



Department
for Education

Consultation on the revised statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children

Government consultation

Launch date 03 March 2017

Respond by 17 March 2017

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Introduction

The statutory guidance on the care of unaccompanied asylum seeking and trafficked children was originally published in 2014. Recent legislative changes such as the Modern Slavery Act 2015, policy developments such as the unaccompanied asylum seeking children National Transfer Scheme (NTS) and events around the recent migration crisis have meant that it is necessary to update the guidance so that it is of best use to local authorities.

Following the Modern Slavery Act 2015 the definition of “modern slavery” has been described as including *human trafficking, slavery, servitude and forced and compulsory labour*, therefore the title and content of this statutory guidance has been revised to use the same terminology. The document will now be referred to as statutory guidance for local authorities on the ‘Care of unaccompanied migrant children and child victims of modern slavery’.

A Family Test to assess the potential impact this guidance may have on family relationships and functions has been carried out and the conclusion is that it will not have any negative impact. We have also considered the impact of this policy on different persons in accordance with the Public Sector Equality Duty and have concluded that there will be no particular impact on any persons who share one or more protected characteristics.

Who this is for

- Local authorities
- Voluntary organisations

Issue date

The consultation was issued on 03 March 2017.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team by email:

UASCTraffickedSG.CONSULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Spring 2017.

About this consultation

Unaccompanied migrant children and child victims of modern slavery (which includes human trafficking, slavery, servitude and forced and compulsory labour) are some of the most vulnerable children in the country. The local authority providing for their care has a duty under the Children Act 1989 to provide protection and support that meets their specific needs. There are now more local authorities in England looking after unaccompanied migrant children than ever before so it is crucial that they have access to accurate information and advice to help them perform their statutory duties.

The proposed guidance is not intended to provide detail on steps that local authorities should take, in partnership with other agencies, to identify and protect child victims of modern slavery *before* they become looked after. This is described in part in the practice guidance *Safeguarding children who may have been trafficked*, published by the Department for Education and Home Office in 2011 and will be clarified further in the Modern Slavery Act 2015 Statutory Guidance, due to be published later in 2017.

Since Summer 2016, the Department for Education has consulted and collaborated with a range of local authorities, non-government organisations, other government departments and organisations to identify the required revisions and produce a revised draft of the 2014 guidance. This consultation now seeks views as to whether the revised guidance provides sufficient advice to local authorities in England looking after unaccompanied migrant children and child victims of modern slavery. In particular, we would be grateful for responses to the questions below. Other comments or suggestions would also be welcomed. Where making comments in relation to the guidance, please refer to the relevant paragraph numbers and provide suggested alternative text where appropriate.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit www.education.gov.uk/consultations to submit your response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

By email

UASCTraffickedSG.CONULTATION@education.gov.uk

By post

Sarika Vashi
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Deadline

The consultation closes on 17 March 2017.

Background

Any unaccompanied migrant child who presents in a local authority will be referred to that local authority children's services, the duty social worker will attend the site where the child has been encountered and conduct an initial assessment of the needs of the child under section 17 of the Children Act 1989. Under section 20 of the Children Act 1989 the local authority where an unaccompanied child first presents has a duty to accommodate the child because there is no other person who has parental responsibility for them.

After the child has been accommodated by the entry local authority for 24 hours they become a looked after child under section 22 of the Children Act 1989.¹ The entry local authority will then need to comply with its obligations under the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) or equivalent legislation in Scotland, Wales and Northern Ireland. This means that they will be safeguarded and have their welfare promoted in the same way as any other looked after child. They must be allocated a social worker who will assess his or her needs and draw up a care plan which sets out how the authority intends to respond to the full range of the child's needs. This must take into account any particular needs they have as unaccompanied migrant children (who may or may not need to seek asylum) and potentially as child victims of modern slavery.

¹ The entry local authority will therefore need to comply with its obligations under sections 22 and 22C of the [Children Act 1989](#) or equivalent legislation in Scotland and Northern Ireland.

Rationale for changes

The statutory guidance on the care of unaccompanied asylum seeking and trafficked children was originally written in 2014 for local authorities looking after this group of children. Since then new legislation concerning child victims of modern slavery has been introduced through the Modern Slavery Act 2015, the National Transfer Scheme (NTS) for unaccompanied asylum seeking children has been set up and the cohort of migrant children being looked after by local authorities has been identified as being far more diverse and complex than just unaccompanied asylum seeking children.

We have therefore identified the need to widen the definitions of children included in the cohort so that their specific needs can be understood and addressed, including understanding what knowledge of the immigration process is required in order for local authorities to be able to fulfil their responsibilities appropriately, without being experts in this area. And while the guidance remains focused on looked after children, there is also signposting to new guidance relevant for migrant children transferred to the England under the Dublin III regulation.

Following the introduction of the Modern Slavery Act 2015 we have revised the guidance to include not only trafficked children but all child victims of modern slavery and clarified where that guidance will need to be referred to.

Reference to the National Transfer Scheme (NTS) for unaccompanied asylum seeking children, launched in July 2016, has been included to signpost those local authorities who may be participating in the scheme to the national transfer protocol.

Timescales

We plan to publish the revised statutory guidance by May 2017.

Consultation questions

1. Is there anything in the revised guidance which should be amended?
2. Is there anything further which should be added to the revised guidance?
3. Do you have any suggestions for further links or resources that could be included at Annex A of the guidance?



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