

General Purposes & Audit Committee

Meeting of General Purpose and Audit Committee held on Wednesday, 24 February 2021 at 6.00 pm. This meeting was held remotely.

MINUTES

Present: Councillor Karen Jewitt (Chair);
Councillor Stephen Mann (Vice-Chair);
Councillors Jamie Audsley, Jan Buttinger, Mary Croos, Steve Hollands,
Bernadette Khan, Stuart Millson, Tim Pollard and Joy Prince

Also

Present: Councillor Alisa Flemming (Cabinet Member for Children, Young People & Learning)
Katherine Kerswell (Chief Executive and Head of Paid Service)
Debbie Jones (Interim Executive Director of Children, Families & Education)
Hannah Doughty (Head of Social Work with Children Looked After and Care Leavers)
Malcolm Davies (Head of Insurance and Risk)
Rosin Madden (Interim Director of Early Help and Children's Social Care)
Chris Buss (Director of Finance Investment and Risk)

Apologies: Co-optee Members James Smith and Muffaddal Kapri
Councillor Alisa Flemming for lateness

PART A

62/21 **Disclosure of Interests**

There were none.

63/21 **Urgent Business (if any)**

There were no items of urgent business.

64/21 **Presentation on Unaccompanied Asylum Seeking Children**

Officers delivered a presentation on Unaccompanied Asylum Seeking Children (UASC) and care leavers, the numbers of which had significantly increased over a period of time. The presentation highlighted that there was a number of mitigating factors and the engagement with the Department for Education, Home Office, HMCLG was looking at the funding imbalance, cost and how we support other borough in placing children within their local authority. They were also looking at undertaking the Human Rights

Assessment for care leavers whose appeal rights have been exhausted and looking at the panel again with other local authority in placing children.

At 6:17pm Councillor Alisa Flemming arrived at the meeting.

The presentation covered in detail the risk register for UASC, the funding rates for UASC and former USAC care leavers, the 2019/2020 UASC expenditure and finance income, children looked after – both UASC and local children, the national benchmarking of overall CLA numbers (local and UASC), former UASC care leavers and the ongoing work with the Home Office

Officers advised that the Home Office funding arrangements had changed in April to a fixed higher rate for local authorities looking after UASC above the 0.07% expected intake for local authorities and the maximum proportion that authorities are expected to accommodate under the national transfer scheme.

The service received a flat rate of £143 per children per night until the young person reached 18 years old. This had increased from £137.50 for those under 16 years old and £114 for 16 to 17 year olds. The Council also received £240 per week for each former UASC care leaver who was within range for grant funding. Grant funding stopped if (i) the young person had declared appeals rights exhausted; (ii) the young person was over 21 years old and not in a recognised programme of educational training; (iii) if their asylum claim was declared as being valid; or (iv) or if they were in custody or subject to a long term hospital admission.

Officers highlighted that the numbers of children looked after had reduced month on month. Towards the end of January 2021 there was 699 children looked after, of that 485 were local children and 214 who were unaccompanied asylum seeking children.

The impact of the pandemic had reduced the number of incoming children needing to be looked after. Since March, Croydon had supported 108 young people who were aged over 16 to be transferred to other London partners. During this period the service had accommodated forty-six unaccompanied children under the age of 16, this was due to the direct restrictions in the UK and mainland Europe.

The service had a high proportion of 18 to 25 year olds in care, with a disproportionate number of UASC compared to the local young people. This was due to the high number of unaccompanied children who became care leavers, which created a budget strain within the service. Modelling indicated that should the number of children and young people being looked after by the Council remained at the same level, it would reduce to 0.07% by 2031/32, and until that time the service was accommodating children at an annual cost of between £5.4 to £5.7 million pounds.

In conclusion to the presentation, officers advised that the service was working with the Department of Education and MHCLG in requesting additional financial support. It had also been requested that new arrivals were directly transferred to local authorities who were under the 0.07% threshold. Children, including the current care leavers, asylum applications would be prioritised and those who were granted leave to remain would access universal services such as housing benefit, new universal credit and support transferring young people to home office accommodation, and also support to have their appeal rights exhausted and cannot return home.

The Chair asked about the rights of appeal and what would happen once they had been exhausted and young person could not return home. Officers advised that in the undertaking of appeal assessments, if appeal rights were exhausted the duty moved to the Home Office to provide accommodation, with support for the young adults from local charities rather than local authorities.

Members thanked officers for the comprehensive breakdown of the key issues, which were long term and acknowledged that this area of work was a concern that had been addressed in previous meetings and within the report in the public interest (RIPI) by Grant Thornton. There were questions from Members following the presentation, one of which asked for the number of unaccompanied minors that ended up accommodated within an extended family member household. Officers confirmed that the number was low, as most of the unaccompanied minors had no relatives in the country. Occasionally social workers would find out about relatives and would try to match the child with their relative providing an appropriate assessment could take place.

