



Department
for Education

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

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

Unaccompanied asylum seeking children and child victims of human trafficking are some of the most vulnerable children in the country. The local authority providing for their care has a duty to provide protection and support that meets the particular risks and needs they face. Because of the circumstances they have encountered, unaccompanied and trafficked children often have complex needs in addition to those faced by other looked after children. The special support required to address these needs must begin as soon as the child comes into local authority care. This consultation seeks views as to whether both the proposed regulations and statutory guidance will be helpful in ensuring unaccompanied and trafficked children receive from local authorities the specialist support and care that they need.

To Local authorities, voluntary sector organisations, representative bodies and other interested parties

Issued 28 January 2014

Enquiries To If your enquiry is related to the policy content of the consultation you can contact the Department by telephone: 0370 000 2288 or by e-mail: UASCTraffickedChildren.CONSULTATION@education.gsi.gov.uk

Contact Details

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

1 Introduction

- 1.1** Unaccompanied asylum seeking children and child victims of human trafficking are some of the most vulnerable children in the country. The local authority providing for their care has a duty to provide protection and support that meets the particular risks and needs they face. Because of the circumstances they have encountered, unaccompanied and trafficked children often have complex needs in addition to those faced by other looked after children. The special support required to address these needs must begin as soon as the child comes into local authority care.
- 1.2** This consultation seeks views on new proposed regulations and statutory guidance regarding the planning and provision of care for unaccompanied and trafficked children who are looked after by a local authority in England. The regulations would require that the care planning process explicitly notes and takes account of the particular needs of unaccompanied and trafficked children. The guidance is intended to clarify the steps local authorities should take in providing appropriate support.
- 1.3** 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 trafficked children before they become looked after. This is described in practice guidance “Safeguarding Children who may have been trafficked”, published by the Department for Education and Home Office in 2011. Nor does it attempt to provide a comprehensive review of best practice in supporting unaccompanied or trafficked children, though does provide references to this constantly evolving body of knowledge.
- 1.4** This consultation seeks views as to whether both the proposed regulations and statutory guidance will be helpful in ensuring unaccompanied and trafficked children receive from local authorities the specialist support and care that they need. In particular, we would be grateful for responses to the questions below. General comments or suggestions would also be welcomed. Where making comments in relation to the guidance, please refer to the relevant paragraph numbers where appropriate.

2 Background

- 2.1** An unaccompanied asylum seeking child is a person under 18 (or who, in the absence of documentary evidence establishing age, appears to be under that age), who is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom. Unaccompanied migrant children that come into care receive the full range of support and care that all looked after children are entitled to, including access to health, education and appropriate and safe accommodation. After becoming 18 years old, many will be treated as care leavers and will continue to be entitled to a range of support from local authorities, including provision of accommodation, support with education and the provision of a personal adviser until the age of 21, or up to age 25 if in education or training.
- 2.2** The Council of Europe Convention on Action against Human Trafficking in Human Beings defines trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force...for the purpose of exploitation.” This can include trafficking into the UK from overseas or trafficking within the UK, for example, for the purposes of sexual exploitation. A child who has been trafficked is the victim of a crime and can need carefully planned support to keep them safe and help them re-build their lives.
- 2.3** The government is aware that the provision of services to unaccompanied or trafficked children may not always be consistent. Good practice is not currently supported by regulations or statutory guidance. For example, references to unaccompanied asylum seeking children in current care planning and Independent Reviewing Officer (IRO) guidance do not detail their needs, and there is no explicit reference to trafficked children. The proposed regulations and guidance are intended to improve the quality and consistency of local authority care for these vulnerable children.

3 What are the main changes?

- 3.1** The proposed regulations will, for the first time, require that a child’s status as an unaccompanied or trafficked child be recorded in their care plan and considered in their assessment of needs. They also require that this status be considered when the local authority is reviewing the case. Similarly, this status must be considered in assessing needs of relevant children and in pathway planning.
- 3.2** The guidance sets out what these regulatory requirements mean in practice.

Based on known good practice, they make clear what is expected on local authorities in planning for and providing care to unaccompanied and trafficked children. Local authorities should already be taking the steps described, but this is the first time these steps have been set out in statutory guidance.

4 Consultation questions

- 4.1**
1. Will the proposed regulations help identify in care planning arrangements, unaccompanied and trafficked children and help ensure they receive appropriate care?
 2. Will the proposed guidance help local authorities plan for and deliver appropriate care for unaccompanied and trafficked children?
 3. Are there any additional steps local authorities could be taking within existing care arrangements that could be included in the proposed guidance?
 4. Is anything included in the proposed guidance that should be removed?
 5. Do you have any suggestions for further links or resources that could be included at Annex A of the guidance?

5 How To Respond

- 5.1** Consultation responses can be completed online at www.education.gov.uk/consultations, by emailing UASCTraffickedChildren.CONSULTATION@education.gsi.gov.uk or by downloading a response form which should be completed and sent to:

Xane Panayiotou, Children in Care, Department for Education, Level 1 Sanctuary Buildings, Great Smith Street, London SW1 3BT.

6 Additional Copies

- 6.1** Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at: www.education.gov.uk/consultations

7 Plans for making results public

- 7.1** The results of the consultation, the Department's response and the new statutory guidance will be published on the Department for Education e-consultation website in summer 2014.