



House of Commons  
Education Committee

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# Destitution Among Asylum-Seeking and Migrant Children

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Oral Evidence

*Wednesday 4 July 2012*

*Enver Solomon, The Children's Society, Andrew Jolly, West Midlands Destitution Project, Cllr Jenny Whittle, Kent County Council, Philip Ishola, Counter Trafficking Bureau, on behalf of the ADCS and Sarah Teather MP, Minister for Children and Families, Department for Education and Damian Green MP, Minister for Immigration, Home Office*

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# Oral evidence

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## Taken before the Education Committee on Wednesday 4 July 2012

Members present:

Mr Graham Stuart (Chair)

Neil Carmichael  
Alex Cunningham  
Pat Glass  
Damian Hinds

Charlotte Leslie  
Ian Mearns  
Mr David Ward  
Craig Whittaker

### Examination of Witnesses

*Witnesses:* **Enver Solomon**, Policy Director, The Children's Society, **Andrew Jolly**, Senior Practitioner, West Midlands Destitution Project, **Cllr Jenny Whittle**, Cabinet Member for Specialist Children's Services, Kent County Council, and **Philip Ishola**, Director, Counter Human Trafficking Bureau, on behalf of the ADCS, gave evidence.

**Q1 Chair:** Good morning, lady and gentlemen. Thank you very much for joining us today at this meeting of the Education Committee, where we are looking into the subject of destitution amongst asylum-seeking and migrant children. We tend to be fairly informal here, so I hope you are comfortable if we use your first names. Unless you indicate now, we probably will anyway, so thank you for that. If I can ask The Children's Society first, your report came out in February.

**Enver Solomon:** That is right.

**Q2 Chair:** Has anything happened since to change or enrich your analysis?

**Enver Solomon:** I am very pleased you asked that, Chair, because unfortunately I do not feel there has been any movement on the issues that we raised. We do know that the Home Office is currently reviewing asylum support levels, but we have had no indication that there is likely to be any movement on that. I think it is unfortunate that Ministers have not yet signalled how they intend to address this very important issue, because obviously, in the context of child poverty, destitution of very vulnerable children—I think some of the most vulnerable children in this country—is a very important issue. We have women who are pregnant, who are unable to support themselves; we have very young children experiencing grave hardship, not being able to have enough food, parents not being able to buy nappies or formula milk for their children—these are very serious issues. This is really severe hardship that we are talking about here.

**Q3 Chair:** Can I ask, from the local authority angle: do you think that the Children's Society report painted a fair picture?

**Philip Ishola:** I think it is a component of the issue within the UK, so I would certainly take the view that these issues do arise for some people.

**Q4 Chair:** Do you think it painted a fair picture of the scale and incidence levels?

**Philip Ishola:** I am afraid I cannot answer that, Chair, because we, as a group of local authorities, have not

measured that nationally in the context of the number of individuals who fall within that category or have their services withdrawn at 18, but I certainly do recognise some of the issues that have been identified within the report.

**Q5 Chair:** That is an answer of sorts. Jenny?

**Jenny Whittle:** From the Kent perspective, we support over 700 children, young people and unaccompanied minors. We receive the largest number of unaccompanied minors in the country, because we, obviously, host the Port of Dover. I think the report is spot on in a number of aspects, but I think you will find that most authorities—Croydon, Islington, Hillingdon, Kent and Solihull, for example—take their leaving-care responsibilities for unaccompanied minors extremely seriously. That, obviously, has financial implications, and in Kent we are burning currently a £3 million hole in our budget, and Hillingdon a similar figure. Unaccompanied minors receive the same support—social care, social worker support, education support and connection support—as Kent-resident looked-after children, but there is, inevitably, tension between the support that we offer and are required to offer under the Children Act, and the immigration legislation.

**Q6 Chair:** Andy, do you feel that the report paints an accurate picture of the scale of the problem?

**Andrew Jolly:** Yes, absolutely. It has been our experience in the West Midlands that, since we started three years ago, we have had a year-on-year increase in the number of children and families who are destitute. We recognise a lot of the case studies in the report. Some of the case studies are from families we have worked with. I think it is a particular issue where there is a massive gap between the needs of families and the provision that is provided. We have had families who are street homeless in extreme circumstances. We have worked with families with children who have been going to school and they have had no food—they are not eligible for free school meals. We have worked with mothers who have been forced into prostitution and transactional sexual

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relationships in order to put food on the table for their children. These are massive issues and they are issues that are not going away, in our experience.

**Q7 Chair:** Are local authorities the villains of the piece in failing to provide the necessary support, or are they victims too because they do not have the means to provide that support? Perhaps Andy first, and then I will come to you, Enver.

**Andrew Jolly:** I would not say they are villains. I think it is a very tricky situation. We find that the local authorities in the West Midlands are very explicit. They recognise their obligations but they say it is a resource issue. Frankly, though, this group of children is not a popular group of children—let us be honest—and there just are not the resources in order to provide support.

**Q8 Chair:** More victims than villains, then, insofar as one uses that language.

**Andrew Jolly:** I am not sure I would describe them as either victims or villains.

**Enver Solomon:** I think there is an important overview here, which the Committee needs to recognise, and it was summed up by Iain Duncan Smith, before he became Work and Pensions Secretary, when the think-tank he was working with at the time—The Centre for Social Justice—produced a report on levels of support and destitution for asylum seekers. He said that there was a policy of forced destitution and illegal working. He described it as a black hole, and he said that “UK policy is still driven by the thesis, clearly falsified, that we can encourage people to leave by being nasty”. It is our experience that this practice appears to continue when we have levels of asylum support set out by the Home Office that are well below levels of support provided to UK citizens, and there are some real anomalies there that could be very easily addressed, at very little cost. I will quickly give you two examples.

16 and 17-year-olds are not considered as children as part of the asylum-support levels provided by UKBA, the Home Office, to those going through the asylum process; therefore, levels of support for them are not the same as for under-16-year-olds. That, clearly, is out of step with the mainstream benefits system and, clearly, if we are moving towards raising the participation age, that is something that could be easily addressed, and our calculation is that we are talking in the region of £700,000.

**Q9 Chair:** I am sorry; the £700,000 would be the additional cost of providing—?

**Enver Solomon:** If you recognise 16 and 17-year-olds as children, and if a parent had a 16 or 17-year-old and they were given the same support as if they had an under-16-year-old, by uprating it in that way, we are talking about £700,000. That could be done by the Home Office as part of its annual review of asylum support levels.

In addition, if you look at the support that is provided to women who become pregnant who have exhausted the process, and who are unable to return home because they might be stateless or because there are disputes about whether they can return home, when

they fall pregnant and have a child the level of support they are entitled to is less than the level of support if they were in the process and a decision had not been made. These are, obviously, very vulnerable women—pregnant and having children—and to bring their level of support under section 4 to the same level as if they were in the process and a decision had not yet been made would, again, be a few hundred thousand pounds. These are some very small tweaks that could have a really significant impact on the lives of children in the asylum process.

**Q10 Mr Ward:** Most of the information we have received relates to asylum seekers, in particular looking at the income levels of section 95 or section 4, but we are also looking at other migrants and this was touched on to some degree. There is, I think it is fair to say, a degree of ethnic cleansing that is going on in many of the east European states, particularly towards the Roma. Many of them are given one-way tickets to come to this country and do get into employment on arrival, but you are talking about 12 hours a day for £20 odd, with a bag of chips to keep them going. Many of them are then losing their jobs if they fail to turn up for a day. I just wonder what the scale of this is and whether it is skewed by focusing on asylum seekers and ignoring this huge problem that we face. Many of them have no recourse to income because they have not got the income levels. That means that if they do get them into schools, they are not getting free school meals—which, incidentally, means the schools are not getting the pupil premium.

**Chair:** Let the witnesses give evidence as well.

**Mr Ward:** I just wondered if you had come across this as well.

**Jenny Whittle:** We have, but I have come to speak really about the support for unaccompanied asylum seekers service that we provide for unaccompanied minors. Inevitably, however, as part of the work, I do come across a number of Roma families, particularly in the coastal regions of Kent, and Margate in particular. There is a huge turnover—if that is the right term—of Roma families moving in and around the county and further beyond. That is a piece of work that we are looking at, all that activity, as part of the Margate Task Force. It is a multi-agency taskforce looking at the support offered to those families.

To give you an idea of the scale, there is a school in Cliftonville, in Margate, called Hartsdown Technology College, where, four years ago, they had four children and young people with English as an additional language; it is now around 150, and many of those are Roma families. That is just one school, so that gives you an indication of the scale of the situation. We are working very closely with Health in particular to make sure those families are signed up to GPs and dentists and given the support they need.

**Chair:** Thank you very much. We have fairly limited time, an excellent panel and quite a lot of questions, so, on all sides, can we push through as quickly as we can and cover as much as we can?

**Q11 Craig Whittaker:** Good morning. I am a little bit confused. Enver and Andy gave us examples of mothers not being able to buy nappies and milk and

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all those types of things. Jenny, you spoke about unaccompanied youths. Why is there a gap? Why are you just concentrating on unaccompanied, when clearly the gap is with these accompanied children?

**Jenny Whittle:** One issue is about the funding. Families who come in with children are funded by the UK Border Agency. Local authorities have a specific legal responsibility for unaccompanied minors. Having said that, a number of the children who come in as part of these families will register under the social services radar, so we will provide support for them, and we work very closely with the schools and with Health and GPs to make sure that we provide the support that is needed. They are, however, two different funding streams. That does not mean that they are not on the radar of Children's Services, but we have a specific service set up to support the huge number of unaccompanied minors who come through the port.

**Q12 Craig Whittaker:** If I am hungry and scared and all the things that go with it, I am not particularly bothered about where the funding stream goes. Why do we have this demarcation?

**Jenny Whittle:** In Kent, we have a two-tier system at a governance level. We have district councils, which are responsible for housing, and then there is Children's Social Services. We work closely with Adult Social Services as well. We work very closely at that level to support those families. We do provide that support but, to be candid with you—and I know this—some of these families are not on the radar and they need to be much more so, which is why we have set up the Margate Task Force to really drill down and look at the support offered. There are two wards in Margate where there is a huge transition of Roma families in particular, who have very specific needs, and we are providing support for them.

**Q13 Craig Whittaker:** Let me just try to establish some of the boundaries. What estimates would you make of the number of irregular or undocumented migrant children in the UK as of this moment? How reliable is that estimate?

**Enver Solomon:** I think the most accurate figure is a figure that came out from the University of Oxford in a report that was just published very recently; I am sure you have been made aware of it. They estimate that there are around 120,000 undocumented migrant children living in the UK currently and just over half—65,000—of them were born in the UK. These are irregular migrants; that typically refers to the migrants in a country who do not have a legal basis to reside, obviously, either because they have overstayed on a time-limited permit or because they have entered the country by evading immigration controls, false documents and so forth. If you define a child as irregular or illegal in that sense, it is very problematic because, in our experience—I am sure Andy will verify this—they will have no control over their immigration status or the understanding of its implications. Therefore, they are in this kind of no man's land: no recourse to public funds and unable to access support.

**Andrew Jolly:** I think it is really important to point out that, unlike eastern European migrants or families who are claiming asylum or unaccompanied minors, non-EU migrants have no access to any benefits and even no access to asylum support. The only option for support for these families is through section 17 support from the local authority.

**Q14 Craig Whittaker:** Let me drill down a little bit more. From the accompanied children and unaccompanied children, what numbers do we have in each of those two groups who are destitute? Can I also add on to that by asking whether the numbers are rising or falling?

**Enver Solomon:** It is very difficult to get data on this, and this is one of the issues. Authorities are not collecting data; the Government is not demanding that better data is collected, so we can only rely on research and those who we know are receiving support. In the most recent figures, there were about 800 children in families receiving section 4 support—i.e. they have gone through the system and they have had their application rejected. Half of those had been in that situation, I think, for over a year, so we are talking about not insubstantial numbers there. That is just a small number, because not every one will necessarily be coming forward to claim support, and that is what we know about.

However, as Andy said, we know from our practice in both London and the West Midlands and, indeed, reports from other voluntary-sector agencies—Oxfam, the British Red Cross, and Kids Company in London, and I would suggest that you seek information from those agencies—there is rising demand for support from the same groups of families with children who are in the same situations of severe hardship. It is not just The Children's Society finding this.

**Q15 Craig Whittaker:** Jenny, we heard earlier that your local authority has one of the highest numbers in the UK, but does it not bother you as a local authority—and, indeed, as service providers—that we do not collect data on this and we do not know the scale in the whole of the United Kingdom?

**Jenny Whittle:** I think you are right on the national level. On the county level, obviously we know how many children we are supporting. The issue for us is how many will go missing. If they go missing, they are likely to become destitute. We do keep figures of how many go missing; if you would like me to give them to you now, I can do that.

**Craig Whittaker:** Please.

**Jenny Whittle:** Just to give you a snapshot, at the end of last year—and it is more or less the same now—we had 711 unaccompanied asylum-seeking children in Kent County Council's care. We had 59 children who went missing and of those, 21 went missing and have not returned. They are the children, obviously, we are very concerned about, and we work very closely with Kent Police and the UK Border Agency to track them down, but the issue for us, mainly, is those children or young people who are appeals-rights-exhausted. They make an application to remain in the country, they have two more shots at it and, at that stage, the local authority or local authorities

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concerned, once those young people reach their 18th birthday, no longer have recourse to public funds.

**Q16 Craig Whittaker:** From those who go missing, how many go missing within the first 48 hours?

**Jenny Whittle:** I would have to come back to you on that.

**Craig Whittaker:** Thank you. Sorry to interject.

**Jenny Whittle:** I will come back to you on the figure, but we have changed the way that we support young people and children coming through the port. I think I should circulate this report that the Children's Commissioner did, looking at our reception arrangements for landing in Kent and the experience of unaccompanied children arriving in the UK. What we do is we provide multi-agency assessments, but when these children arrive we make sure they have a good meal and a good night's sleep before we start doing all the other assessments on them: education-related support, foster-carer support and so forth. We try to make them feel comfortable, and as a result I know we have seen fewer children go missing in those vital first 48 hours. I will come back to you with the precise figures

**Q17 Ian Mearns:** This issue with the data is getting really quite interesting, because it seems like no one is collecting the data. Therefore, we are basing an awful lot of assumptions on best guesses of the scale of the problem. The Department for Education is not collecting data, although it has a technical responsibility for looking after the welfare of children. The UKBA and the Home Office do not seem to know what the figures are. Local authorities might have individual sets of figures for themselves but there is no collective data collection around the country. The Local Government Association, which is the umbrella organisation, probably is not doing anything on it. I am wondering: is the ADCS doing anything about it in terms of trying to coordinate the collection of data? It seems to me that we have best guesses but we just do not know the scale of the problem. Is there any clear guidance coming from any Government Departments on this to local authorities about data collection?

**Philip Ishola:** I think, in terms of the ADCS, the Asylum Taskforce, which is a national group that looks at issues in relation to unaccompanied asylum-seeking children and families, does not collect the data as part of that group. We do encourage local authorities to record and monitor the number of migrants in their local authority, and I think it has already been said that, in the context of unaccompanied children, that is recorded locally, because they are looked after, so that data stream is fed directly into the local analysis of numbers of children in need.

I think there are probably two issues here, because I would expect UKBA to have that information available around the number of families that they place in local authorities through their support provision, so that data would be available. Local authorities are not necessarily cited on that, unless issues arise or unless services are accessed—

education, health, etc. Then it begins to be collated through numerous databases.

**Q18 Chair:** Are there any changes you would recommend? Let us cut to the chase: we make recommendations to Government; Government has to respond. What should change?

**Philip Ishola:** I would recommend a national approach to collect that data and monitor, and also a specific attempt to collect the data around irregular migrants. They are two different areas: irregular are off the radar.

**Q19 Ian Mearns:** I listen to what you are saying, Philip, and I recognise the existence of this Taskforce from ADCS, but the fact that the Taskforce exists does not mean that they are actually tackling the problem that I was talking about in terms of the collection of data.

**Enver Solomon:** I think the problem is that we are not collecting data on those who have not been considered to be eligible for support, so we do not know how many have tried to access support but have been refused because of their immigration status; we do not know how many have had their support withdrawn because of an apparent change in their immigration status; or how many have gone missing and are too afraid to access any support, for fear of being forcibly removed. Until we can capture that element, we are not going to get a clear picture of the scale of the problem. Then there is the whole piece about undocumented migrants, and I referred to the University of Oxford study, which is a credible piece of work.

**Q20 Ian Mearns:** How significant is the issue of child migrants for local authorities? How do you coordinate the policy responses across authorities or share best practice and experience?

**Philip Ishola:** Certainly, we do that through the Association of Directors of Children's Services guidance; guidance compiled as a multi-agency group for the LGA—the Local Government Association; and London Councils, specific to unaccompanied migrants. There is co-ordination around the application of guidance, but I think it will be important to highlight here that, for local authorities, there is a problem for unaccompanied asylum-seeking children who approach 18. Under the Children (Leaving Care) Act, there is a requirement to continue to provide support to these individuals as part of the pathway planning process. Under schedule 3, there is an expectation that services are withdrawn. That raises an issue for local authorities. Local authorities have devised mechanisms such as a human rights assessment to help make decisions at that point, but if we are expecting that local authorities undertake a process that would mean a care leaver would become homeless or destitute, without any support, then that is a problem, because, under the Children Act and the Children (Leaving Care) Act, that is not an outcome.

**Q21 Ian Mearns:** The bottom line, however, is in lots of areas around the country, once young people reach the age of 18, in essence they are off the books.

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**Jenny Whittle:** They are not. No, they are not. They are subject to the same rights and entitlements as resident looked-after children. We support them up to the age of 21 and support their education—education support, foster-care support and independent lodgings. If they go to university—we have some good case studies that I will circulate afterwards—we support them until the age of 24 or 25.

**Q22 Ian Mearns:** That is the situation for asylum seeker children or migrant children.

**Jenny Whittle:** Yes, unaccompanied asylum-seeking children, who we have to support under the Children Act, are officially looked-after children, with the same entitlements.

**Enver Solomon:** There was also a very important judgment—the R (SO) v. London Borough of Barking and Dagenham judgment—in 2010 that held that local authorities have a general duty to provide what is called a former relevant child—i.e. an unaccompanied asylum-seeking child—with accommodation to the extent that his or her welfare requires it, and they might not be able to rely on the provision of accommodation and support from UKBA. There is a clear expectation there, set down as a legal judgment, that support should be provided if there is a welfare need. Our experience is that not every local authority is interpreting that in the way that they should be, and they are actually letting UKBA's desire for immigration control trump the welfare needs of children.

**Q23 Ian Mearns:** That is where I came in, because I think there are parts of the country where, once they reach the age of 18, as far as some local authorities are concerned, they are off the books.

**Enver Solomon:** Indeed, and I think the Department for Education needs to remind local authorities particularly of their duties and of that judgment.

**Andrew Jolly:** We have certainly seen that happening in the West Midlands: unaccompanied minors turning 18 and then the support being cut off. We have also seen it for the children of non-EU migrants, where they are referred for support because they are destitute and then they are turned away by the local authority because the social workers say, "We cannot support you because you are from abroad," for instance. Assessments are not even being done in those instances.

**Q24 Ian Mearns:** Which inspectorate would be in charge of ensuring that a local authority was fulfilling its duties?

**Enver Solomon:** In relation to child protection, it is Ofsted. If we are looking at UKBA and their duties, then it is the immigration inspector, John Vine.

**Q25 Ian Mearns:** I think we have a bit of a postcode lottery here in terms of the ranges of provision once youngsters reach particular age brackets.

**Philip Ishola:** I would agree with that. It is a postcode lottery and I think that situation has arisen because of the conflict between the Children Act and the Immigration Act. This is not necessarily an issue for UKBA; they are adhering to the legislation.

**Q26 Ian Mearns:** The thing is, though, the postcode lottery is largely about the different attitude in different local authorities in different places; therefore, whose duty is it to ensure that the local authorities are fulfilling their duties under the various Acts that we are dealing with here?

**Enver Solomon:** The Department for Education. I hear what Philip is saying, but there are clear duties here for local authorities, and there is a very clear judgment setting out what the expectation is for what they should be doing.

**Q27 Chair:** Enver, in terms of proposals to do something about this, you suggested that the Government needs to remind local authorities of their duties.

**Enver Solomon:** Indeed.

**Q28 Chair:** Philip is suggesting that there is a bit of a conflict because of the statutory provision of two Acts, which does lead to some confusion, and Ian is trying to find out: other than guidance, which inspectorate could go in, identify the people who are failing, and thus trigger uniformly good services rather than seeing people cut off at 18?

**Enver Solomon:** I would argue that UKBA are creating confusion because they are approaching this from a position of immigration control. It is very clear what the welfare requirements are in statute towards these children in this particular case that we are talking about.

**Q29 Ian Mearns:** Is somebody going round the country tattooing this on the bottom lip of every Director of Children's Services?

**Enver Solomon:** I think local authorities are in a better position to comment on that than I am.

**Q30 Chair:** Picking up on what Ian is trying to get at, other than just issuing guidance, which is not always followed by local authorities, which inspectorate could be tasked with going in, verifying whether they are cutting off at 18 or not, and getting them to stop doing so?

**Enver Solomon:** Ofsted could be doing that as part of their inspection regime around looked-after children and child protection requirements.

**Q31 Chair:** Of course, they are turning 18, so they—

**Enver Solomon:** No, because these are children who are formerly relevant children; therefore, as a care leaver, that comes under Ofsted's duty. Certainly, I know John Vine, the UKBA Inspector, is intending to look at issues around asylum support levels.

**Q32 Ian Mearns:** I think what we have here is that we need to have a consideration about what we recommend, because it is clearly a grey area.

**Enver Solomon:** Yes, and I think there is a role for the Department for Education in clarifying this and seeking to resolve this with the UKBA.

**Q33 Ian Mearns:** Therefore, we would welcome clear guidance from the Department for Education on these issues.

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*Enver Solomon:* Or a clear direction.

**Q34 Chair:** So we are looking for clarification, guidance and a role for Ofsted. Is that combination enough to tackle this issue? Jenny, your thoughts?

*Jenny Whittle:* I think you need an agreed position between both the Home Office and the Department for Education; otherwise, you will have the Department for Education giving guidance and the Home Office potentially having a different view.

Just to give Kent's position—I know I alluded to it earlier—we currently have 114 young people who are appeals-rights-exhausted. Some of them have been in our care for a number of years, so how do you turn around to a young person who has been in our care for six years and say, “We have undertaken a human rights assessment to establish whether you are entitled to just 13 weeks' further assistance beyond your 18th birthday”—that is all it entitles you to—“and now we are going to make you destitute”?

We support those young people but we can only provide them with accommodation: they are not entitled to apply for a National Insurance number and seek work; they are not entitled to go to college, because they will not receive education funding. What we are looking at doing is funding a small cohort of those appeals-rights-exhausted to train them up so they are skilled up, so when they eventually return to their home country, they can settle there and embed back there, when they probably have not been in that country for a number of years. We would very much welcome, at a local authority level, a joint and agreed position between those two Government Departments, rather than both issuing separate guidance.

**Q35 Chair:** I think that is a clarification of what “clarification” would mean. Philip?

*Philip Ishola:* I would just add to that grouping of people to be involved in overseeing the application of the provision locally the Local Safeguarding Children Boards, as part of DfE. That guidance that would come out between DfE and UKBA/Home Office could be implemented and monitored through the Local Safeguarding Children Boards, because I think, as it was said earlier, it does apply to 18-plus, and that agreed position would be hugely helpful. There is, however, a mechanism that has already been created for DfE and UKBA, in partnership with the ADCS ATF—Asylum Taskforce—to agree some of this. In certain areas, that has been moved forward in a very constructive way, with some discussions around funding, etc.

Just on the point I was going to touch on when I talked about UKBA and it not necessarily being an issue for them, what I wanted to say was, because it sits in local authority children's social care, that is where the responsibility for welfare and safeguarding of children and care-leavers sits, in partnership with UKBA under Section 55. That discussion would be very helpful, I believe.

**Q36 Ian Mearns:** Just briefly, the bottom line is I think we all accept that we actually do not know what the numbers are.

*Enver Solomon:* We only have a partial picture; we do not have the full picture.

**Q37 Pat Glass:** Enver, your report is saying, I think very clearly, that the financial support systems in this country are causing child destitution, but you give us a long list of what those factors are. What do you think is the single main contributor to child destitution?

*Enver Solomon:* I do not think there is a single contributor. I think there are a number of factors: there is the fact that parents are not able to work; there are the levels of support under section 4, which fall well below mainstream benefit levels and, as our analysis shows, push families into severe poverty levels, severe poverty being 40% of median income. There is also the issue that was just touched on in some detail around unaccompanied asylum-seeking children. There are issues around age disputes; if a local authority disputes the age of a child, that can have very serious ramifications.

There was a recent Local Government Ombudsman case of a 15-year-old from Cameroon who was sexually abused and became pregnant after she was refused care when a local authority wrongly assessed her to be over 18 and she was left without support. There are a number of issues driving this, but the overriding position of policy, as I mentioned at the start, and as the Joint Committee on Human Rights concluded five years ago, is that there appears to be an approach of forced destitution as a means of making the system as nasty as possible to try to deter asylum seekers from coming here.

**Q38 Pat Glass:** Is there one single thing about which we can say to Government, “If you change this, it would make a huge difference to the system”?

*Enver Solomon:* If the levels of asylum support were uprated in line with mainstream benefits for section 95 and section 4, it would make a substantial difference. If—and the recommendations in our report also include this—parents were allowed to work if their case was not resolved in six months, then that would make a significant difference and, indeed, there are others who have put that proposal on the table previously. Then there is the issue around unaccompanied asylum-seeking children that we have talked about and the issue around no recourse to public funds. There are, then, some specific things that could be done that would make a difference.

**Q39 Pat Glass:** To the local authority representatives, just how much funding do local authorities have to assist people who have no recourse to other financial funding? Is this ring-fenced in some way?

*Philip Ishola:* It is ring-fenced in the context of the local authority's spend. So the grant that comes in from UKBA to fund unaccompanied children only applies to unaccompanied children; no other grouping, including trafficked children, is funded.

**Q40 Pat Glass:** It is, then, just around unaccompanied asylum seekers. For the group you were talking about, Jenny, those looked after for six



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years with no further recourse to funding, is that coming out of Kent's funding?

**Jenny Whittle:** It comes out of Kent's funding. The new guidance from the UKBA is that we should undertake a human rights assessment to determine whether that young person is eligible for funding for 13 weeks. We either declare that that young person should be entitled to that funding or that young person should be declared destitute. I think Islington have trialled these human rights assessments and they have not found any child or young person, as I understand it, who they wish to make destitute. The danger for local authorities is, if we did that, firstly we are subject to judicial review from the barristers working on behalf of these young people; secondly, they go underground. Then they will become destitute, they will resort to being trafficked or prostitution or crime, and that poses a risk to public safety, as well as the safety of the individual young people concerned.

I am very wary about undertaking human rights assessments, and Kent County Council is in discussions at the moment with the Home Office and UK Border Agency. My view is that, until the point that they are deported, we should continue to provide support for them.

**Q41 Pat Glass:** How much of a challenge is that, Jenny, when local authorities are really strapped?

**Jenny Whittle:** It is a massive challenge for us. It is a £3.1 million hole in our budget at the moment, and it is growing. I know, for Hillingdon, it is an identical figure. I am more sympathetic as well to individual unitary councils—small borough councils, like Islington—where that funding is a bigger proportion of their budget than, say, of Kent's. Just to give you an idea, that £3 million pressure equates to 0.6% of our council tax base and 0.3% of our net budget, so it is quite a substantial figure and it equates to far more than that, say, for Hillingdon Council's budget.

**Philip Ishola:** That description applies to, I would say, 90%-plus of local authorities, to some extent, across the UK. There is a hole in the budget, and in my ex-local authority, Harrow, for instance, where the numbers of unaccompanied children are quite low, £900,000 is the hole in that particular budget, which the local authority fills.

**Q42 Pat Glass:** So 90% of local authorities in this country are carrying a cost that really should be borne by the Government. How much of that is coming from other services and how much is going on additional council tax? Is Kent putting additional council tax on or is it taking the money from other services?

**Jenny Whittle:** It is a mixture of rolling over underspend and looking at how we deliver other services but, yes, in essence, we have frozen council tax this year.

**Q43 Pat Glass:** So it is coming out of other council services?

**Jenny Whittle:** Yes, it is coming out of other funding streams.

**Enver Solomon:** I think there is an important point here to recognise: that children's social care services are under enormous pressures, with a rise in the

number of care applications, and there is a duty here that they have within current budgets. This is not the only call on their funds, and I think it would be wrong to leave the Committee with the impression that this is the single issue that is creating a hole in budgets for local authorities. There is a range of other issues, and local authorities have a duty to configure their spend to meet welfare needs.

**Q44 Pat Glass:** But also Governments have a duty to fund them properly.

**Enver Solomon:** They do, and I think the UKBA could play a role here in reimbursing local authorities for support provided to former relevant children.

**Q45 Pat Glass:** Enver, you said in your report that you have examples of children who have been taken into care because local authorities are saying that is the only form of funding that they will provide. They will not support the family; they will just take the child. Do you actually have examples of that?

**Andrew Jolly:** We do in the West Midlands. It is often suggested by social workers to our families that they are not able to support them but they can take the children into care. Unfortunately, the effect of that tends to be that the families then will go away—they will go underground. They will say, "We do not want to split up our family and we will find other support." We have had one or two examples where that has happened. It has not happened as a result of a care order; what has happened is the social worker has gone to them and said, "We cannot help you," and they have voluntarily placed their children into care. In practice, it has not been voluntary in any meaningful sense, because that was the only means of support, but that has happened on some occasions in the West Midlands.

**Q46 Mr Ward:** We have touched on quite a few issues already, but moving from the causes to the impact of this, you have made references to the experiences of destitute children. Can we just, for the record, add to that? What are the experiences that you have come across? You mentioned homelessness and abuse, no doubt, but what other experiences have you come across?

**Andrew Jolly:** I think the biggest issue that we have found, as I say, in the Midlands has been young women and young mothers who have been involved in transactional sexual relationships in various degrees. It tends to be a young woman who is homeless; she meets someone who says, "You can stay with me in exchange for sex," and that is something that we hear about quite a lot. Obviously, it is very sensitive, and when we work with a family, we do not tend to go into the details of where they have been before; our focus is on protecting the child and providing support for the family at that time. We do, however, have a lot of evidence that that does happen a lot. That is probably the biggest issue that we are facing.

Domestic violence is another big issue. Because the families who we are working with do not have access to mainstream welfare benefits, women and children, if they are in an abusive relationship, in many

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circumstances cannot access a refuge. We have some quite horrific stories of sexual abuse and violence towards the families who we are working with. They do not have support because the perpetrator has said, “You cannot get support and, if you try, you will get in trouble,” so that is an issue for the children and families accessing and approaching the police or the authorities in those circumstances.

**Q47 Mr Ward:** Crime?

**Andrew Jolly:** In terms of the reports I have read from other agencies, that is an issue. In my own personal experience with the families we are working with, that is not mentioned very often, for obvious reasons. One issue that does come up quite often is the subject of illegal working. Because there is no access to any legitimate income, families and young people make ends meet how they can—cash-in-hand work and that kind of thing. We have had families where one of the parents has been sent to prison because of illegal working. I do not feel I can speak to other crime, because that is not something that—

**Q48 Mr Ward:** Document fraud?

**Andrew Jolly:** Again, there is a lot of evidence that that happens. It is not something that the families and young people we are working with would necessarily speak to us about, again for fear of getting into trouble.

**Chair:** David, we have to move on. We have very little time.

**Q49 Mr Ward:** We did talk about local authorities in terms of resourcing. If the resources were there, do they have the systems in place, in your view, to deal with this, if well resourced?

**Philip Ishola:** Yes. I would say local authorities bear responsibility in the systems to support children, and it is important just to emphasise this is around unaccompanied children and care leavers, because NASS/UKBA support families. But the systems that local authorities have in place should work and be applied to all children, and there should never be a circumstance in a local authority where a child goes hungry or is living on the street, destitute through an action of a local authority. It is entirely unacceptable.

**Jenny Whittle:** Just on a small point, I know in our discussions the UKBA have urged us to do more work with children and young people who have some leave to remain to claim the benefits to which they are entitled, and I think there is more work that Kent County Council and other authorities can do on that front. That does not apply to those who are appeals-rights-exhausted.

**Q50 Charlotte Leslie:** The Children’s Society report identifies various measures to tackle this, and also an ongoing tension between children’s rights and safeguarding, and policies for immigration control. Do you think that tension is always going to exist or is there any way to resolve it?

**Enver Solomon:** I think there is a way of resolving it. It is very clear: we are signatories to the United Nations Convention on the Rights of the Child; we have a Children Act that is very clear about the

paramountcy principle of the welfare needs of the child being at the heart of decisions; section 17 is very clear about the role that local authorities have to play in supporting children who are in need, regardless of their predicament, and again is very clear around child protection duties. I think that at the moment we have a situation where politicians are letting immigration control trump the welfare requirements that are very clear in statute, and local authorities are finding themselves in a very difficult situation as a result. I think that the child protection issues are not being prioritised over and above the issue of immigration control.

**Q51 Charlotte Leslie:** There is a very reasonable argument—and you tend to see it in constituency surgeries—that people use their children in order to play the system. Do you think there are measures we can take to ensure that the rights of the child are enshrined and their welfare is enshrined, without giving a licence to people who may not have the best of intentions—and their children are innocent partners to that—and are using their children to get what they want through the system?

**Andrew Jolly:** I think that is a really difficult question to answer. Obviously, it is different for unaccompanied asylum seekers, but for children in families it can be very problematic trying to separate the two. Children are in families, and some of the attempts to separate those things out have led to children being taken into care and removed from their families in cases where there is not abuse or neglect. That can never be right. It is, however, a very tricky issue.

**Enver Solomon:** We could do better at ensuring that children’s best interests are met by ensuring that their views are considered in decisions that affect them. Obviously, for very young children—babies and infants—that is more challenging, but I think, certainly for older children, we could do better. Eileen Munro’s report on the child protection system made this point, and it applies to these children as well: their views should be given due weight in accordance with their age and maturity. Certainly, for children in the immigration system, who are often invisible to decision makers, we could certainly do better there in ensuring that we hear directly from a child who wishes to express their view and is old enough to do so. Lady Hale made that point in her recent judgment on a case.

**Philip Ishola:** I think, in answer to your question, I would agree it is an extremely difficult one, if we remember that families in this circumstance can be quite desperate. The action of parents in the context of using their children as tools or mechanisms to extract some kind of support is a social care issue. It requires assessment around risks to the child and whether that child is in need. A desperate parent can do all sorts of things but not harm that child, and I think that is the acid test for local authorities: what is the risk? It is around providing support to that family and saying, “You are in the UK—unacceptable,” and bringing in agencies to provide some additional support for them. It is a very tough one because there

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are circumstances where parents will resort to harming the child.

**Chair:** Thank you. Charlotte, one last question.

**Q52 Charlotte Leslie:** Just a very quick one—it is a very difficult one—to Enver: of all the recommendations you make, are you able to prioritise, say, two or three? What progress have you had with Government? If I can slip in one more: Jenny, how practical do you think those recommendations are as a practitioner on the ground? Sorry, that was two in one.

**Enver Solomon:** The issue that we have been trying to take forward with the Home Office and the Department for Education is the issue around levels of asylum support that I referred to—section 95 and section 4 support—because we know the Home Office is currently reviewing those and we know, as I said earlier, that some tweaks could be made that do not bear substantial financial cost. I think that is certainly a priority issue and there is an opportunity there. I think there is a broader issue around reviewing the issue of permission to work and granting parents and young adults, if their claim has not been concluded within six months through no fault of their own, the opportunity to engage in employment.

**Q53 Chair:** Thank you all very much. Jenny, one last point.

**Jenny Whittle:** I thought somebody would ask that question, so I went through the report with a fine-tooth comb, but in all seriousness it is a central reason for lead members in authorities to look at our practice and how we are adhering to the recommendations. We are implementing most of the recommendations; for example, we involve children in their care planning.

Social worker training: we have commissioned ECPAT to train up our social workers to be aware of the needs of asylum-seeking children and those who have been trafficked or are potentially being trafficked. We have set up a multi-agency group, including UKBA staff, to share information on missing children and safeguarding trafficked children. There are, however, other recommendations that we need to review; for example, data capture—I think that is absolutely critical—and also the legal support and advocacy that is offered for individual unaccompanied asylum-seeking children. We do have a contract with the Legal Services Commission but I am currently looking at that to see whether it is delivering exactly what we need to. The “Landing in Kent” report that was published by the Children’s Commissioner was very complimentary about the legal advocacy provided for these young children, but there is always an inherent tension. For example, would you have a legal advocate looking at the age assessment and the support that young person should be entitled to? There could be a conflict of interest there, but the principle on its own is absolutely right. I think all lead members across authorities should be looking at how we can implement those recommendations, because we should all be doing this.

**Chair:** Can I thank you all very much indeed? I do not know if you are able to stay and hear the two Ministers who are giving evidence to us today, but were you to wish to write to us or, indeed, to them and copy us in on any letter you send, that could all play a part in us pushing the Government to make the necessary changes. We will hear from the Minister right now. Thank you very much.

### Examination of Witness

*Witness:* **Sarah Teather MP**, Minister for Children and Families, Department for Education, gave evidence.

**Q54 Chair:** Minister, thank you very much for joining us this morning.

**Sarah Teather:** Thank you for inviting me.

**Q55 Chair:** We are looking into destitution amongst asylum-seeking and migrant children. It is always dangerous to sum up the complex evidence provided by a panel, but if I had to sum up the last panel I would quote Enver Solomon: “Politicians are letting immigration control trump the rights of children when those rights themselves are enshrined in statute.” Is he right, and if he is, what are you going to do about it?

**Sarah Teather:** The rights are very clear; in terms of safeguarding and education, children have inviolable rights. We have been very clear with local authorities that that should always be the case. Children should be assessed in terms of their need in exactly the same way, regardless of their immigration status. I am sure that there will be issues of practice, but it is certainly clear what the law says.

**Q56 Chair:** But their report that came out in February and their evidence today says that immigration control is trumping the rights of children.

**Sarah Teather:** Do you want to be a bit more specific in your question, rather than the generic one?

**Q57 Chair:** Quoting again, Iain Duncan Smith, before he held his current position, talked in the past about forced destitution and that there was a policy that, by being nasty, the aim was to deter people from illegally seeking to be in this country, and that innocent children are paying the price. He said that then; have things substantially changed since?

**Sarah Teather:** Obviously, you have Damian Green coming after me, so some of those issues, I think, are best answered by Damian, and certainly in terms of the level of support that is offered, because that is an issue that is decided by the Home Office. That is not to say that we do not make our views known around Government on some of those issues, but nevertheless that is an issue that Damian is in the lead on.

**Q58 Chair:** Your job, however, is to champion the interests of the child and, as you say, it is enshrined in statute. Guidance may be clear, though we have heard today from the Department that there is a conflict between the Immigration Act and the Children

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Act, and that, all too often—and that is the evidence we have and that is what the report says—it is children who are paying the price and there is forced destitution. As the champion of children, unless that evidence we have just received is entirely false or exaggerated, then it would seem that your Department, as the champion of the child, is failing in what is a tension between immigration control and looking after the interests of children. It looks to us—and we are the Education Committee; like you, we have a responsibility to children—that the interests of children are being trumped by immigration control. Surely, you need to do something about it, if that is true, or tell us that it is not.

**Sarah Teather:** In terms of my responsibility as the person who champions child rights across Government, that is a matter that I take very seriously, and I use my role, particularly through the home affairs clearance procedure, to make my views known on a whole variety of issues. I am sure Damian would concur with that; he regularly hears from me on a variety of issues, just as every other Minister around Government, from time to time, hears from me and, indeed, my officials on these matters. You have, however, not been very specific in your question, and it is quite difficult for me to answer a very generic allegation. If there are very specific points where you feel that the legislation is in conflict, and very particular points, it is easier for me to answer that.

**Q59 Chair:** We will give you an example: when looked-after children turn 18, some local authorities continue to provide support to those vulnerable young people and others do not. What are you doing to ensure that every vulnerable young person who turns 18 continues to have support and is not forced into destitution and, we also heard, prostitution, and all sorts of other things that follow?

**Sarah Teather:** This is a particularly difficult area, and one of those areas where, in fact, significant advances were made in the better closer working between our Departments and, in particular, between local authorities and UKBA to try to end child detention; I am not going to say it began with that work, but certainly significant advances were made during that process. Just looking at the care planning process better from the beginning will help with those young people and help them prepare for adulthood. The difficulty for them often is that, obviously, the decision from the Home Office may come after the point at which they are 18, and that is where the particular difficulties lie.

**Q60 Chair:** So there is a postcode lottery and 18-year-olds are being left and forced into destitution because local authorities are not providing support.

**Sarah Teather:** It is going to depend a bit on their category. If their case is still ongoing and not yet determined, then they should be treated exactly as any other child should be treated within the care system. The law is extremely clear. There are issues around consistency for children leaving care, for all sorts of reasons, and that is an issue that the Department is working closely with local authorities on, in terms of just trying to improve practice across the piece. In fact

that is not specific to children who are in that group because of immigration issues. The other issue where the Home Office may decide, at a later stage, that they have exhausted their appeal rights and perhaps make a decision post-18 is more difficult, and there are complicated issues to work through there. The important thing is that the care planning process begins earlier and young people are supported through that process.

I think the Home Office will accept that they have moved some way on culture, for example in the way in which they have been working with families as part of the process to remove families. That is work that we have worked with them on very closely. The same recognition applies: if somebody has exhausted their appeal rights, there will be some of those people who will have to go home once they become adults, just as there will be some families, during the process when we worked closely with them two years ago, who will need to go home because they have exhausted their appeal rights. You have got a much better chance of getting a family, or indeed somebody who is now considered an adult within the immigration system, to go home if you have supported them through that, if they have been taken on that journey, if they know what to expect, if it does not come out of the blue, and if that support continues.

**Q61 Chair:** Do we have young people who have been in the care of a local authority for many years who are forced into destitution at 18 because they have exhausted their rights of appeal? They are not going home and they are left destitute. Is that happening right now, in Britain today?

**Sarah Teather:** Local authorities should be doing a human rights assessment prior to that withdrawal of support.

**Q62 Chair:** If successful, that gives 13 weeks of support. What happens after that?

**Sarah Teather:** At that point, they may be treated as an adult or the local authority may decide that they wish to support them further. They will have some discretion to do that. This is a very difficult area and I recognise this is a difficult area, because they are, at that point, treated as adults. In the eyes of the Home Office, they have no right to remain. If they have exhausted all their appeal rights, that is very difficult, because at that point the Home Office is expecting them to go home. That is not to say I do not consider this to be a particular area of concern, which I do, and an issue that I would like to work with the Home Office on to improve practice.

**Q63 Chair:** I do not want to press you and I want to move on, and I can see why Ministers want to avoid the language, but on the face of it, are children, young people of 18 now coming out of care, being forced into destitution in some local authorities—yes or no?

**Sarah Teather:** I have just been passed a bit of in-flight refuelling from my official behind me, partly because some of these issues are not my lead area, as you will be aware. These issues about children leaving care are actually a matter for Tim Loughton; however,

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I am very happy to answer your questions as best I can.

**Q64 Chair:** We would get multiple Ministers in the room at the same time, if we could, but as we failed to get both you and Damian in the room at the same time—

**Sarah Teather:** I was quite happy, by the way; he did not fancy sitting next to me. It was not on my part, Chair; I am always happy to work with the Home Office.

I should say that my officials have just told me that support continues for as long as is needed and not 13 weeks, so that is not actually correct. That is how long UKBA funds it for, but that is not how long local authorities are required to support them, so that is a different point.

**Q65 Chair:** I must ask you again: do you accept, on the evidence we have received, that there are young people forced into destitution because they do not get support in some local authorities? Some local authorities do continue to support them; others do not.

**Sarah Teather:** I do not know the answer to that question.

**Q66 Pat Glass:** Minister, after two years on this Committee, I do not think I have ever sat through a session where I feel quite as angry, as a result of the evidence, as I do today. What we have heard has been absolutely appalling. Your response, in a sense, is part of the problem rather than a solution, saying, “It is not my problem; talk to Damian Green.” This is what local authorities are telling us: that they are getting guidance from Education and different guidance from the Home Office. I took your point that local authorities have discretion, but they also have no money. They are also telling us that, once these children reach 18, it is left to their discretion. There are no ring-fenced resources for those children. If they fund these children further, they do so at the expense of vulnerable services for people who live in their areas.

**Sarah Teather:** These young people live in their areas. They are not, in that sense, a different category.

**Q67 Pat Glass:** I accept it is not your area of responsibility, but what we have heard today is absolutely appalling. What I would like to know is what you are going to do about it.

**Sarah Teather:** Whatever evidence emerged in your earlier session, I did not have the benefit of listening to.

**Ian Mearns:** You would have been welcome to come.

**Sarah Teather:** Well, I was not in the earlier session. I should say that I think practice has moved a long way in the last two years. UKBA have made a lot of progress in terms of changing their culture and their willingness to work with DfE, particularly during that process when we were working on the ending of child detention. I accept the premise of your question, but I would say to you that this is not a new problem. To suggest that this is all something that has appeared in the last two years is difficult to answer.

**Q68 Pat Glass:** I accept that you have walked in here and have not heard what we have heard this morning, but what we have heard has been pretty shocking. What I am asking is: what are you going to do about it, accepting that there is an awful situation out there for these young children?

**Sarah Teather:** As I said to you in my opening answer, I take my responsibilities as the champion for children extremely seriously. I use the Home Affairs clearance process to make those views known on a whole variety of issues. There are a number of issues that I know are relevant to this on which we have shared interests with the Home Office. I shall continue, as I have already, to work with them. My officials work with the Home Office on all sorts of these issues to try to improve practice, and I will continue to do so.

**Q69 Chair:** What came out in the last session, because we tried to find a way forward, was that we need better data and it is not always collected. It would be welcome if you were able to go away and then come back to us with thoughts on that. We need clarification of the guidance because, in a sense, there is one set of rules coming from the Home Office and another from DfE. Can you and the Home Office come together with guidance that both recognises the protection for young people, especially those leaving care, and the immigration rules, so there is absolute clarity there? Then, in addition, because we know guidance does not always deliver, the other point that came up is that Ofsted, because these young people are no longer children but are care leavers, could be perhaps asked to go round and find those local authorities that are not providing the support that is required and ensure that is highlighted and acted upon. I think we had consensus across our four people in the last panel. Do you think anything in that seems unwelcome?

**Sarah Teather:** Some of that is already happening. The LGA has been working to try to improve some of the guidance on the ground, particularly on this issue around young people leaving care.

**Q70 Ian Mearns:** It is not their responsibility

**Sarah Teather:** Actually, I disagree with you. It might have been the way in which the previous Government might have worked—only by issuing a diktat—but in fact we have tried to work much more from the bottom up, because it is a much more effective way of changing practice. The whole way in which we are working to improve children’s services is, for example, led through the Children’s Improvement Board. Working with the LGA is usually the most effective way of improving practice, because you are encouraging people to share their own examples of best practice. We and the Home Office are very involved in working with them on that. Guidance is already being issued by—I cannot actually read my official’s writing here, so that is completely hopeless. It is fabulous when you have people behind you whose writing is even worse than your own. I think it might be better if I just write to the Committee on that point, when we can decipher it.

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**Q71 Pat Glass:** Minister, can I ask if you have raised concerns yourself with the Home Office about the welfare of this group of children?

**Sarah Teather:** Yes, on a number of occasions.

**Pat Glass:** And the response from them?

**Sarah Teather:** Not on all of the issues that you will have had raised, but some of those issues are matters of a specific and ongoing discussion between us.

**Q72 Neil Carmichael:** On the issue of data about the scale of the problem that we are discussing, we have heard that it is not really adequate, but what data does the Department for Education have on the question of the number of destitute children among the migrant population?

**Sarah Teather:** We do not have data on that. In terms of how we provide data for the Child Poverty Strategy, it is partly to do with the way in which our data sources are collected. Some are through the Family Resources Survey. It is effectively a sample that is then projected wider. It is very difficult to get at this information; that is for all sorts of reasons, partly because the numbers are small and because they are irregularly located. My own constituency would be very different from other constituencies in the country, so you pick up different things.

However, in terms of the people who actually lead this practice on the ground, they are also required to do their own needs assessment. The Child Poverty Act requires local authorities to do a needs assessment as part of their process of planning. If you are a councillor in my area, you are likely to have many more children who may be living in poverty because they are asylum-seeking children or migrant children whose immigration status has not been regularised other than perhaps in Cornwall. At that point, you are going to need to plan for that, and the law is very clear on that that, in effect, the cause is not the point. The Child Poverty Act will require councils to plan for that and to do that needs assessment based on the children they have in their area.

**Q73 Neil Carmichael:** Has the Department for Education ever thought about collecting that data up in some form or another, just so you can get an estimate at least?

**Sarah Teather:** It is quite difficult to know how you would obtain that data. The Home Office has some of that data, and some of this you will need to ask Damian about, in terms of what they collect. The Home Office will have data about families who are in the asylum process. How good that data is, I can't comment. As a constituency MP I found it to be variable in quality. They will have reasonable information, but I think it is a well-known fact that the Home Office does not necessarily have the data on who does not have an immigration status to be regularised. That is kind of common sense, but you will need to question Damian further on that.

**Q74 Ian Mearns:** Minister, I am terribly sorry, but I think somebody actually has to get a grip on this. We heard in the previous session that we are dealing with best estimates. The University of Oxford had a figure of 120,000 young people—

**Sarah Teather:** That is migrant children, not children in the asylum process.

**Q75 Ian Mearns:** Yes, with 65,000 born in the UK. As the Minister and the Department with responsibility for the welfare of children, surely the first thing that we should be trying to establish is the scope of the problem that we are trying to deal with. Therefore, somebody has got to be saying, "Look, we need to get our hands on the data, by collating the data from the various local authorities and then cross-referencing that with information from the UKBA."

**Sarah Teather:** I am not necessarily sure that is true, because the law is clear that local authorities have a duty to provide for children regardless of their immigration status. The law, in terms of the two Children Acts, is blind to their immigration status. Providing that data on why it is that they are in need is, in a sense, irrelevant. They still have to provide for those children.

**Q76 Ian Mearns:** I am terribly sorry, but metaphorical hand-wringing is not going to actually make the position of any individual child any better.

**Sarah Teather:** I was not metaphorically hand-wringing. I was saying the law is clear and the law is blind. From a local authority's perspective, if a child is in need, they have to provide for the child in need.

**Q77 Neil Carmichael:** I accept that and I am very pleased to know that it is blind, in that sense, because obviously you do not want any form of discrimination that would cause a problem. But the fact remains that, if we are unclear as to how many vulnerable children there are in the category we are talking about, it does not necessarily help the local authorities with identifying and helping them. Do you agree?

**Sarah Teather:** It is the local authority's role, as required by the Child Poverty Act, to do the needs assessment locally. It is going to be very difficult to get this kind of data at the granularity that you need in order to provide for services from Whitehall, particularly given that it is so different in different areas. It is the local authority's role, because the duties are contained within the Children Acts, both 1989 and 2004. It is their role to provide for children in need. Under the Child Poverty Act, they are going to be required to do a needs assessment. I am not sure how us providing them with that data is going to help with that.

**Q78 Alex Cunningham:** Just one question: is it accepted that there are a lot of unknown children out there who could be in destitution from the asylum seekers? Do the authorities actually accept that there are children out there who are not getting the support they should? Are local authorities failing them?

**Sarah Teather:** One of those questions I think might be better put to Damian. This is going to depend entirely on their status within the immigration system. The Home Office will say, and I am sure Damian will say when he answers your questions afterwards, that there should be no reason for any asylum seeker to be

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destitute and that support is available for any asylum seeker. I am sure he will be able to say that to you.

**Q79 Alex Cunningham:** Would you accept the evidence from The Children's Society that there are children who are not getting the support that they require under the Children Act?

**Sarah Teather:** Specifically in what area?

**Alex Cunningham:** I am sorry; I cannot be specific.

**Sarah Teather:** That is part of the problem, unfortunately.

**Q80 Chair:** I will give you a specific. It does not tell you the place, but The Children's Society report says, "Social workers openly acknowledge to us that there is a need to support children and families who are destitute"—so far, so good; absolutely what you are saying, Minister—"but that they do not have the resources to do so". According to The Children's Society, unless they are making it up, they are going out; they are talking to social workers who are telling them that they know that they have a duty, but they do not have the resource to do it and they are failing to do it. Surely it is your job to ensure that they do it.

**Sarah Teather:** That is a slightly different problem though. That is not an allegation that immigration law and children's law is in conflict. That is a discussion about resources and whether or not local authorities are adequately resourced. That is a completely different question to the one that we were asked earlier.

**Q81 Chair:** That was earlier and we are now on to a different point.

**Sarah Teather:** I know, but I am still trying to pick up the common thread in order to answer the question. Local authorities will say, regardless of the cause, that they feel under immense pressure in terms of children's services, partly because of the numbers of applications going up. I think that is a generic point; I am not sure that is specific to children who are in need because they are located within the immigration system. We have been trying to work with local authorities to encourage them to commission better and smarter, and to use their resources better. Some of that work, particularly with the Children's Improvement Board, is also about thinking about how you can use the resources within children's services better, at an earlier stage. Your question is generic.

**Q82 Chair:** In terms of this general tension about resource and ability to do everything that they would like to do, did you just say there is no particular problem with asylum-seeking children? Are we to believe that other children are being left in destitution more widely because of this lack of resources?

**Sarah Teather:** No, I did not say that, but your point and the quote that you gave also did not say that it was specific to the immigration system. I hear that complaint a lot from local authorities about all sorts of areas. They will say that they are inadequately funded.

**Q83 Chair:** Do you think there is a particular problem with these particular children, as opposed to children at risk of destitution overall?

**Sarah Teather:** You are asking me to speculate on whether or not I think all support is adequate from the Home Office for all of these families.

**Q84 Chair:** That is not my question. My question was whether the children we are talking about today are at particular risk.

**Sarah Teather:** The law is clear, as I have said already.

**Q85 Chair:** I know that, but are these children at particular risk or not? If they are, then there would be a case for data. If they are not, then, as you say, it is just a general duty on local authorities and there is no reason to believe these children are treated differently from anyone else; there is no reason to pay any special attention to it, presumably.

**Sarah Teather:** If there is evidence of poor practice, I think that is an issue that we need to take up, but the law is clear. The law is clear that it should be blind. In terms of safeguarding and support, regardless of the reason why they are in need, local authorities have to provide for them.

**Q86 Alex Cunningham:** Do you accept the report evidence that says, "Our practitioners working with young refugees across the London boroughs have seen a sharp rise in the number of young people who are experiencing destitution"? Do you accept that evidence?

**Sarah Teather:** I do not have evidence to suggest that.

**Q87 Alex Cunningham:** So you have not seen the report?

**Sarah Teather:** I have seen the report, but some of that is survey. I accept that local authorities, in London in particular, feel particular pressure in this area. You are asking me to say if I think there are an awful lot of children who are in destitution.

**Q88 Alex Cunningham:** I am asking if you have read the report and understand what was said.

**Sarah Teather:** I have read the report.

**Q89 Alex Cunningham:** If you have read the report, you will recognise that the London boroughs are saying that they are under considerable pressure, because they are finding more and more young people in destitution. Assuming that you accept that evidence, what are you doing about it?

**Sarah Teather:** We are going round and round in circles at the moment.

**Q90 Alex Cunningham:** That is because we are not getting the answer.

**Sarah Teather:** Well, I mean I have already said that local authorities have a duty to provide for those children.

**Q91 Alex Cunningham:** So they are failing

**Sarah Teather:** I am not sure that there is evidence that they are failing. In fact, if they are experiencing a rise and they are providing for it, then they are fulfilling their legal duty.

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**Q92 Damian Hinds:** Just for comparison purposes, I just wondered how often you hear from social workers about areas of case load where they have too many resources to deal with or even just adequate resources to deal with and, indeed, local authorities in general.

**Sarah Teather:** Never.

**Q93 Craig Whittaker:** Minister, good afternoon. I would like to take you back to an area where there is a conflict between children's rights and immigration, and that is the leaving care provision. I know you said you have already read the Children's Society report, but let me just read to you what they say is a recommendation: "Leaving care provisions should be available to all looked-after children regardless of their immigration status and they should be supported until at least the age of 21 (or until 24 if they are in education). This could be achieved by amending Schedule 3 of the Nationality, Immigration and Asylum Act 2002 to ensure that leaving care and children in need provisions are always made available to children and young people to meet their welfare needs." That of course ties in with section 17 of the Children Act. This report came out in February. It seems a very simple way of stopping a conflict between the two Acts. What is the problem with implementing something that seems a really simple solution?

**Sarah Teather:** If a young person's immigration case has not yet been decided, then the law already provides for them to continue to have that support. They are treated as a child leaving care and should be given exactly the same support that any other child within the care system should expect. As I said in an answer earlier, there are issues about consistency for all children leaving care, which the Department is trying to work with local authorities to improve. Tim Loughton in particular has done quite a lot of work on this issue.

**Q94 Craig Whittaker:** I understand that, but you are avoiding the question.

**Sarah Teather:** I am not avoiding the question; I am answering the question clearly, because the law already provides for those children—at that point, they are young people moving into adulthood—if their case has not yet been decided.

**Q95 Craig Whittaker:** Why would The Children's Society then make a recommendation, which is a very simple and clear recommendation, where there is a clear conflict between DfE and immigration, and yet you are just totally avoiding the issue?

**Sarah Teather:** Because they are making a different point to that. The point that they are raising is about, as I would have gone on to say, young people whose rights to appeal have been exhausted. At that point, they are treated as an adult and the Home Office would say that they have no right to stay. These are genuine tensions and genuinely difficult issues to work through. Some of these young people will need to go home if their rights have been exhausted. It is inevitable that some of them will need to go home and the process needs to prepare them adequately.

**Q96 Chair:** So are we forcing them into destitution in order to make them more agreeable to that?

**Sarah Teather:** I am not comfortable with a policy of forcing anybody into destitution in order to get them to comply with immigration status, but that is my view across the piece and that is not government policy.

**Q97 Craig Whittaker:** Surely we have a simple solution here to put that right. Why aren't we shouting about it and why aren't we putting it in? It is a very simple solution to what seems to be a difficult situation, where we are putting young people into destitution.

**Sarah Teather:** As I said to you before—I will go back to the answer that I gave earlier on—local authorities should be doing a needs assessment before withdrawing any support. As I also said, UKBA will provide for that support for 13 weeks, but local authorities should be providing that support for longer if that young person is in need. The most important thing is that UKBA and local authorities work better to help plan for young people because, if they are going to be required to go home, what is important is that they are supported through that process to enable them to do so.

**Q98 Craig Whittaker:** You are saying then that The Children's Society is completely wrong and there is no need to implement their recommendation.

**Sarah Teather:** No, I did not say that The Children's Society was completely wrong. However, I am not sure that their recommendation is necessarily the best way to deal with the problem.

**Q99 Chair:** Would you be able to investigate what would be the cost of funding-blindness? As you said, for people who are under 18, the system should be blind and look after the child.

**Sarah Teather:** Post-18.

**Chair:** Post-18, when we are talking about people leaving care.

**Sarah Teather:** I do not know; I would need to go away and think about that.

**Chair:** That is what I am asking you to do.

**Sarah Teather:** It would have wider implications to do with social care legislation because, at that point, they are treated as adults so that is the point. If they are children leaving care, they are treated as exceptions to that. I would need to go away and I am happy to write to the Committee.

**Q100 Chair:** Instead of destitution being used as an incentive to get people to go home, the cost of looking after people properly might accelerate the speed of getting people to go home, on behalf of Government.

**Sarah Teather:** Yes, I think that may well be a fair point.

**Q101 Craig Whittaker:** Can I ask you then, in regard to outcomes for young asylum seekers who turn 18, what monitoring do we do of the outcomes for those young people?

**Sarah Teather:** I do not know the answer to that question.



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**Q102 Mr Ward:** School and education is important for everyone. It is even more important for those young people who are destitute. We heard this morning of a school that went from four to 150-odd children with English as an additional language. Not all of those of course are destitute, but many, particularly Roma, will be in those circumstances. How confident are you that destitute asylum-seeking and migrant children have full access to education in this country?

**Sarah Teather:** They should be getting full access to education. As I said earlier, the law is blind and local authorities have an absolute requirement to do that, from five to 16, for the whole compulsory age point. Similarly their free entitlement, the 15 hours of free nursery education, should also be applied to all children, regardless of their immigration status. I should also say that the rollout of the entitlement to 15 hours for two-year-olds, beginning with the poorest, should also benefit children of asylum-seeking parents as well. If you are being provided support under section 95, you would be eligible for 15 hours of early education.

**Q103 Mr Ward:** We have mentioned before Gypsies and Travellers, and free school meals. Moves are afoot on that one. In terms of Roma and others, it is always possible to prove low income, but not no income. Where benefits are related to income, then of course it is very difficult if you have no income. This comes back to free school meals, leading on to pupil premium. Is anything at all being done to look at those with no income levels and free school meals for those children?

**Sarah Teather:** The historic problem with Gypsy/Roma/Traveller children has been to do with their right to benefits. When the law changed in terms of accession countries and they became eligible for benefits in the same way, that should have dealt with the problem for most of that group, where they were

excluded from benefits because of the country of their origin. There are wider issues more to do with whether or not those families are known to systems, services and bureaucracies, and whether they are registered in ways or whether they have chosen not to register. That is a much more difficult problem to fix but, in terms of the law, the law no longer excludes most in that category. It is more to do with making sure that people are applying for the benefits that they are entitled to.

**Chair:** Sorry to cut you off, David. I just want to give Charlotte one last question, and then I do want to bring the next Minister in.

**Q104 Charlotte Leslie:** Thank you very much, Chair. Just taking a slightly wider view, the last time you were before the Select Committee, we were talking about how we cater for children with special educational needs. We are going to have a growing number of children who survive, which is a fantastic thing, with ever more complex and more expensive needs to meet. As a society, we have an obligation to meet those needs. At the same time, we have also got the likelihood of ever-rising numbers of children of migrant families in destitution, where also we have an obligation to meet their needs. Resources are finite. Do you think we need to be doing something differently in the way we look at all the demands on our moral obligations, as a society, and those finite resources with which we have to meet those?

**Chair:** A short, easy question to finish with.

**Sarah Teather:** For myself, I think that the rights of children should be inalienable. Regardless of the cause of their reason for being in need, we, as a society, need to meet that need. That may require us to take different spending decisions across the piece, but I do not think doing so at the expense of children is acceptable in a civilised society.

**Chair:** Minister, thank you very much for giving evidence to us this morning.

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### Examination of Witness

*Witness:* **Damian Green MP**, Minister for Immigration, Home Office, gave evidence.

**Q105 Chair:** Good morning, Minister. Thank you for joining us today as we look into the issue of destitution among migrant and asylum-seeking children. Minister, what are we to read into your refusal to appear with a Minister from another Department? Is this symptomatic of your approach to co-ordination generally?

**Damian Green:** No, nor is it a refusal. I have been at the European Scrutiny Committee, which could have gone on until 11.25, though I am grateful to colleagues for the brisk dispatch of business, so that it did not need to, and I have been able to get here on time.

**Q106 Chair:** Does your policy framework on immigration consider the position of children independently of that of their families?

**Damian Green:** Since 2009, the position of children has been embedded, in that the UKBA now has a formal duty to respect their rights under the Children

Act. There was indeed in the past something of a disconnect, but that was addressed. I claim no credit for that; that was under the previous Government. Now the rights and interests of children are centrally embedded in what the UKBA does.

**Q107 Chair:** How closely have you read the Children's Society report that came out in February?

**Damian Green:** Very closely. I read it at the time and I have obviously reread it in preparation for this hearing.

**Q108 Chair:** Enver Solomon told us this morning—I think he summed up the first panel we had—politicians are letting immigration control trump the rights of children, even though those rights are enshrined in statute. Is he wrong?

**Damian Green:** I do not agree with that. The report is clearly a collection of what are very emotive stories.

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But there is another side here. One of the things immigration control does is protect children, particularly one half of this problem, which is unaccompanied asylum-seeking children (UASCs). Let us think what they are. Even without being Immigration Minister, I know a lot about this, because I have a reception centre for UASCs in my constituency, which I visit regularly. The stories the children tell you there are very revealing. Most of them are Afghan boys who have been sent by their families to travel, very dangerously, halfway across the world, putting them in the hands of criminals, opening them to sexual exploitation and other kinds of exploitation. A number of them die on the journey. Sending a signal that you should not send unaccompanied children halfway across the world to try to claim asylum or become a straightforwardly illegal migrant is actually in the best interests of those children. As I say, there are emotive arguments on both sides.

The idea that there is a harsh immigration system that, in some way, works against the interests of children is a one-sided view. It is important to have proper immigration controls and let it be known in the sending countries that just trying to get into Britain and live under the radar is not necessarily a way to prosperity and a better life—you may be exposing your child to the risk, at worse, of death on the journey, or certainly of huge danger.

**Q109 Chair:** Are we also sending a signal about how they will be treated when they get here, because that one-sided view seemed to be that which Iain Duncan Smith held, before he held his current post, when he said that basically forced destitution was used as a tool to send a message on immigration control?

**Damian Green:** Destitution is very explicitly not used as a tool. Indeed, that is why we have support not just for people who are in the asylum process but people who have been all the way through the asylum process and have failed. Particularly to move to the other side of it—parents with children—it is the parents' responsibility, if they have no right to be in this country, to leave this country. That is an obvious basic building block of any kind of sensible immigration system. Nevertheless, we support the children in that situation, because we do not want them to be destitute.

**Q110 Chair:** What about unaccompanied children who turn 18 who have exhausted their right to remain?

**Damian Green:** Unaccompanied children who turn 18 are then adults. They should be returning home.

**Q111 Chair:** In the meantime, are they being forced into destitution in some places? That is what we have been told. Some local authorities provide continued support for the looked-after children turning 18 and others do not.

**Damian Green:** The UKBA funds local authorities in respect of supporting those children who have turned 18. The rate for care leavers is £150 a week, and we give extra money to certain authorities that have the most of these. The obvious ones are Kent, Croydon and Hillingdon. We have maintained the contributions

at the same levels as in recent years, which is a pretty good deal in the current climate.

**Q112 Chair:** Once you have done this human rights assessment, it gives a maximum of 13 weeks' support from the UKBA to the local authority. If you are not getting them to go home, as they should, as you say, where is the money supposed to come from then? Does that not explain why some local authorities, unlike Kent, do not look after people in that position?

**Damian Green:** As you say, they would be funded to do so. They need to do a human rights assessment. If they have evidence that they need to do that for longer than three months, then we would consider doing so. We are in active talks at the moment, not least with Kent, about the issue of getting human rights assessments done, because that is a very key stage in the process.

**Q113 Craig Whittaker:** Good morning, Minister. You said that The Children's Society clearly has some emotive stories in there. Would it be fair to say then that you do not accept that there is a tension between immigration policies and those aimed at protecting and safeguarding children?

**Damian Green:** No, there need not be. That is precisely why the previous Government wrote the Children Act obligations into law. As I said, the point that is often missed in this debate is that if you just say, "Either send your child here alone"—I have made a point about that and will not make it again—"or alternatively if you come here with a child, that gives you access to more benefits for evermore," actually what you are doing is encouraging people.

**Q114 Craig Whittaker:** I understand that point of view, Minister. My question was: are you therefore saying that there is no tension between the rights of the child through the UN Convention on the Rights of the Child and immigration policies?

**Damian Green:** It depends if you decide that the immigration rules, which are designed to allow people to come here and stay if they have the right to do so, and not if they do not, are inherently wrong. I do not and I do not think most people do. There is a clear distinction between those who have the right to be here and those who do not. Those who have the right to be here therefore have rights to benefits.

**Q115 Craig Whittaker:** Does that give you the right then to put children in destitution? We have clearly heard evidence that that is the case.

**Damian Green:** They should not be, as the resolution of any tension. We have support mechanisms, as I say, both for those who are in the system and still going through the system, and for those who are all-rights-exhausted—those who have no right to remain in this country. Nevertheless, we support them. We still support those who are in the system but who have gone through the system and have failed in their claim for asylum, to avoid destitution. There is, I appreciate, a third group who live completely under the radar and who try to avoid all contact with the state.

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**Q116 Craig Whittaker:** I understand that. Your view is, very clearly, that there is no conflict between the rights of the child and the immigration policy.

**Damian Green:** There need not be, is what I am saying.

**Q117 Craig Whittaker:** Yes or no?

**Chair:** Is there?

**Damian Green:** Not if everyone obeys the rules, no.

**Q118 Craig Whittaker:** No, then: there is no conflict between the two things.

**Damian Green:** There is absolutely no intention that destitution should be a deliberate aim of public policy. That would be wrong and that is not the aim of immigration policy or any other part of our policy.

**Q119 Craig Whittaker:** What about some of the horror stories we have heard, then, about how we treat children coming to this country when we do not believe that they are children?

**Damian Green:** Age assessment is a very important part of the system, because there is clearly not just the opportunity for fraud but active practice of fraud. I am conscious that what I am about to say is anecdotal evidence, so it is not that valuable, but nevertheless it was an early point that was made to me when I first became Immigration Minister. The all-time record for a claim of being a child when making an asylum claim was somebody who turned out to be 34, so there is a lot of age deception about, I have to say.

**Q120 Craig Whittaker:** I understand that, but I also understand that a lot of children will be going through this process because we do not believe that they are children when in actual fact they are. We heard this morning some evidence about a young girl who became pregnant at 14 because her age was not believed. I just wonder whether we take a position that, actually, they are presumed guilty until proven innocent rather than the other way around.

**Damian Green:** No, I do not think that would be fair. An assessment is made. Trying to assess whether somebody is 17 or 19 is quite difficult. That is why one of the things we are interested in is trying to make it more objective and scientific. We are moving towards a trial of using dental X-rays to assist with age assessments, which is done by a lot of other countries; Belgium, Denmark, Germany, Italy and Sweden all use dental X-rays. Under the rules of the National Research Ethics Service, this constitutes research, and therefore they have to give us formal ethical approval to carry on with the trial. We are at the stage of then looking at it. That, I think, would introduce an element of objectivity into it that ought to be welcome on all sides.

**Q121 Craig Whittaker:** During this whole process, Minister, the rights of the child, if indeed they are a child, are not being abused. Is that what you are saying?

**Damian Green:** An assessment has to be made as to whether someone is a child or not, precisely because we give children more rights in the system, as we should do. That is why people sometimes claim to be

children when they are not children: because they are aware that we give more rights to children.

**Q122 Craig Whittaker:** Do you actually monitor the impact of your policies, specifically in relation to children and young people?

**Damian Green:** Yes. The Home Office has a children's champion, whose job is to check our policies across the board for their effect on children.

**Q123 Craig Whittaker:** No, my question was: do you monitor the impact of your policies?

**Damian Green:** Yes.

**Q124 Craig Whittaker:** So do you have data to back up how effective your policies are for children? I know you have a tsar—you have just said you have a champion—but what about monitoring? How do you physically monitor that your policies are effective with the rights of the child?

**Damian Green:** We monitor it through every individual case that comes up. We know how many children are in the asylum system and how many children are being supported. Obviously there are many groups—The Children's Society and many other NGOs—that are constantly debating with us about the effects of those policies.

**Q125 Craig Whittaker:** Let me ask you then: what does your own research tell you about the extent and impact of destitution among migrant and asylum-seeking children?

**Damian Green:** We know how many people we are supporting. I can give you those figures. There are just over 9,000 supported children in the asylum system. There are just under 2,500 unaccompanied asylum-seeking children who are being supported at the moment. The one sensible figure I cannot give you, because nobody can, is how many children there are who are entirely under the radar—whose parents are here trying not to make contact with the state.

**Q126 Craig Whittaker:** Could you send us the figures, therefore, if you have them from your monitoring, of how many of those 9,000 children suffer destitution during the process?

**Damian Green:** They are all being supported, so we are deliberately giving them taxpayers' money so that they are not destitute.

**Q127 Chair:** You had a rather circular statement, didn't you, in answer to a PQ? It appears in the Children's Society report: "No asylum seeker need be destitute while their claim is being determined...Therefore, we do not measure the incidence of destitution among the asylum seeker community." Is it increasing at the moment? Has it increased in the last couple of years?

**Damian Green:** I do not think that is circular; I think that is just factual. If you are receiving benefits, then you are not destitute. You have a means of support. That support is coming from the British taxpayer.

**Chair:** So there is no destitution among asylum—?

**Damian Green:** Among supported children. There are clearly people who are so keen to avoid the attention

of the authorities that they are living outside the system. If they come into the system, then they will get support and not be destitute, but I am not saying there are no families like that; there clearly are. All I am saying is I cannot give you the exact number for the very obvious reason that they spend their lives trying to evade all the organs of the state.

**Q128 Alex Cunningham:** Is there any estimate? Do you think this is dozens, hundreds or thousands of children who are under the radar? I know you cannot answer specifically, but is there any idea at all?

**Damian Green:** I do not know. Estimating how many people are living completely illegally in this country is difficult. There was an estimate done eight years ago that there were something like 750,000, and that is the working figure everyone has gone on, but it is genuinely not as valuable an activity to try to count people who are doing their best not to be counted as to try to set up systems to find them and, if necessary, therefore to support the children. That is the most useful thing to do.

**Q129 Alex Cunningham:** You must be worried that there could be thousands of children in destitution out there who we simply do not know about.

**Damian Green:** It is possible. As I say, it would be foolish of me to try to guess at the number, because all I would be doing would be guessing. What we do increasingly well is follow up on people who we know are overstaying. They may well have children. If they are trying to live completely away from the authorities and we find them, then we find more children. If those children need support, we can give them support.

**Q130 Mr Ward:** The circularity of the argument is based upon the value of the support that is received because, if we gave them a penny and we said, "That is the support," we could not then turn around and say, "No one is destitute because they are getting support." You are, by implication, rejecting the accusation that the level of support itself is insufficient and leads to destitution.

**Damian Green:** Destitution means no visible means of support. They do have a visible means of support. We can argue about support rates, and that is obviously a legitimate debate that happens all the time.

**Q131 Mr Ward:** Would you argue that, in your view, it is sufficient?

**Damian Green:** I would argue that it is certainly sufficient to avoid destitution.

**Q132 Ian Mearns:** I think we have heard clearly from your perspective that destitution is not a tool, it is not a goal, but I think you would accept, for some, it is an outcome.

**Damian Green:** Not for anyone who is in the system. No, I do not accept that. If you apply for asylum, then you are eligible in section 95 for support. Even if you go through what is often a long and tortuous legal process—although we are making it shorter—and come out the other end, you are still eligible for support. Unless you take yourself outside the system,

you should avoid destitution. That is what I am saying.

**Q133 Ian Mearns:** The group that I am particularly interested in is those young people who are approaching the age of 18. Once they go over the age of 18, what we have heard this morning is that the levels of support for them around the country are very mixed and quite different. It is almost a postcode lottery. Therefore, I am concerned about the welfare of those young people, that no one is effectively collecting or collating the data, and that no one is regulating or inspecting to ensure proper outcomes for those young people.

**Damian Green:** There is a local authority-led group that does collect the data, the No Recourse to Public Funds group, whose findings you may have. Again, there should not be a postcode lottery. The LGA has put out guidance on this. It is inevitable, I suppose, that the local authorities that have a lot of asylum-seeking children will get better at the system. They are more experienced at it. As I say, if that is what you are finding, then that is clearly wrong and unfortunate, because there is guidance out there to tell local authorities what to do.

**Q134 Ian Mearns:** Minister, I have to declare an interest. I am a vice-president of the LGA, having been a councillor of 27 years. The LGA, while it may issue guidance, is not a regulatory body from that perspective. Is anybody going out there and checking that that guidance from the LGA, from the Department for Education, from the UKBA, from the Home Office, is being effectively adhered to?

**Damian Green:** I assume that is for the local authority regulatory bodies to do. If you have been a councillor for 27 years, you know that, in areas where councils feel they have a problem, there is often another council that is facing the same issue.

**Q135 Neil Carmichael:** Given it is quarter to 12, I am going to be quite quick, Damian, you will be pleased to hear, as we all will, and probably surprised. The Supreme Court ruled that children should be uppermost in your minds at the UK Border Agency, and I quote: "The question of a child's best interests should be considered first and that no other one consideration, such as the need to maintain immigration control, could outweigh these interests." To what extent is that embedded in the conduct and strategy of the UKBA?

**Damian Green:** It is increasingly, since the legislation was passed. Again, it is before my time as Minister, but I get the impression that was quite a step change in the UKBA's attitude, across the board. We are talking fairly narrowly about support mechanisms and so on, but in terms of the way caseworkers operate and entry clearance operators operate, and so on, throughout the UKBA my impression is there is much more awareness of that as a hugely important issue than there would have been, say, five years ago.

**Q136 Neil Carmichael:** Last but not least, just following on really from Ian's probing, what is the interface like between UKBA and local authorities,

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and the protocol that would be used to deal with issues that basically amounted to, “What is the local authority doing about this?” or “Can we help the local authority deal with this particular matter?”

**Damian Green:** It is very regular. It is concentrated, for obvious reasons, on those local authorities that have most children in their care who are asylum-seeking. I have regular meetings with Kent, Hillingdon and Croydon, because those are the ones where the budgetary effects, the grants they get from the UKBA, are very significant. We have local immigration teams. The UKBA is a localised organisation. It does not just sit in London, Croydon, Sheffield or Liverpool—our big centres. It has local teams everywhere, who are dealing with their local authorities on a day-to-day basis, because they are dealing with the individual people who are making claims.

**Q137 Damian Hinds:** Damian, you mentioned at the start the risk that some families put their children through by sending them halfway across the world—the risk of violence, sexual violence and even, in extreme cases, death—and the importance, therefore, of the messages that get through in originating countries about what can be expected and so on—what the system is at the other end. Do you think those messages are now changing? I presume there is a very long lead time. How long does it take to change perceptions in originating countries?

**Damian Green:** That is a really good question and the answer is a long time. We have tried all sorts of ways. We have put stories in soap operas. You laugh, but it is not a bad way of doing it, because if you are in a country where a lot of people think, “Get to Britain illegally and the streets are paved with gold,” then the people you are encouraging are human traffickers. Having a storyline about a young woman who comes to London and gets sexually exploited is a really powerful way of getting a message across. The truth is it is different from country to country. One of the most effective things you can do is return

people. If people realise that coming to Britain does not just mean you are stuck there for life—that we do have a more effective system than we used to have and people get returned—then that message goes out really vividly and quickly. Somebody arrives back in their village and says, “I was sent back,” and that might stop another 20 people from trying in the first place. At the margin, that will save some children’s lives.

**Q138 Damian Hinds:** In the interests of time, one other thing I wanted to ask about was about when young people turn 18. There was some discussion earlier in this committee about whether 13 weeks’ support is correct and so on. There is a recommendation in the Children’s Society report that, as care leavers, everybody should have entitlement to continued support until the age of 21 or 24, regardless of immigration status. I just wondered if anyone had presented you with an analysis of the cost of that or where that money would come from and which other budgets would be cut.

**Damian Green:** I do not have the costs in front of me, but you make the point that this has to be money that comes from somewhere. Again, I return to the point that that would send quite a powerful signal around the world: get to Britain before you are 18, and you can then live off the British taxpayer until you are 24. I do not think that would be a helpful signal, either for the individuals themselves or certainly for the British taxpayer.

**Q139 Chair:** We have a number of other questions we would have liked to ask you but, in light of the time, are unable to do so. Could we write to you on those and seek an answer?

**Damian Green:** Of course; no problem.

**Chair:** Thank you very much indeed for giving evidence to us today.

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#### Written evidence submitted by Sarah Teather MP, Minister of State for Children and Families

During my appearance on 4 July, I said I would write to you on two issues -support for care leavers aged over 18 years whose appeals rights have been exhausted; and the guidance produced by the Local Government Association.

As I said during my appearance, all unaccompanied children are supported by local authorities under the Children Act 1989. There is no link under the legislation to their immigration status. Most of these young people will continue to be supported for a period after they reach 18 years of age as “former relevant children”, but there is a link at this point to their immigration status. The legislation is a little complex, but in general terms some will continue to receive support as “former relevant children” up to the age of 21, or up to the age of 25 if still in education or training. However, those who are Appeals Rights Exhausted may only be supported for human rights reasons. Whether those reasons apply depends on an assessment of the individual case, but we would expect the reasons to cover anyone who was taking appropriate steps to leave the United Kingdom, for example by applying for necessary travel documents, but who needed accommodation and the means to live in the meantime. Legislation therefore should not prevent support being provided to this group of young people, but there are conditions attached to it.

I know there are concerns about inconsistencies in the way that local authorities undertake the human rights assessments. That is one of the reasons why the Local Government Association set up a Task and Finish Group

to consider the matter and issue some guidance. Officials from this Department and the Home Office have helped to develop this guidance, which is due to be issued later this year.

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