Members asked officers what the top three priorities were for tangible actions that could be met within a year. Officers informed that Croydon had done incredible things for UASC over the last decade, which always came at a cost. They noted that there were more than three priorities to action, however the three top actions were firstly seeking additional financial support from the Home Office [following extensive financial modelling which had continued to be reviewed] to demonstrate Croydon's position was different to other local authorities, particularly when the young people become care leavers.

Secondly, support was sought from DFE colleagues to secure a commitment from other local authorities to take on the financial corporate parenting responsibility for those young people placed outside of the Croydon borough. It was acknowledged that this would not be easy as other local authorities had their own pressures.

Thirdly, the service had developed significant expertise in support UASC within Croydon, to the extent that they were in discussion with the DFE for them to pay for this expertise to support other services and the extensive legal costs that sat underneath that area of work. Another area of work was the position in relation to the over 16s who were part of the voluntary transfer rota. The service was looking for additional support with young people under 16

years old. Officers had seen a significant reduction in the number of young people who had come into Croydon over the last year, and would need to be prepared for an increase post pandemic.

The Cabinet Member for Children, Young People & Learning confirmed that the key issue was being able to work closely with neighbouring authorities to ensure the national transfer scheme was mandatory and not initiated on a voluntary basis. Though some local authorities had come forward, it was important for others to take up the additional costs that came with supporting young people and to share the cost. Croydon needed to ensure that local authorities were signed up to help on a mandatory basis, to ensure Croydon would be in a better financial position moving forward.

Members acknowledged that the financial impact of supporting UASC needed to be treated seriously and with more certainty. It was reassuring that the presentation indicated this was the case, though until the proposed mitigation had been agreed it was clear that costs needed to be carefully managed.

Members asked about the mitigation that was within the Council's control, in particular how the service was progressing in the short term against these mitigations. The mitigation in question was (i) undertaking human rights assessments for care leavers who were Appeal Rights Exhausted; and (ii) the continued use of the pan London rota to place 16-18 young people with partner local authorities. Members also questioned whether the Council was accepting the unfair share of costs for the foreseeable future and the challenges faced.

There were comments from Members who felt that due to compassionate grounds, the financial burden on the borough had contributed towards Croydon's current financial situation. Members were keen to know why only now progress was being made, when this had been a risk for so many years. It was also a question whether there was more that could be achieved on the compassionate side, such as widening the support network using councillors to help provide support within communities more holistically. Further, there were comments on the pandemic and Brexit impact and the current reduction on migration flows and whether this trend would change in the future.

Senior officers responded to the questions and comments raised and had confirmed that there was no doubt that increased expectation for other local authorities to take more than 0.07% was due to pressure from Croydon. There was also a considerable amount of dependence on Croydon as Lunar House (Home Office) was in the borough with the accompanying expertise that services had to offer.

Officers advised that it was far too soon to judge whether Brexit would have an impact, although once the pandemic was lifted there was a possibility more young people would enter into the care system. With regards to the financial impact, officers advised that there was a proposed sum set aside for unaccompanied asylum seeking young people in the budget for the

forthcoming year. The figures highlighted were disproportionate when compared to those for other local authorities.

With regards to the points raised in the RIPI, which focussed on where the service could secure more efficiencies, it was confirmed that all unaccompanied asylum seeking young people who entered into the care system would have the same rights and responsibility. The services' responsibilities towards them would be the same as for all looked after children, thus improving the commissioning of placements. There was work underway to recruit more foster carers, which would make a difference as the current cost base was too high overall.

In relation to questions raised about the mitigation used to date, a detailed update was provided. It was confirmed that in February 2021 there was fifty social workers who had been trained in the specific skills required to undertake the human rights assessments to ensure fair, balanced, legal and ethical matters were adhered to, as the young people were subject to legal challenge. The identification of young people who had exhausted their appeal rights required a cross-examination with the Home Office to ensure the information provided was accurate and that the young person had indeed exhausted their appeal rights.

In late February, the first twenty young people were identified and their personal advisors, who are non-social workers within the Leaving Care Team, worked with them to update their pathway plan and explain their situation to ease their fear and anxiety. It was important to reassure young people and continue with a compassionate, relationship based practice. Further in the timeline, in the first week of March the first ten assessments commenced, having prepared the young people. There were specialist social workers in the Age Assessment Team to focus on these young people aged 18 to 21, and specialist social workers in the Leaving Care Service to focus on young adults aged 21 to 25. The timescale for completion of these assessments was twenty-eight days, assuming the background work had been completed. This action plan led by the service manager would ensure the process was tracked and delivered.

Members welcomed the response and noted that they would like to see changes made to the risk register, in order to track and analyse progress made.

Members discussed the ongoing review of the Council's finances and the challenges faced. There were questions raised by Members about those young people whose rights of appeal had been exhausted. These included whether there was a straightforward process for those young people who were over the age of 18 and transferred back to the Home Office for support and whether there was any financial impact on the Council for that process. Officers confirmed that there was a team within the Home Office that worked with families and there could be difficulties with individuals concerned if they were settled in particular accommodation. Although there was no additional financial impact to a local authority from transferring to the Home Office, it

was more of the relationship based work with partners that needed to be transparent once a decision was made.

Members questioned the £10 million received from central government, in particular whether the money had helped to alleviate this situation. Officers noted that there had been a number of short-term initiatives that the government had promoted to provide support. The service was trying to maximise these bids to help ease some of the current pressures. The service had received £4 million, as a result of the increased numbers of young people in the borough and the increased rates. The Cabinet Member for Children, Young People & Learning clarified that the money received from central government was a £4 million contribution and not £10 million. She added in support to the comments made by officers that with the level of disproportionality in terms of the number of care leavers in the borough, the £4 million was not sufficient to cover the cost of money already spent as the disproportionality was so high. The government had increased grants in particular areas and specialities, though this was across the whole country.

Members wanted to hear about the role of the Cabinet Member for Children, Young People & Learning to influence politically and their contribution to policy development or advocacy meetings. Further information was also requested on what communications would be happening and how the Council would get specific and tangible targets to drive forward. The Cabinet Member for Children, Young People & Learning responded that some of it would be based on the service's statutory responsibilities and the legalities that came with that. Discussions had taken place with leaders of the Council and at London Councils for additional support from boroughs. Meetings with the Home Office and other discussion around statutory obligations to include funding had also taken place.

In terms of the tangible political efforts in the year ahead, the monitoring of costs to ensure they were not increasing was key. Though the Council could no longer continue to disproportionately support UASC, the Council was mindful of the vulnerability of these young people and the sensitivity around this matter. At the same time, the current financial position of the Council must be monitored; as such a decision had already been taken around the appeal rights exhausted, and that was reflected in the upcoming budget, concluding that the Council would no longer continue to provide support in the way it previously had.

Further questions from the Members related to whether the Children's Commissioner had been involved in discussions as the service had significant unmet need risks as a result of underfunding. The Cabinet Member for Children, Young People & Learning confirmed that the service continued to have discussions which had already been mentioned, though the decision must come nationally to provide support. Officers added that the Commissioner in the past has had involvement in discussions. There were also many groups advocating for these young people, who were residents in Croydon. The national transfer scheme would make a big difference, although this was not an easy push as other local and port authorities experienced

similar pressures and continued to support families with no recourse to public funds.

With further discussions relating to the control of the financial situation and the national transfer scheme, Members welcomed the £4 million received. Although it was emphasised that the risk register should reflect that the service was unlikely to provide lots of mitigation in the short term and the focus was on what could be controlled in improving the situation. It was also queried whether a published tangible lobbying strategy plan was available. The Cabinet Member for Children, Young People & Learning reassured the Committee that there had been previous involvement from senior lead officers in the agreement of the increase to the percentage of the national transfer scheme to 0.07%. Through discussions the service wanted to implement a mandatory national transfer scheme to help with the disproportionate level of UASC Croydon was supporting. Senior officers added that the national transfer scheme would help achieve a long term solution, and current work towards this had made a considerable difference to Croydon as there was more equitable distribution of young people around the London authorities. Lobbying would take time to have an effect and thus service needed a strong approach to meet children's needs in ensuring that they had a fair response from the nation to the children.

There were comments from Members in regards to young people who would be dispersed across various parts of the country, alienated from those of their heritage background or who may not have community support, and whether this had been reviewed or addressed in the national strategy. Officers confirmed that a number of authorities would not encourage young people to be placed in their areas without support. As a corporate parenting authority, there was responsibility to all young people to ensure that they had various support.

The Cabinet Member for Children, Young People & Learning thanked the service for their work and congratulated young people who had been in the care of Croydon and had moved on to achieve scholarships in Oxford and Cambridge and paid tribute to staff for their support and expertise.

The Chair thanked the Cabinet Member for Children, Young People & Learning and all officers for their presentation.

65/21 **Exclusion of Public and Press**

This was not required.

The meeting ended at 7:23pm

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Signed:

Date: