under section 69 and directing the relevant local authorities to comply with the scheme.
- Section 73 enables the Secretary of State to make regulations to extend any provisions made by sections 69 to 72 to Wales, Scotland and Northern Ireland. Regulations have now been made under this section and came into force on 7 February 2018 – please see the following link <http://www.legislation.gov.uk/ukxi/2018/153/contents/made>.

The transfer protocol sets out the agreed roles and responsibilities of the officials with principal responsibility for its implementation, including:

- Participating local authorities which have functions under parts 3,4 and 5 of the Children Act 1989;
- The UASC transfer team (formerly the UASC Central Administration Team); and
- Regional administration leads.

This guidance should be read alongside:

- [The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review](#)
- [Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children \(2015\)](#)
- [Safeguarding children who may have been trafficked: practice guidance \(2011\)](#)

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- [Statutory guidance on children who run away or go missing from home or care \(2014\)](#)
- [Care of unaccompanied migrant children and child victims of modern slavery \(2017\)](#)
- [Children who run away or go missing from home or care](#)
- [Independent Child Trafficking Advocates: early adopter sites \(2017\)](#)
- [Current Home Office UASC Funding Instructions](#)

Devolved Nations

Section 73 of the Immigration Act 2016 enables the Secretary of State to make regulations to extend any provisions made by sections 69 to 72 to Wales, Scotland and Northern Ireland. The Government has now extended the provisions to the devolved nations. The intention is to work towards an approach that would allow unaccompanied children to transfer between authorities in any area of the UK and it is not envisaged that the process should differ substantially to that which is set out in this transfer protocol. Separate transfer protocols will be developed for the devolved nations.

Underpinning principles

The long-term objective of this voluntary transfer scheme is to ensure that children can access the services they need by achieving a fairer distribution of unaccompanied children across all local authorities and parts of the UK, through a scheme which is equitable and transparent.

Article 3 of the United Nations Convention on the Rights of the Child provides that in all actions taken concerning children, the best interests of the child shall be a primary consideration. The best interests of unaccompanied children being considered for transfer must always be a primary consideration and should be reflected throughout the transfer process particularly where transfer takes longer to complete than expected. Further information about the best interests of the child can be found throughout the protocol and at Annex 1.

The scheme seeks to achieve the safe transfer of unaccompanied children away from local authorities that are looking after more than 0.07% of UASC to their total child population, as quickly as possible. The 0.07% threshold is based on analysis of the total child population from the ONS Mid-year population estimates and our understanding of UASC numbers. The formula is a simple and transparent way of checking whether the responsibility for looking after unaccompanied children is distributed fairly across the country. The 0.07% threshold will remain under review.

The voluntary scheme is based on a regional approach and is intended to build on existing regional structures and enable regional pooling of knowledge and resource.

Those outside the scheme

Unaccompanied looked after children who have not made a claim for asylum are not eligible to be included in the transfer scheme.

Unaccompanied children who arrive in the UK shortly before their 18th birthday and will not qualify for leaving care support by virtue of not being looked after for 13 weeks or more, will not be eligible for the transfer scheme, unless there are compelling reasons that transfer should take place.

In accordance with the [Assessing Age](#) guidance, anyone claiming to be a child but whose physical appearance and demeanour very strongly suggests that they are significantly over 18 will be treated by the Home Office from that point onwards as an adult, though the decision will be reviewed if relevant new evidence is received. All asylum-seeking individuals who are accepted or temporarily treated as being below 18 years of age during the initial Home Office welfare interview¹ are eligible to be included in the transfer scheme. Where an individual has been given the benefit of the doubt and accepted as a child while a full age assessment is undertaken, the entry local authority will confirm with the Home Office as to the outcome of the age assessment. Further age assessment guidance can be found on the [Association of Directors of Children's Services](#) website and the Home Office's [Assessing Age](#) guidance.

Family reunification in the UK

Further guidance will be made available outside the scope of this protocol.

Where a child arrives unaccompanied in the UK but declares the presence of a potential carer in another local authority and that person is willing and able to care for them and it is assessed as being in the best interests of the child to be reunited with them, the entry local authority will make arrangements to assess whether the child could live with the adult. This may result in the child ceasing to be looked after by the local authority (if the arrangement is deemed to be an informal family and friends care arrangement) but not in all cases. If, after an assessment, it is deemed in the best interests of the child not to be cared for by that adult but contact should be facilitated, the entry local authority should request that the child is transferred to the family member's local authority, specifying the reasons why that local authority is being asked to assist the child to facilitate contact with that individual. This is most likely for example, if the adult is a sibling and care leaver themselves.

At the point where a child is reunited with family members and may cease to be a looked after child the local authority will use Part E (Looked after Transfer

¹ The Home Office Welfare Interview was previously known as the Screening Interview and is designed to ascertain basic information about the child and identify any welfare concerns. This interview does not replace any interview or assessment undertaken by a social worker.

Status Update) of the Unique Unaccompanied Child Record (UUCR) to notify the UASC transfer team of the arrangements.

Where a child is transferred to the UK and is reunited with a family member under the [Dublin Regulation](#), and is not a looked after child, the child will not be eligible to be included in the transfer scheme. The child may become eligible for the transfer scheme if the family relationship subsequently breaks down and the child becomes looked after by a local authority that is over their 0.07% threshold, and it is assessed to be in the child's best interest to transfer away from the family member.

The reception and transfer processes

This section provides guidance on the process for the safe transfer of unaccompanied children from one participating local authority to another participating local authority.

Where an unaccompanied child first presents in a participating local authority which is over the ceiling of 0.07% UASC to total child population (as published by the Office for National Statistics in the Mid-2016 Population Estimates) the local authority may arrange for the transfer of the child through the NTS, unless there are clear reasons why transfer would not be in the best interests of the child. For example, this will include instances where the child enters the UK under the [Dublin Regulation](#), has relatives in the area who are unable to care for them but it is in the child's best interests to remain near their family.

