

ANGUS COUNCIL

FAMILY, EDUCATION AND JUSTICE COMMITTEE – 30 MAY 2024

UNACCOMPANIED ASYLUM-SEEKING YOUNG PEOPLE – SUPPORT AND ALLOWANCES

**REPORT BY KIRSTY LEE, INTERIM DIRECTOR CHILDREN, FAMILIES AND JUSTICE AND
CHIEF SOCIAL WORK OFFICER**

1. ABSTRACT

Unaccompanied asylum-seeking young people who are aged over sixteen and live independently or in supported lodgings are provided with financial support through weekly payments made under Section 29 of the Children (Scotland) Act 1995. Section 29 allows a young person to request and receive support up to the age of 26. Whilst there is a live application for asylum for a young person, they are not entitled to claim a range of benefits available to other care experienced young people including Educational Maintenance Allowance, Care Experienced Bursary, or other welfare benefits. They cannot enter paid or unpaid employment. This proposal seeks an increase in the level of section 29 payments made to our unaccompanied young people and further seeks agreement for Angus Council to pay the equivalent of Educational Maintenance Allowance to unaccompanied young people accessing further education or training, as part of a learning agreement.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

This report contributes to the following local outcomes: -

The Council Plan 2023-2028: -

- Reduce inequalities in all our communities.
- Provide the best start in life for children.
- Create more opportunities for people to live well and achieve their personal goals.
- Improve physical, mental health and wellbeing.

It aligns to the following Children's Services Plans/Strategies: -

- Tayside Plan for Children, Young People and Families 2023 - 2026

3. RECOMMENDATIONS

It is recommended that Family, Education and Justice Committee:

- (i) Agree to increase Section 29 payments for unaccompanied young people from the current rate of £79.50 to £100 per week effective immediately noting that additional payments have been made since November 2023 and no back payment is recommended;
- (ii) Agree to establish a scheme to support attendance in education, learning and training for unaccompanied young people to include a payment of £30 per week as part of a learning agreement;
- (iii) Instruct the Interim Director of Children, Families and Justice to implement the above scheme effective from August 2024; and
- (iii) Note the increased costs for the increase in allowance and implementation of the education scheme will be fully met from grant funding received from the Home Office.

4. BACKGROUND

- 4.1 Unaccompanied asylum-seeking children (UASC) under the age of eighteen who have arrived in Scotland, are looked after, and accommodated by local authorities as children in need under Section 25 of the Children (Scotland) Act 1995. Children under sixteen are provided with foster or residential care placements. Children aged sixteen and over are either accommodated in foster or residential placements or more frequently, in supported lodgings or independent living accommodation, with support. When young people turn eighteen, the local authority have a duty to provide leaving care and aftercare, regardless of immigration status. Through the time a young person has a valid asylum application pending, these include duties to provide assistance with accommodation, finance, and education. Not having 'leave to remain' status means young people cannot access the same range of financial benefits available to other young people including Education Maintenance Allowance, Care Experienced Bursary, or welfare benefits. Young people are unable to engage in employment. The only financial means available to unaccompanied young people whilst they await the outcome of their asylum application, is through payment of a weekly Section 29 grant and provision of support in kind including supported accommodation or independent living accommodation.
- 4.2 The accommodation and support of UASC whilst they are seeking asylum is partly met through direct payments by the Home Office to local authorities.
- 4.3 The level of support available to unaccompanied young people varies across Scotland with different models of payments and in-kind support.
- 4.4 Angus Council currently pay the equivalent of Section 29 payments at £79.50 per week. This amount was broadly set in line with universal credit payments however was calculated to provide a basic payment to meet need in the context of a range of other nationally available financial supports.
- 4.5 Since November 2023, payments to unaccompanied young people have been supplemented by additional payments of £20.50 per week to meet increasing costs associated with winter and overall increased cost of living. From this allowance, the young person pays for their daily living costs including food and fuel.
- 4.6 The current level of financial support is insufficient for young people in Angus and means they cannot achieve an adequate standard of living. Unaccompanied young people are disadvantaged relative to other care experienced young people who are most likely eligible for welfare benefits. The system of support for young people is not linear and is complex depending on the situation of each individual. This proposal seeks to increase support for unaccompanied young people so they can achieve a better standard of living.
- 4.7 This report focuses on one aspect of support for our unaccompanied young people, financial payments, and is not reflective of the range of supports and services that we provide.

5. CURRENT POSITION

- 5.1 Currently we are financially responsible for a total of eleven unaccompanied young people who are eligible for Section 29 payments. Two young people live in supported lodgings and the others occupy social housing provided by the Horizon team under a "semi-independent" living arrangement.
- 5.2 Home Office funding to support UASC has been subject to review and change. At different points, various 'incentive' payments have been offered to local authorities, for example one-off additional payments if transfers are completed within five working days. We have taken these incentive opportunities where possible to maximise funding available to offer tailored supports. Depending on individual circumstances Angus Council receive funding from between £114 and £143 per day for children accommodated between the age of 16-18 years, and a lesser amount of £270 per week for those over the age of 18. The funding received contributes to a range of supports and services to meet the needs of all our unaccompanied children and young people including two full time support workers and 1 social worker for unaccompanied young people based in Horizon.

- 5.3 Since November 2023, section 29 payments have been supplemented by additional payments of £20.50 in response to staff advocating on behalf of unaccompanied young people and highlighting the financial challenges they have been facing in respect of the cost-of-living crisis and in the run up to winter. As they have no recourse to public funds, neither have they been able to access important one-off payments such as winter support grants. The service has responded to need to ensure the young people have had sufficient resources however the need is unlikely to reduce and therefore a review of financial support is required.
- 5.4 A weekly increase in payments from £79.50 to £100.00 (26% increase) would better meet the needs of unaccompanied young people and provide choice and control on how they manage their money. Some benchmarking examples are noted below and include an option to supplement the basic payment of £79.50 with provision of food and fuel. This does not provide choice to young people or encourage independence.
- 5.5 In addition to an increased financial payment, incentives to attend further education, training and learning and support to meet additional costs associated with this can be met through different means such as an Educational Maintenance Allowance or Care Experienced Bursary. As stated above, these are not available to those without 'leave to remain' status.
- 5.6 **Education Maintenance Allowance**
Education Maintenance Allowance (EMA) provides financial support to eligible 16 to 19-year-olds who want to continue learning. If this is in a school setting, this payment is attendance dependent and is paid in arrears during the term time. This can also be paid through engagement with 16+ service through a "learning agreement" whereby objectives set out by the worker and young person must be met in order to release payment. This payment runs for the duration of the learning agreement.
- 5.7 **Care Experience Bursary**
Care Experience Bursary is available to young people in further education and is paid through the academic year at a rate of £225 per week.

We are aware of one other local authority who pay the equivalence of Care Experience Bursary to unaccompanied young people engaging in further education. The cost of providing this in addition to increased Section 29 payments would require additional core budget to be provided from Angus Council and cannot be met from the current funding. It would also require a significant level of planning and delivery to ensure the criteria for the continuation of the funding is met, for example, accessing attendance and participation data from the further education establishment. This option is therefore not proposed.

- 5.8 EMA is an incentive payment to encourage young people to engage in further education and learning. This can include learning English and learning activities that support integration into Angus. All eleven of our young people would be eligible for this payment and it is likely that most of these young people would utilise this offer.
- 5.9 **Benchmarking**
As reported above, there is no consistency across Scotland with councils providing differing offers of financial and in-kind support to unaccompanied young people. One authority report paying the equivalence of Care Experienced Bursary. We are aware of authorities who pay a similar rate of section 29 payment and pay utility bills and food in addition. Several authorities are considering providing an EMA allowance similar to this proposal. Perth and Kinross Council already pay an EMA equivalent and a similar Section 29 payment however they have a greater occurrence of young people living in supported accommodation arrangements that have fewer costs.

6. PROPOSALS

- 6.1 It is therefore proposed that Angus Council Families Education and Justice Committee:
- (i) Agree to increase Section 29 payments for unaccompanied young people from the current rate of £79.50 to £100 per week effective immediately noting that additional payments have been made since November 2023 and no back payment is recommended.
 - (ii) Agree to establish a scheme to support attendance in education, learning and training for unaccompanied young people to include a payment of £30 per week as part of a learning agreement.

- (iii) Instruct the Director of Children, Families and Justice to implement the above scheme effective from August 2024
- (iv) Note the increased costs for the increase in allowance and implementation of the education scheme will be fully met from grant funding received from the Home Office.

7. FINANCIAL IMPLICATIONS

- 7.1 The increased costs arising from this proposal are nominal (less than£,1,000 per annum) and will be contained within the existing departmental budget. There are risks if Home Office funding reduced or that the number of young people requiring support increases significantly. These are currently assessed as manageable risks.
- 7.2 Should Committee members seek to implement a higher payment than is recommended, further consideration must be given to the budget available to the Children, Families and Justice Directorate to deliver the commitment.

8. RISK MANAGEMENT

There are no additional risks identified in this proposal.

9. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of this report.

10. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

An Equality Impact Assessment has been carried out and is attached.

11. CONSULTATION

Consultation has taken place with Director of Finance and the Director of Legal, Governance and Change.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

Equality Impact Assessment