In addition, where children are settled and established in a local authority area, that local authority may decide that it is not in the best interests of the child for them to be moved. In this case the child should stay in that local authority area. Decisions to transfer children should also be reviewed at regular intervals to ensure the initial decision to transfer a child is still in that child's best interests. This means that some participating local authorities with high numbers of unaccompanied children will only see a gradual reduction of the number of unaccompanied children in their care.

Key transfer rules:

- a) If the region² in which the child first presents is under the ceiling of 0.07% then the child would be expected to be transferred to a participating local authority **within** that region unless there is good reason to transfer to another region. For example, if they are a potential victim of trafficking and if it is in their best interests to be placed away from the alleged trafficker who may reside in that region or if they have a relative in that region who may pose a safeguarding risk to the child. Similarly, it would also be appropriate to consider transfer out of region if the child had a relative

² The regions are: Kent, South East, South West, North East, North West, Yorkshire and Humber, East of England, West Midland, East Midlands, London, Wales, Scotland and Northern Ireland. We will be working towards Kent being back in the wider South East region in the coming months.

living in another region and it was considered to be in their best interests to be placed near the relative.

- b) If the region is over the ceiling of 0.07% then the child would be expected to be transferred to another participating local authority **out of** the region using the transfer protocol.

The percentage of 0.07% is not a target but will be used to indicate when a participating local authority has reached the point where they would not be expected to receive any more unaccompanied children. This percentage will remain under review but will continue to be in place until this document is updated. Even where local authorities are over their 0.07% ratio, the appropriateness of transfer must be considered on a case by case basis. There may be reasons why it is in the best interests for the child to remain in the entry local authority.

The percentage calculated for each local authority does not include care leavers or looked after children living in a local authority who are not the legal responsibility of that authority i.e. they have been placed out of area. Where a child is transferred to the UK to be reunited with a family member under the Dublin Regulation, and is not a looked after child, the child will not be included in the 0.07% calculation. If a child transferred in these circumstances is looked after temporarily before going to live with relatives, then while they are being accommodated by the local authority the child will qualify under the 0.07% calculation.

If for any reason, such as placement breakdown, the child becomes looked after by the local authority in which the relative(s) reside, then the child will be included in the 0.07% calculation, but it is expected that it will usually be in the child's best interests to stay in the same local authority as their relative(s). In some circumstances, it may be assessed to be in the child's best interests to be transferred to another local authority.

The UASC transfer team will need to decide which region to allocate to; and the regional administration leads will need to decide which participating local authority to allocate to. The allocation of unaccompanied children to local authorities by the receiving regional administration lead will be in accordance with a methodology agreed by each region and the best interests of the child.

The UASC transfer team will, in consultation with regional administration leads, operate a fair system for allocation of unaccompanied children to regions, which will take into account other relevant demands upon them. The UASC transfer team will also take into account the following considerations on a case by case basis when allocating unaccompanied children to a region:

- The specific needs of the child. These will include considerations such as location of any family members, access to legal representatives, a suitable place of worship and any other relevant considerations and recommendations specified within the UUCR.
- The region must have less than 0.07% UASC to total child population

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- Number and timing of recent UASC arrivals to the region both via the transfer scheme and spontaneous arrivals
- Other relevant considerations and recommendations specified within the UUCR (see annex 2).

Point the child comes to the attention of the UK authorities

Unaccompanied children who wish to claim asylum can arrive or be encountered in a variety of ways – for example, at ports, in enforcement operations, as clandestine arrivals or at the Asylum Intake Units in Kent and Croydon. Unaccompanied children may also be brought to the UK under a formal resettlement scheme. On identification of an unaccompanied child:

- Home Office staff or the police (if identified at a police custody suite) will notify the entry local authority administration lead and the social care team as soon as possible to request the attendance of the duty social worker to take responsibility for the child. This will not be necessary if the child is already being looked after by a local authority, for example those children presenting at the Asylum Intake Unit in Croydon who are accompanied by a local authority representative.
- If the child is identified at a police custody suite, the police will notify the Home Office and the local authority as soon as possible.
- If Home Office staff cannot attend before the duty social worker arrives to take responsibility for the child, they will liaise with the local authority to arrange a welfare interview as soon as possible.
- If police, Home Office staff or other frontline staff in contact with the child have any suspicion that the child may have been trafficked, they must be referred to the local authority who should convene a strategy discussion with all agencies, and initiate enquires under section 47 of the Children Act 1989. It may be appropriate to take emergency action to secure the safety of the child. The local authority should follow guidance set out in Working Together to Safeguard Children. They should follow the instructions set out in the [National Referral Mechanism: guidance for child first responders](#) and follow child protection procedures, including the [Victims of modern slavery – frontline staff guidance](#) and well as following the procedures set out in [Independent Child Trafficking Advocates: early adopter sites](#) (2017)³.

The entry local authority

On referral to the entry local authority children's services, the duty social worker will attend the site where the child has been encountered and conduct an initial assessment of the needs of the child under section 17 of the Children Act 1989. It is likely that they will have to accommodate the child under section 20 of the Children Act 1989.

³ Independent Child Trafficking Advocates are currently implemented in Greater Manchester (comprising 10 local authorities), Hampshire and the Isle of Wight and nationally in Wales.

If the child is referred to a local authority children's services prior to registering their claim for asylum and having their biometric data collected, the Home Office will arrange a welfare interview (and collection of biometric data) appointment through the appropriate procedures set out at <https://www.gov.uk/claim-asylum/children>. This interview should take place at the nearest Home Office location to where the child is placed. The local authority should photograph the child in line with Department for Education's statutory guidance on the [Care of unaccompanied migrant children and child victims of modern slavery](#).

In cases where a child displays indicators that they may have been trafficked, they must be referred to the local authority who should convene a strategy discussion with all agencies, and initiate enquires under section 47 of the Children Act 1989. It may be appropriate to take emergency action to secure the safety of the child. The local authority should follow guidance set out in *Working Together to Safeguard Children* and should also refer the case to the National Referral Mechanism by sending the appropriate child NRM referral form to the Modern Slavery Human Trafficking Unit (MSHTU). A child does not need to consent to being referred into the NRM. It is however, best practice to inform them in a way that they can understand as this enables the child to be kept as fully informed as possible as to what is happening to them. For more information on referring to the NRM, see [Victims of modern slavery – frontline staff guidance](#). Referral forms are available at <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms> and provide a list of indicators of children who may have been trafficked. All agencies likely to encounter, or have referred to them, children and young people who may have been trafficked should also follow the [Safeguarding children who may have been trafficked: practice guidance \(2011\)](#) and [Independent Child Trafficking Advocates: early adopter sites \(2017\)](#). It should be noted that an NRM referral would not necessarily be a reason not to refer a child to the NTS, provided that it was considered to be in the child's best interests.

Once the child has had their claim for asylum registered by the Home Office (by way of a welfare interview), the entry local authority will notify the UASC transfer team of the child's reception into their care using Part A (Reception Information) of the **UUCR**. This form must be completed for **all unaccompanied asylum seeking children** regardless of whether the child could be considered for transfer or not. It is very important for entry local authorities to complete the Part A form as comprehensively and accurately as possible. **Failure to do so can result in delays to the transfer process.**

Decision to refer into the transfer scheme by an entry local authority

If the entry local authority has more than 0.07% of unaccompanied children to their total child population, local authority social workers will need to make a decision whether to request a transfer to another local authority and then if they will be transferred, when to request the transfer takes place (for example, there may be health or other reasons why the transfer needs to be delayed). The decision to transfer will take in to account the child's best interests alongside other considerations – this may include but not necessarily be limited to: medical treatment, family ties, legal representation and advocacy, education, ethnic group, religion and continuity of care (refer to Annex 1 for further information on taking into

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account best interests of unaccompanied children within the NTS). Where a child is being looked after by a local authority, that local authority is under a duty to safeguard and promote the child's welfare.

An unaccompanied child cannot be referred to the NTS until their asylum claim has been registered with the Home Office. Once the claim has been registered the entry local authority will make the decision to transfer the child as soon as practicable - ideally within two working days.

The reasons for the decision on why it is in the best interest of the child to refer the child for transfer will be recorded in writing and kept by the entry local authority.

Good practice note 1 – deciding which children to refer for transfer

Factors indicating it is NOT in the interest of the child to refer for transfer at the point that the child has arrived in the UK:

- Where a child has a family connection in the entry local authority
- Where they have a level of disability or have additional health needs which need attending to before the child can be transferred (e.g. TB or scabies treatment)
- Where there are unassessed or untreated drug or alcohol issues
- Where their racial, ethnic or cultural needs cannot be met elsewhere

Factors indicating it IS in the interest of the child to refer for transfer:

- Where their ethnic or cultural needs can be met elsewhere
- Where there is a heightened risk of gangs, trafficking or child sexual exploitation (CSE) if they stay in the entry local authority
- Where they have a family member in another local authority which they can be transferred to
- Where they are vocal about not wanting to stay in the entry local authority and going missing because they want to be elsewhere

The assessment of why it is in the best interest of the child to be referred for transfer should be included in the LAC review and shared with the receiving local authority.

Once a decision has been made to transfer the child to another participating local authority, the entry local authority must explain the decision to the child and ensure that they understand the implications of that decision. At the earliest opportunity, the child should be informed about the local authority area where they are to be transferred. The entry local authority should ensure that the child is prepared for the transfer to the receiving local authority.

Good practice note 2 – preparing the child for transfer

Preparation for transfer needs to be continual and child-centred.

- Ensure that all carers (who need to be prepared too) and professionals are giving the same reassuring messages about the fact that the child will be transferring.
- Highlight the opportunities and positives of the move to the child.
- Ensure that the care plan reflects the context of the child awaiting transfer.
- Ensure all paperwork and information has been shared with the receiving local authority, and maintain a dialogue with the receiving local authority social worker.
- Make contact with unaccompanied children who have previously been transferred and ask them to share their experience with the child who is due to be transferred.
- Where possible, receiving local authority social workers could travel for an advance meeting with the child before transfer to reassure and start building trust.
- Ask for photos of new carers and information about their household to share with the child, and if necessary help prepare the child for being cared for in a different type of environment to the one they have experienced in the entry local authority.
- Show the child pictures from the area they are transferring to and tell them what it will be like. If possible, put them in touch with other children who have been placed in that area and are happy with the placement.
- Arrange for the “handover” between social workers to take place somewhere the child will be relaxed. An unaccompanied child already settled in the receiving area might also be able to be present at the handover.

If transfer does not take place within the expected timescales, then the entry local authority must review the continued suitability of transferring the child. If the entry local authority reviews the decision to transfer the child and concludes that it is no longer in the child’s best interests to proceed with the transfer then the entry local authority must notify the UASC transfer team, in writing of their intention to withdraw the transfer request.

Good practice note 3 – reviewing decisions to refer for transfer

Factors indicating it may be appropriate to withdraw the referral:

- Following referral has the child then disclosed that they have relatives in the area?
- Has the child developed connections with the local community or local services or treatment which they have begun and which it would be detrimental to leave?
- Are there specialist services which they are accessing and are only available in the entry local authority?
- Have further vulnerabilities become apparent (including mental health needs) since the referral was made?

- Has the child expressed a strong wish to stay – despite being adequately prepared for transfer?
- Have other professionals given a view or made recommendations that the child should not now be transferred?
- Is the child due to turn 18 shortly? (local authorities may want to set an age which, if reached, they will withdraw the transfer referral)
- Is the entry local authority now under the 0.07% threshold?

In some circumstances, (for example, where the child is receiving treatment for an infectious disease) it may be in the best interests of the newly arrived unaccompanied child to stay in the entry local authority accommodation for an extended period of time before being transferred. Where a decision on whether to transfer the child has been deferred, the entry local authority will notify the regional administration lead and the UASC transfer team as soon as possible after the deferral decision is made. After a period of deferral, the decision to transfer will need to be reassessed to ensure that it is still in the child's best interest.

If requesting a transfer to another participating local authority, the entry local authority will complete Part B (Transfer Request) of the UUCR and submit this to the UASC transfer team. If the request is for a transfer within the region of entry, the entry local authority will also submit Part B (Transfer Request) to the regional administration lead. More information on this process is given below. Once the UASC transfer team receives a Part B (Transfer Request) of the UUCR it is expected that the transfer should take no longer than ten working days to confirm, through to the receipt of a Part D of the UUCR.

The entry local authority must ensure that all information known about the child, including the immediate health report findings, safeguarding concerns and whether or not the child claims to have family links in a particular area is recorded on Part B so that the receiving local authority can make the best initial placement decision possible. The entry local authority should also make clear if the child has arrived in the UK with a sibling. It is not acceptable for Part B of the UUCR to be submitted to the transfer team with sections left blank or marked 'Not known'. All information requested on the form must be provided. Failure to provide this information will cause delays in securing a transfer placement.

If during the transfer process, the receiving regional administration lead or the prospective receiving local authority, request additional information from the entry local authority to progress the transfer, the entry local authority should respond as soon as possible. In these circumstances, if a response is not received within 5 working days, then the transfer team will consider withdrawing the transfer request.

Good practice note 4 – providing child level information to the receiving local authority

Before the receiving local authority is confirmed:

- Complete every section of Part A of the UUCR in as much detail as possible.
- Where Part A is completed within days of arrival, after 2 weeks, re-visit Part A, add further information (which would make a difference to a placement decision) if this has become available and then re-send.
- Include full details of any family members.
- Where the care plan has been completed, send this with the revised Part A.

Once the receiving local authority is confirmed, **all information available should be shared**. This could include:

- all assessments to date such as the LAC Care plan, medical assessment (or fitness to travel documents), LAC review documentation, etc.
- information about the culture and ethnicity of the child, including foods, faith, regional language and dialect, experience of culture in journey to the UK.
- a photograph of the child for prospective carers.

All information must be shared as a zipped file via a secure email address such as the nominated contact for out of area placements.

If a child has been referred for transfer, they will be placed into suitable temporary accommodation by the entry local authority. It may be that if the child has not been referred for transfer they will similarly be placed into suitable temporary accommodation until further assessment of the child has taken place and a suitable permanent placement is identified. The entry local authority duty social work team will accompany the child to temporary accommodation, or arrange for them to be transported there by an approved transport provider.

Entry local authority accommodation providers, carers and social workers will identify any immediate risks to the child and will take all safeguarding actions necessary. If there is any concern that the child has been trafficked, the local authority should convene a strategy discussion with all agencies, and initiate enquires under section 47 of the Children Act 1989. It may be appropriate to take emergency action to secure the safety of the child. Social workers and other frontline professionals should also follow processes recommended in the first 24 hours described in the Department for Education and Home Office [Safeguarding children who may have been trafficked: practice guidance \(2011\), Chapter 5: Actions for Services](#). Providers, carers and social workers will provide appropriate immediate support for the unaccompanied child during their stay and also escort the child for any emergency medical treatment required.

The entry local authority will arrange for a registered medical practitioner to carry out an immediate assessment of the child's state of health which will address any

immediate health issues that require urgent attention and include an assessment of whether the child is fit to travel. Entry local authorities should register the young person with the local GP as soon as possible so that relevant information can be easily accessed by the health authorities in the receiving local authority area. Further information developed by health professionals in Kent can be found at <http://www.uaschealth.org/>.

Whether or not the decision is made to request the child's transfer to another local authority, the entry local authority will need to commence arrangements to undertake the initial health assessment (a health plan) as required by the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#). The health plan must cover all of the information set out in Schedule 1, paragraph 1 of the Regulations and feed into the wider care plan. Further guidance can be found in the Department for Education and Department of Health, [Promoting the health and well-being of looked-after children Statutory guidance for local authorities, clinical commissioning groups and NHS England \(2015\)](#).

Whether or not the child has been referred for transfer, after they have been accommodated by the entry local authority for 24 hours they become a looked after child under section 22 of the Children Act 1989.⁴ The entry local authority will then need to comply with all its obligations under the [Children Act 1989](#), the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) and statutory guidance ensuring that the child is accommodated in the most appropriate placement available which meets their needs. What is appropriate in the circumstances is a decision for the local authority to make.

To ensure the safe transfer of the child between the entry local authority and the receiving local authority, at the point of transfer (including where a receiving local authority comes to collect the child from the entry local authority placement) the child must be accompanied by a representative from the entry local authority who will hand responsibility for the child to the receiving local authority.

The receiving local authority

The receiving local authority will become legally responsible for the child from the point of physical transfer into their care when the receiving local authority social worker collects the child from the agreed location. The entry local authority social worker or representative should also be present. The receiving local authority will then need to comply with its obligations under the Children Act 1989, [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) and statutory guidance. This will include the allocation of a social worker, independent reviewing officer, independent advocate and arrangements being put in place to ensure that a care plan, first review and single assessment will be completed.

⁴ The entry local authority will therefore need to comply with its obligations under sections 22 and 22C of the [Children Act 1989](#).

Once the child has been allocated to a receiving local authority, a social worker will then make an initial placement decision, again, based on the information available in Part A, B and C of the UUCR and as much additional information which the entry local authority has been able to provide. They may also make contact with the entry local authority social worker listed on the UUCR to seek clarification or additional information. It may be in the best interest of the child that this is a temporary placement to enable further information gathering and for the child to settle and be confident to talk about their needs, feelings and wishes. However, the social worker will also need to consider the impact on the child of another short-term placement and seek to move the child to a longer-term placement as soon as possible.

Good practice note 5 – placement decisions in receiving local authorities

- Contact the entry local authority and ask for any additional information which might be available.
- Be aware of global and regional conflicts and the tensions between some nationalities as a result of that.
- The ethnic and cultural match to carers is not always right for every child, more important is the overall ability to care for the child.
- Consider placing the child near other children of similar backgrounds.
- Complete a risk assessment which takes account of the age and behaviour of the child.
- Consider whether the carer can prepare the child for adulthood.
- Consider whether the carer will contemplate Staying Put.

Age Assessment

Age assessments should only be carried out where there is significant reason to doubt that the claimant is the age they claim to be. Age assessments should not be a routine part of a local authority's assessment of unaccompanied or trafficked children, if their claimed age is not disputed. Home Office staff should deal with these cases in accordance with the [Assessing Age](#) guidance. Local authorities may also wish to refer to the ADCS [Age Assessment Guidance](#).

Where the age of a child is disputed – but accepted as being under 18 years of age or treated as being under 18 years of age until further assessment of their age has been completed – the receiving local authority will normally conduct the Merton and further case law compliant age assessment. In some cases, the entry local authority may agree to conduct the case law compliant age assessment before transfer has been agreed. Where the child is not being transferred, the Merton and further case law compliant assessment will be conducted by the entry local authority.

If the receiving local authority concludes from their own age assessment that the individual is an adult, they will cease to be eligible for support from the local authority under the Children Act 1989. The local authority should immediately notify the Home

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Office of anyone assessed as an adult who is in need of asylum support accommodation by submitting a request to the [Accommodation Gatekeeper Team](#) and sending Part E of the UUCR to UASCNationalTransferTeam@homeoffice.gov.uk. The Accommodation Gatekeeper Team handles referrals on a same day basis and will arrange initial accommodation and transport to that accommodation as necessary. The local authority remains responsible until the individual has been physically transferred into accommodation in the adult asylum support system.

Transport

Transport arrangements from the entry local authority's temporary placement to the receiving local authority temporary placement will be coordinated between the two local authorities. Unless mutually agreed otherwise, the receiving local authority will be responsible for payment of transport costs. As noted above, at the point of transfer the child must be accompanied by a representative from the entry local authority who will hand responsibility for the child to the receiving local authority.

Notification of transfer

The receiving local authority will notify the entry local authority administration lead, regional administration lead and the UASC transfer team of the safe arrival of the child as soon as is practicable and no longer than 24 hours after arrival.

There may be some circumstances in which an unaccompanied child is transferred from one local authority to another without the direct involvement of the UASC transfer team in the transfer process, such as when a local authority is seeking to reduce its out of area placements by transferring legal responsibility to the local authority the child is currently accommodated in. The receiving local authority will use part D (Transfer Acceptance) to notify the UASC transfer team within 24 hours of the transfer. The UASC transfer team will update its records to take account of the transfer.

Details of the funding the receiving authority will receive and the process to claim the funding can be found in the [funding instructions](#).

Actions undertaken by the UASC transfer team, regional administration leads, entry and receiving administration leads

On receipt of a Part A (Reception Information) of the UUCR, the UASC transfer team will update its records and CID (Case Information Database) with the name and contact details of the social worker and the address of the first/temporary placement.

On receipt of Part B (Transfer Request) of the UUCR from an entry local authority in a region which has over 0.07% UASC to total child population, or otherwise where there are specific reasons why a transfer out of region has been requested, then the UASC transfer team will consider which region to allocate the child.

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Following the identification of an appropriate region, the UASC transfer team will contact the relevant receiving regional administration lead to notify them of the allocation and forward the UUCR.

The receiving regional administration lead in the new (or the same) region will review which local authority within their region should receive the child, and will then notify the relevant receiving local authority administration lead using Part C (Transfer Allocation) of the UUCR.

In the event of staff absences, the regional administration lead in the receiving region must ensure that they have in place adequate cover arrangements to allow for immediate action to be taken to prevent delay of the transfer. This may include providing the UASC transfer team with secondary contact details.

The receiving local authority administration lead will as soon as possible:

- Acknowledge allocation by email to the receiving regional administration lead.
- Confirm transfer acceptance to the entry local authority, entry regional administration lead, and UASC transfer team using Part D (Transfer Acceptance) of the UUCR.

The UASC transfer team will update its records to take into account the transfer. All information shared between local authorities, regional administration teams and the UASC transfer team will be via secure email addresses in accordance with good practice in data protection. E-fax may be used as a short-term contingency in situations where secure e-mail is not available.

The UASC transfer team will also provide information to the Refugee Council Children's Panel about children who have been transferred to another local authority to enable the Children's Panel to contact the child.

The UASC transfer team will also update CID to reflect the acceptance of the transfer and the name and contact details of the social worker in the receiving local authority. Notifications to the UASC transfer team should be made to UASCNationalTransferTeam@homeoffice.gov.uk.

Central record keeping

In addition to notification of new unaccompanied asylum seeking children being looked after by them, each local authority must use Part E (Looked after status update) promptly to notify the UASC transfer team of the following events occurring in relation to any of the unaccompanied children in their care to whom the current UASC Funding Instructions apply:

- a) The unaccompanied child ceases to be looked after by that local authority (whether this was because, for example their age was determined as being 18 or over, they reached 18 years old, they were reunited with an appropriate adult, or other reason) including the date and reason that provision ended.

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- b) The unaccompanied child has gone missing or the child has returned to the local authority after a missing incident.
- c) The unaccompanied child resumes status as a looked after child of that local authority, subsequent to notification that they had ceased to be looked after, including the date that they resumed status as a looked after child.
- d) Responsibility for looking after the child had passed to a local authority other than that which is recorded by the UASC transfer team, including the date that responsibility changed.

If an unaccompanied child is transferred from one local authority to another without the involvement of the UASC transfer team, the receiving local authority will use Part D (Transfer Acceptance) of the UUCR to notify the UASC transfer team promptly of the transfer.

The NTS and referrals from outside the UK

This section provides guidance on the NTS and resettlement from Europe through section 67 of the Immigration Act 2016 or from the Middle East and North Africa region through the Vulnerable Children's Resettlement Scheme.

Unaccompanied Children (non-family) from Europe – Section 67 of the Immigration Act 2016

Unaccompanied children who are brought to the UK from another EU Member State (MS), but who are not reuniting with family, will be placed with a local authority via the NTS. This section explains how that transfer process should take place.

Once relevant checks in the sending Member State have been completed, authorities in the sending Member State will notify the Home Office's European Intake Unit (EIU) that a local authority placement is required. The child's details, including information gathered from a best interest assessment, will be shared with the EIU.

Upon receipt of the referral, the EIU will complete a UUCR (Part A) and send it to the UASC transfer team.

The UASC transfer team will consider which region to allocate the child and refer the child to the appropriate regional administration lead by sending them a Part C form. The regional administration lead will identify a participating local authority within the region to receive the child, notify the local authority and confirm acceptance within two working days. The local authority should then complete Part D and send it to the UASC transfer team.

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Once Part D has been received, the UASC transfer team will notify the EIU that a placement has been agreed. The EIU will then accept the case and agree which port they should arrive at. At this stage the EIU should also send any further information on the child to the receiving local authority via the UASC transfer team.

Once the EIU has been notified of the confirmed date and location of arrival they will liaise with the receiving local authority to arrange for the reception arrangements of the child at the arrival port.

Unaccompanied Children Referred from the Vulnerable Children's Resettlement Scheme

Unaccompanied children who are part of the Vulnerable Children's Resettlement Scheme (VCRS) may be allocated to participating local authorities via the NTS.

For unaccompanied children being considered for resettlement, a professional safeguarding adviser in the Home Office may review all cases prior to referral to the NTS.

Unaccompanied children accepted under the VCRS will then be referred into the NTS by the Home Office (Resettlement Team) who will send the UNHCR referral, Medical Health Assessment and Best Interest Determination/Assessment. Upon receipt the UASC transfer team will consider which region to allocate the child and refer the child to the appropriate regional administration lead by sending them a Part C form. The regional administration lead will consider which participating local authority within the region should receive the child, notify the local authority and confirm acceptance as soon as possible. The local authority should then complete a Part D form and send it to the UASC transfer team.

On confirmation of acceptance the UASC transfer team will notify the Resettlement Team who will instruct the International Organization for Migration (IOM) to arrange flights to the UK. The Resettlement Team will liaise with the local authority and will facilitate any pre-departure communications between the local authority and the child. Pre-departure communications may be via phone/internet or may be written communication only. This will vary according to the needs of the case as assessed by the local authority and the UN High Commissioner for Refugees (UNHCR). On receipt of travel arrangements, the receiving local authority will arrange to collect the child from the receiving airport.

If a child goes missing

Home Office staff should follow the guidance contained in the [Identifying People at Risk guidance](#). Local authorities and all other relevant agencies should refer to the [Statutory guidance on children who run away or go missing from home or care](#).

In cases where the child has gone missing this should be reported to the local police and the local authority (if they are not already aware). All available information should be shared with the police and the local authority without delay in line with

each agency's data protection policies and procedures and with all due consideration of the Data Protection Act 1998. Where possible, biometric information will be shared between the Police and Home Office officials to enable effective tracing of the child.

It is important that biometric information is collected by the Home Office at the earliest opportunity and ideally before care of the child formally becomes the responsibility of the local authority, so that in the event of the child going missing, this is available to assist in efforts to trace them.

If a child goes missing before they have been accommodated by the local authority for 24 hours, the local authority from which the child has gone missing still has responsibilities under the Children Act 1989, for example towards children in need under section 17, or under section 47 if they have reasonable cause to suspect that a child is suffering, or is at risk of suffering, significant harm. The local authority, the police and other relevant partners will also still be under a duty to discharge their functions having regard to the need to safeguard and promote the child's welfare, and they should therefore make every attempt to locate the child.

If an unaccompanied child goes missing before they have been accommodated for 24 hours, and they are found in the area of another local authority, that second local authority then assumes responsibility for that child under the Children Act 1989 including to accommodate the child under section 20. Once the child has been accommodated for 24 hours by the second authority, the unaccompanied child becomes looked after by them.

If a child goes missing from either the entry or receiving local authority care, the local authority should follow DfE's [Statutory guidance on children who run away or go missing from home or care January 2014](#). They should also notify the UASC transfer team by submitting a Part E (Looked After Status Update) form. If a child goes missing after Part D has been submitted but before the actual transfer has taken place, then Part E should still be completed by the entry local authority who will have ready access to the available information.

When a missing unaccompanied child is found in another local authority, that local authority must offer the child a return home interview in line with the DfE [Statutory Guidance on children who run away or go missing from home or care January 2014](#). In line with that guidance, information from the return home interview should be shared with all local partners along with those involved in the support and care of the child to ensure intelligence from the interview is acted on appropriately - including "push" and "pull" factors in the missing incident. If this interview establishes that a child is likely to go missing again if they were to be returned to the local authority from which they went missing (due to possible family or community links with a particular area) then consideration must be given as to how that risk can be mitigated, including as to whether a permanent transfer to that area, or another appropriate local authority, would be in the best interests of the child. Any such decision must consider safeguarding or trafficking issues, together with the capacity of the respective local authority. The UASC transfer team must be informed of any such transfer.

Annexes

Annex 1 - Best interests of the child

Article 3 of the United Nations Convention on the Rights of the Child provides that in all actions taken concerning children, the best interests of the child shall be a primary consideration.

The requirement to take into account the wishes and feelings of the child, and how the child's best interests should be included in all decisions regarding their welfare are embedded in the following legislation, regulations and guidance:

Section 1 of the Children Act 1989

The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review; and

Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children March 2015

As stated in the protocol, the receiving local authority will need to comply with its obligations under the Care Planning, Placement and Case Review (England) Regulations 2010.⁵ The best interests of the child and their welfare will be central as with any other looked after child.

International perspective

The guidance on best interest assessment is elaborated in the General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) published by the UN Committee on the Rights of the Child.

Article 3, paragraph 1, of the Convention on the Rights of the Child, ratified by the UK Government, gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere.

The UN Committee has drawn up a non-exhaustive and non-hierarchical list of elements that could be included in a best interest assessment by any decision-maker having to determine a child's best interests. The non-exhaustive nature of the elements in the list implies that it is possible to go beyond those and consider other factors relevant in the specific circumstances of the individual child or group of children. All the elements of the list must be taken into consideration and balanced in light of each situation. The list should provide concrete guidance, yet flexibility.

Elements to be taken into account when assessing the child's best interests

(a) The child's views

(b) The child's identity

The identity of the child includes their current needs and capabilities, characteristics such as sex, sexual orientation, national origin, religion and beliefs, cultural identity, personality. Although children and young people share basic universal needs, the expression of those needs depends on a wide range of personal, physical, social and cultural aspects, including their evolving capacities.

(c) Care, protection and safety of the child

Children's well-being, in a broad sense includes their basic material, physical, educational, and emotional needs, as well as needs for affection and safety, and the possibility of future risk and harm, or other consequences of the decision.

(d) Situation of vulnerability

An important element to consider is the child's situation of vulnerability, such as physical and emotional need, disability, belonging to a minority group, specific protection needs such as being a victim of trafficking, prior experience of trauma, need for continuity, safety and security.

(e) The child's right to health

The child's right to health (including mental health) and his or her health condition are central in assessing the child's best interest. However, if there is more than one possible treatment for a health condition or if the outcome of a treatment is uncertain, the advantages of all possible treatments must be weighed against all possible risks and side effects, and the views of the child must also be given due weight based on his or her age and maturity. In this respect, children should be provided with adequate and appropriate information in order to understand the situation and all the relevant aspects in relation to their interests, and be allowed, when possible, to give their consent in an informed manner.

(f) The child's right to education

With the above legislation, regulations and guidance providing the framework for this protocol, there are a number of points in the national transfer scheme where in the decisions relating to the welfare of the child, their best interests and their wishes and feelings will need to be included, but the decision will need to be balanced with the pragmatic need to implement a scheme which is equitable and transparent, across all local authorities and all regions. Ultimately it will frequently be in the best interest of all unaccompanied asylum seeking children to be placed in regions able to meet their needs and not rely on a few overcrowded local authorities.

At the beginning of the transfer process local authority social worker will need to make a decision based on the child's best interests:

- Whether to request a transfer to another local authority; and

- When to request a transfer if it is deemed a transfer is in the child's best interests.

The entry social worker will not know which local authority the child will be transferred to and so will not have any information about the resources in that destination local authority. Their decision will therefore be restricted to the resource which is available to meet the best interests of the child in the entry local authority. If a specific local authority is identified e.g. where a family member is present but unable to care for the child, the social worker should state very clearly that the request should be to the most relevant local authority to facilitate contact.

Where a local authority is over the 0.07% ceiling there will be a concern that the local authority has an unmanageable responsibility in accommodating and looking after unaccompanied children and it may prove difficult for them to ensure the welfare needs of the child are met. For example, if no school places are available, or there is no access to legal representation the child's needs may not be met. **For this reason it is expected that, in the best interests of the child, the transfer scheme will prevent more unaccompanied children being looked after by a participating local authority which is over the 0.07% ceiling than they are able to.**

In addition:

- The UASC transfer team will need to decide which region to allocate to; and
- The regional administration leads will need to decide which local authority to allocate to.

The information available in Part A and Part B of the UUCR will be used to make the decision, and as the transfer scheme progresses, there is an expectation that as information about regional and local authority resources increases, the scheme will become progressively nuanced and sophisticated to be able to meet any specific needs which present.

The regional approach of the scheme is intended to build on regional knowledge and mapping of knowledge, support and resources which is already available via other existing schemes, and so regions will increasingly be able to identify where UASC may be placed in their best interests.

Once the child has been allocated to a receiving local authority, a social worker will then make an initial placement decision, again, based on the information available in Part A, B and C of the UUCR. It may be in the best interest of the child that this is a temporary placement to enable further information gathering and for the child to settle and be confident to talk about their needs, feelings and wishes.

Annex 2 – Unique Unaccompanied Child Record

PART A: RECEPTION INFORMATION

This part is to be completed electronically by the entry local authority social worker in respect of each unaccompanied child who begins to be looked after, and submitted promptly by the local authority to the UASC transfer team at: UASCNationalTransferTeam@homeoffice.gov.uk.

It is important that this form is completed as fully and accurately as possible to allow the prospective receiving local authority to obtain as much relevant information about the child as possible.

Entry local authority:		
Social worker:	Date:	
Interpreter:	ID No:	
Port/HO Ref:	Location of entry to UK:	
Family/Tribal name:		
First name:	Middle names:	
Any other names known by:	Any other names used:	
(Claimed) DOB:	(Claimed) age:	Gender:
Nationality:	Language:	
	Dialect:	
Does the young person have any documents to support their stated age and nationality?		
What is your observation of his/her <u>likely</u> age range?		
Background (which country were they living in prior to their journey?):		
Are there any indications that the child may have been trafficked?		
Has the child been referred to the National Referral Mechanism?		
Has a risk assessment been undertaken to identify if the child is likely to go missing?		
Are there any visible physical marks, scars or identifying features that would enable this child to be identified if necessary?		
Do you have any other concerns about this child?		

HEALTH		
Allergies:		Medication:
Any long-term health concerns?		
Smoke?	Alcohol?	Drugs?
Any sustained injuries on the way to the UK?		
Any problems sleeping, have bad dreams or nightmares?		
Does the child require any emergency or immediate health treatment?		
Are there any other health issues that the receiving local authority should be aware of?		
Has the child been assessed as fit to travel to a new local authority?		
FAMILY		
Mother	Age	location
Father	Age	location
Brothers		
Sisters		
Does the child have any family in the UK?		
Location and numbers:		
How long ago did they leave their home country		
Route and journey to UK:		
Any obvious signs of trauma / vulnerability?		
Do they have a mobile phone?		
Do they have any money?		
Do they have any belongings?		

Education history	
Have they attended school?	
Number of years attended:	Date last attended:
Grades completed:	
Work history:	
RELIGION	
Religion	Practising?
Any dietary considerations?	
INITIAL PLACEMENT	
Date initial placement commenced	
Type of first / temporary placement (foster care / reception centre)	
Address of first / temporary placement	
Transport method	

PART B: TRANSFER REQUEST

This part is to be completed for each unaccompanied child for whom a transfer is requested, and submitted by the local authority to the UASC transfer team at: UASCNationalTransferTeam@homeoffice.gov.uk. If an in-region transfer is requested, then it must also be submitted to the regional admin lead.

Local authority requesting transfer:
Type of transfer requested: In-region <input type="checkbox"/> Out of region <input type="checkbox"/>
Summary explanation of why it is in the child's best interests to transfer, including the child's feelings and wishes (the transfer decision should continue to be reviewed by the entry local authority to reflect new information or changes in the child's circumstances that could mean transfer ceases to be in the child's best interests):
Any specific requests (please state if the child has relatives in the UK and if so where they reside. You should also confirm if the child arrived in the UK with a sibling or whether they have asked to be kept together with another unaccompanied child):

This authority has reviewed the best interests of the child and considers it most appropriate for the child to be transferred to another local authority area

Responsible social worker: Contact details: (All case notes pertaining to this child will need to be transferred to the receiving local authority once transfer acceptance has been confirmed)			
Details for person to be contacted for a transfer to be arranged: <table><thead><tr><th>Name</th><th>Secure e-mail</th><th>Telephone</th></tr></thead></table>	Name	Secure e-mail	Telephone
Name	Secure e-mail	Telephone	
Please provide any further information which has been gathered about this child since Part A was completed and submitted to the UASC transfer team. This may be anything which will enable the receiving local authority to find a suitable initial placement for the child (e.g. a care plan or personal education plan).			
Date/time of request:			

PART C: TRANSFER ALLOCATION

C1 – To be completed by the UASC transfer team where an out of region transfer is appropriate, and submitted to the regional admin lead.

Allocated region:
Date/time of allocation:

C2 – To be completed by the regional admin team, where an in-region transfer is appropriate, or a transfer into the region has been identified at C1 above, and submitted to the local authority to which a transfer is requested.

Allocated LA:
Date/time of allocation:

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PART D: TRANSFER ACCEPTANCE

This part is to be completed electronically by the local authority agreeing to accept a transfer, and sent to (a) the entry local authority (b) the regional admin lead, and (c) the UASC transfer team at: UASCNationalTransferTeam@homeoffice.gov.uk.

This authority confirms its acceptance of legal responsibility for assessing and looking after the aforementioned child, by way of transfer between local authorities by mutual agreement in accordance with section 69 of the Immigration Act 2016.

Receiving LA:		
Contact details for person to arrange transfer:		
Name	Secure e-mail	Telephone
Date of acceptance of legal responsibility:		

PART E: LOOKED AFTER STATUS UPDATE

This part is to be completed by local authority and sent to the UASC transfer team at: UASCNationalTransferTeam@homeoffice.gov.uk to notify of changes in circumstances of the unaccompanied child as set out in pages 18-19 of the transfer protocol.

Local authority:		
Contact in case of query:		
Name	Secure e-mail	Telephone

Details of child/young person (if part E is being submitted without a completed part A)

Port/HO Ref:	LA ref:
Family/Tribal name:	Nationality:
First name:	Middle names:
Any other names known by:	Any other names used:
DoB:	Gender:

E1 – to be completed if the child/young person has ceased to be looked after

Reason for child or young person ceasing to be looked after:
<ul style="list-style-type: none"> a. Missing: Police authority to which reported b. Age determined as over 18 c. Client has reached 18 years of age d. Reunified with responsible adult (name and address) e. Other (please specify)
Date on which child/young person ceased to be looked after by this authority:

E2 – to be completed if the child/young person has resumed being looked after

Reason for resumption of child being looked after (please state):
Date on which authority resumed looking after the child:

E3 – to be completed by a local authority if responsibility for looking after the child has passed to a local authority other than as recorded by the UASC transfer team

Reason for looking after in this local authority (please state):
Date responsibility commenced: