



Department
for Education



Home Office

National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children

Version 3.0

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Introduction and Key Principles

The National Transfer Scheme (NTS) protocol for unaccompanied asylum seeking children (UASC, and mainly referred to in this document as unaccompanied children) has been created to enable the safe transfer of unaccompanied children in the UK from one local authority (the entry authority from which the unaccompanied child transfers) to another local authority¹ (the receiving authority). Only unaccompanied children that meet the definition of a UASC, as set out in paragraph [352ZD of the Immigration Rules](#), are eligible to be referred to the NTS.

The NTS forms the basis of a voluntary agreement made between local authorities in England, Scotland, Wales and Northern Ireland to ensure a more equitable distribution of unaccompanied children across local authorities. It is intended to ensure that local authorities do not face a disproportionate responsibility in accommodating and looking after unaccompanied children, simply by virtue of being the point of arrival of a disproportionate number of unaccompanied children.

The UK Government supports local authorities throughout the country to provide good quality care to children. In ensuring this, it is not the case that unaccompanied children must be cared for by the local authority in which area they enter the UK or submit their claim for asylum. To meet the overall best interests of unaccompanied children, a more equitable distribution will assist all local authorities to meet their duties under the Children's Act 1989 [add relevant Devolved Administrations legislation] to support these children. The strong commitment of local authorities across the UK is crucial in meeting this aim.

As of [insert date] 2021, the NTS operates on the basis of a national voluntary rota, into which local authorities in England Scotland, Wales and Northern Ireland can refer unaccompanied children.

In accordance with Article 3 of the United Nations Convention on the Rights of the Child, the best interests of unaccompanied children being considered for transfer must always be a primary consideration and should be reflected throughout the transfer process.

This version of the protocol (version 3.0) is operational from [insert date] and is available at [insert link]. The protocol will be subject to ongoing revisions and regular review. Local authorities will be notified of any updated versions.

Contacts

Any comments regarding this document and questions about how the protocol should be applied locally should be directed to:

UASCNationalTransferTeam@homeoffice.gov.uk

¹ Health & Social Care Trusts in Northern Ireland

The Legislative Framework

This protocol provides guidance on the operation of the NTS and the way in which local authorities across the UK should effect the safe transfer of unaccompanied children to another local authority in accordance with the [Immigration Act 2016](#).

[Sections 69-73](#) of the Immigration Act 2016 contains provisions for the transfer of responsibility for unaccompanied asylum seeking and refugee children. Section 69 creates a mechanism to transfer responsibility for unaccompanied asylum seeking and refugee children from one local authority to another.

This protocol sets out the agreed roles and responsibilities of the officials with principal responsibility for its implementation, including:

- Participating local authorities;
- The Home Office UASC NTS Team; and
- Strategic Migration Partnerships.

This guidance should be read alongside other relevant guidance about the care of looked after children and unaccompanied asylum seeking children. This document provides links to related pieces of guidance where necessary throughout.

Devolved Nations

Section 73 of the Immigration Act 2016 enables the Secretary of State to make regulations to extend any provisions made by sections 69 to 72 to Wales, Scotland and Northern Ireland. In 2018 the Government extended the provisions to the devolved nations, making the NTS a national scheme.

The new NTS operating from [\[insert date\]](#) 2021 continues to be a national scheme, with the national voluntary rota operating across the four nations of the UK. There may be elements of the NTS process that will differ for one or more of the devolved nations, to be agreed separately with the respective devolved nations.

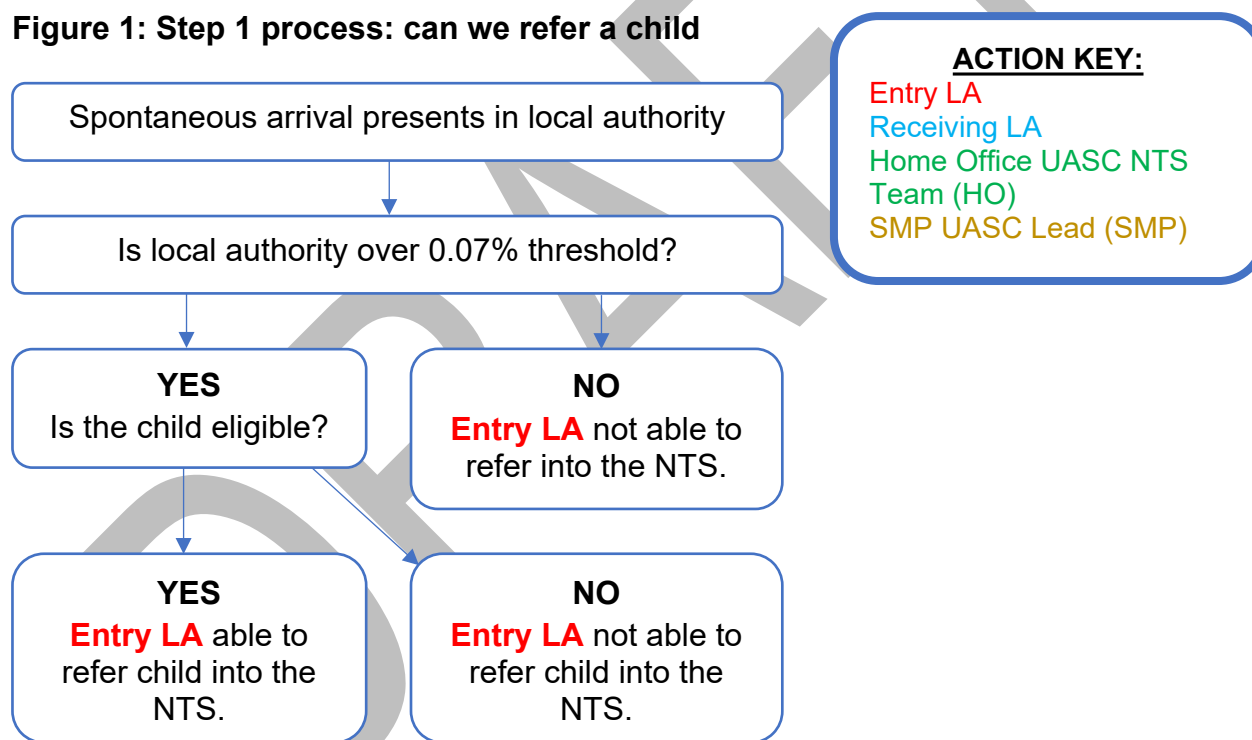
The national rota, reception and transfer processes

As of [insert date] 2021, the NTS operates on the basis of a rota system in which regions and nations take it in turns to assume responsibility for unaccompanied children referred into the scheme. The operation of the proposed rota is set out in the following subsections and in full in the process flow diagram at [Annex A: The national rota: eligibility, referral, allocation and transfer process](#).

Step 1: Can we refer a child

Figure 1 below sets out the process for a local authority to determine whether they are able to refer a child into the NTS.

Figure 1: Step 1 process: can we refer a child



Is the number of unaccompanied children in the local authority more than 0.07% of the child population?

Only a local authority which is supporting a number of unaccompanied asylum seeking children at or above 0.07% of their general child population is able to refer a child into the NTS.

Each local authority's 0.07% threshold is calculated from UASC population data based on the number of UASC funding claims made by that local authority, and the latest ONS estimate of that local authority's total child population at that time.

The percentage calculated for each local authority does not include care leavers or looked after children living in a local authority who are not the legal responsibility of that authority i.e. they have been placed there out-of-area by another local authority.

The 0.07% threshold was determined in partnership with the Department for Education when the NTS was established in 2016. It is meant to be an indication of the availability of places that local authorities may have for unaccompanied children based on their child population. It is not a “cut off” point for accepting responsibility for unaccompanied children.

Is the child eligible?

Unaccompanied children who have not made a claim for asylum are not eligible to be included in the transfer scheme.

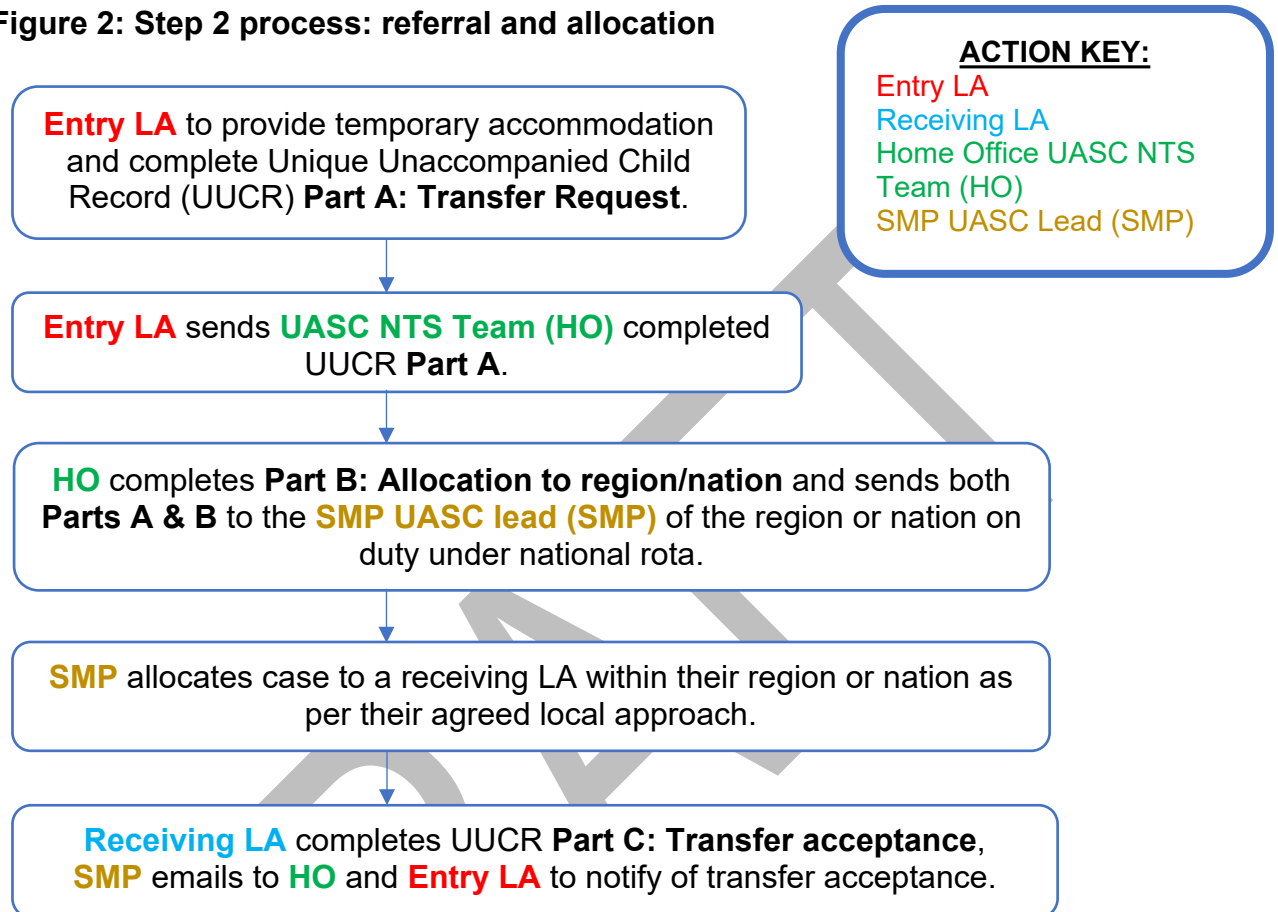
Unaccompanied children who arrive in the UK shortly before they turn 18 and will not qualify for leaving care support by virtue of not being looked after for 13 weeks or more, will not be eligible for the transfer scheme.

Please see [Annex E: Age disputes](#) where there is concern about the person's age.

Step 2: Referral and allocation

Figure 2 below sets out how a local authority can refer a child into the NTS, and the process for processing that referral and allocating the transfer to a receiving authority.

Figure 2: Step 2 process: referral and allocation



Deciding to refer a child

The decision to refer must take in to account the child's best interests alongside other considerations, and the appropriateness of transfer must be considered on a case by case basis. See [Good practice note 1 – deciding which children to transfer](#). Where a child is being looked after by a local authority, that local authority is under a duty to safeguard and promote the child's welfare.

See [Annex C: Best interests of the child](#) for further guidance on consideration of a child's best interests, and [Annex D: Family reunification](#) where children are found to have family members elsewhere in the UK.

The entry local authority will make the decision to refer the child as soon as practicable - ideally within two working days after the child's asylum claim has been registered.

Referring a child

Once the entry authority has decided that it wishes to refer a child into the NTS, the entry authority begins the process by completing **Part A (Transfer request)** of the UUCR and sending this to the UASC NTS Team. See [Annex G: Unique Unaccompanied Child Record \(UUCR\)](#).

The entry authority should use **Part A** to provide any receiving authority with all the details they have about the child, while recognising that such information may be limited. For example, it is not expected that a health assessment will have been completed at the time of referral. A referral should include, for example, any safeguarding concerns and whether or not the child claims to have family links in a particular area. It is important that **Part A** is completed fully and accurately. Please see [Good practice note 4: Providing child level information to the receiving local authority](#).

If, during the transfer process, the receiving SMP UASC lead or the prospective receiving local authority request additional information from the entry local authority to progress the transfer, and the request is reasonable and proportionate, the entry local authority should respond within 5 working days.

If during the transfer process the entry authority finds additional relevant information about the child, they should share this with the receiving authority as soon as possible by updating **Part A** of the UUCR and sending this to the receiving authority, copying to the UASC NTS Team and the SMP UASC lead.

The transfer should take place within 10 working days of a referral. It is in the best interests of the child that the transfer process takes place without delay as this may cause the child distress as they become settled in the initial placement.

There may be **exceptional** health or other reasons why a transfer needs to be delayed. It is the responsibility of entry and receiving local authority social workers to decide the transfer date and notify the SMP UASC lead of any delays.

The child should be told of the decision to refer them to the NTS as soon as possible. It is in the best interests of the child to have a clear understanding that their initial placement is a temporary arrangement pending their transfer to a placement in another part of the country.

Reviewing decisions to refer a child

If the entry local authority reviews the decision to transfer the child and concludes that it is no longer in the child's best interests to proceed with the transfer, then the entry local authority must notify the UASC NTS Team by completing **Part E: Withdrawal of referral/ change in circumstances**. See [Good practice note 3 – reviewing decisions to refer for transfer](#).

Allocations under the national rota

To make the national rota as fair and equitable as possible, a weighting system has been applied to take wider pressures into consideration. The weighting system determines how many children a region or nation can expect to receive. See [Annex B: Illustrative allocations under the national rota](#) for further details about the weighting system.

Once a child has been referred into the NTS, the UASC NTS Team will complete **Part B: Allocation to region/nation** and sends both **Parts A & B** to the SMP UASC lead of the region or nation on duty under the national rota. The SMP UASC lead will then allocate the case to a local authority within their region or nation. Each region or nation will be free to do so under their own, agreed, arrangements which will best reflect their particular local circumstances.

Accepting a referral

Upon receipt of a referral, the receiving local authority will as soon as possible acknowledge that they accept the transfer by completing UUCR **Part C: Transfer acceptance** and send this to the UASC NTS Team, entry authority and their SMP UASC lead.

Once a receiving local authority has been allocated a child through the rota, they are responsible for identifying a placement so that the child will transfer within a **maximum of 10 working days from date of referral**.

Accessing and monitoring the rota

While it is not possible to predict placement needs precisely, regions and nations will know when their turn on the rota is coming up. This system should increase the predictability of the region or nation's contribution to the NTS and increase the speed of transfers.

Data will be shared regularly with regions and nations by the UASC NTS Team to enable regions/nations and local authorities to prepare for their turns on the rota.

Transparent and regular data sharing is important to reassure all participating authorities that the national rota is being managed effectively and fairly, as well as demonstrating progress towards the aims of the NTS.

This will be updated further as the rota operates and systems bed in.

Allowing flexibility in transfers

While transfers will generally operate within the framework of the national rota, local authorities will retain the flexibility to agree transfers outside of the rota where a particular placement is in the best interest of the child, for example where a child may have a family connection, or when a local authority is seeking to reduce its out of area placements by transferring legal responsibility to the local authority the child is currently accommodated in. Where such a transfer takes place, this will be taken into account for the receiving region's allocation of placements under the next cycle of the rota. See **Transfers agreed outside the rota** section below.

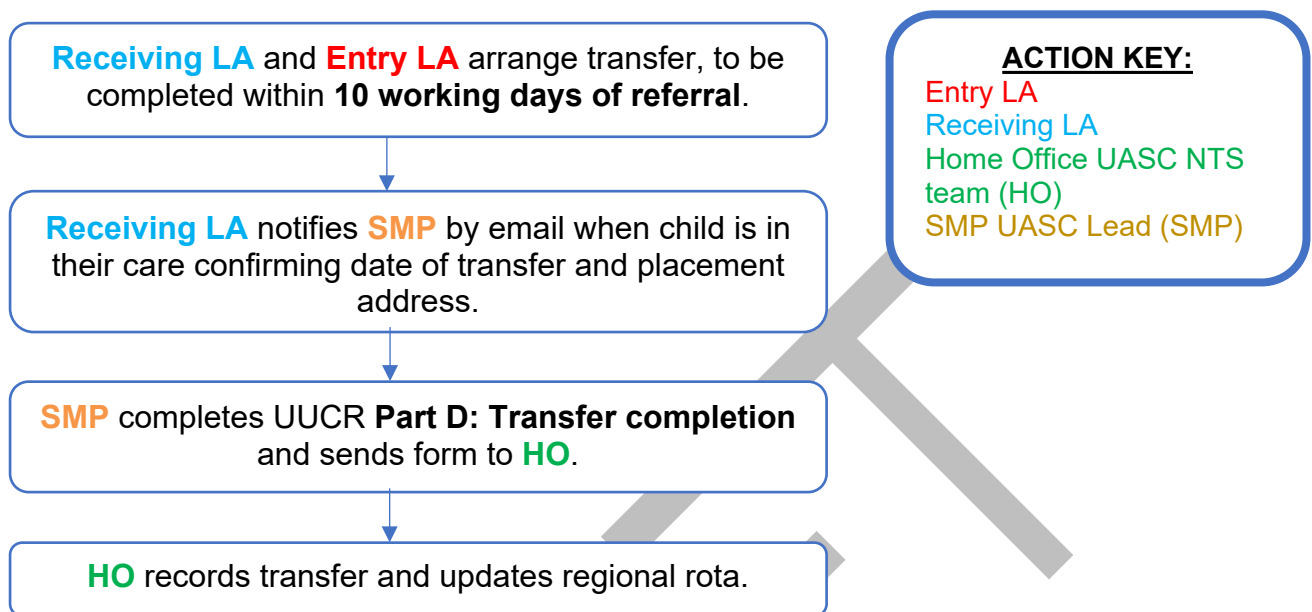
Escalation

Where any issues arise between the entry and receiving authority around a transfer, and this has been escalated to senior social worker level but still cannot be resolved, see [Annex F: Escalation procedure](#) for how to proceed.

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Step 3: The transfer process

Figure 3: Step 3 process: arranging transfers



Transfer processes and standards (including timescales)

Once a decision has been made, it is in the best interests of the child that the transfer process takes place without delay as this may cause the child distress as they become settled in the initial placement.

Entry local authority social workers will decide when to request the transfer takes place (for example, there may be health or other reasons why the transfer needs to be delayed). **Transfers should take place within a maximum of 10 working days of the referral.**

Local authorities should make every effort to ensure a transfer happens within this expected timeframe, including escalating as necessary. However, if a transfer does not take place within this timeframe, then the entry local authority must review the continued suitability of transferring the child.

If the entry local authority reviews the decision to transfer the child and concludes that it is no longer in the child's best interests to proceed with the transfer then the entry local authority must notify the UASC NTS Team by completing **Part E: Withdrawal of referral/ change in circumstances**. See [Good practice note 3 – reviewing decisions to refer for transfer](#).

Once a decision has been made to transfer the child to another participating local authority, the entry local authority must explain the decision to the child and ensure that they understand the implications of that decision. At the earliest opportunity, the child should be informed about the local authority area where they are to be

transferred. The entry local authority should ensure that the child is prepared for the transfer to the receiving local authority.

Transfer of statutory duties

The receiving authority will become legally responsible for the child at the point of physical transfer of the child into the care of the receiving authority. The receiving authority will then need to comply with its obligations under the Children Act 1989, [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) and statutory guidance. See **Good practice note 5 – placement decisions in receiving local authorities**.

Transport costs and practicalities

Transport arrangements from the entry local authority's temporary placement to the receiving local authority placement will be coordinated between the two local authorities. The entry local authority will be responsible for payment of transport costs, unless different arrangements are exceptionally agreed between the two local authorities and the Home Office.

At the point of transfer the child must be accompanied by a representative from the entry local authority who will hand responsibility for the child to the receiving local authority, unless the child is 16 or over in which case the entry and receiving authority will agree on a case-by-case basis the need for the child to be accompanied, taking into account safeguarding and welfare issues.

Procedure upon arrival

As soon as is practicable and no longer than 24 hours after arrival, the receiving local authority will complete UUCR **Part D: Transfer completion** and send this to the SMP UASC lead and the UASC NTS Team, and notify the entry local authority administration lead of the safe arrival of the child.

Upon safe arrival, if the child has not been referred to the NRM but the receiving local authority considers that the child may have been a victim of trafficking, they should follow the instructions set out in the [National Referral Mechanism: guidance for child first responders](#) and child protection procedures.

If a child goes missing

If a child goes missing the local authority which has legal responsibility for the child – i.e. the local authority who had legal responsibility for the child at the time they went missing – should follow DfE's [Statutory guidance on children who run away or go missing from home or care](#).

If the child due to be transferred through the NTS process goes missing at any point during the process, the local authority with legal responsibility should notify the UASC NTS Team by submitting UUCR **Part E: Withdrawal of referral/ change of circumstances**.

If a child travelling alone does not arrive with the entry local authority representative at the time expected the receiving local authority will make contact with the entry local authority to investigate.

If the child goes missing prior to the transfer of statutory duties to the receiving authority, it may be appropriate to withdraw the referral.

Making funding claims

Details of the funding contribution made available by the Home Office to the receiving authority and the process to claim the funding can be found in the unaccompanied asylum seeking children and leaving care [funding instructions](#).

COVID-19

Local authorities are responsible for testing and quarantining newly arriving unaccompanied children. More guidance on this can be found [here](#). Also see [UASC Health](#) for further resources and advice. Children should be transferred to the receiving local authority as soon as possible after the required quarantining period has expired.

Transfers agreed outside the rota

Transfers between local authorities, where the referring authority is over 0.07%, agreed outside the national rota can be counted towards a region's allocation under the national rota.

Where an unaccompanied child is transferred from one local authority to another without the direct involvement of the UASC NTS Team in the transfer process, e.g. where it is in the individual's best interest to be transferred to a particular local authority to be in close proximity to a sibling, the SMP UASC lead will complete **Part D: Transfer Completion**, and send this to the UASC NTS Team within 24 hours of the transfer. The UASC NTS Team will update records to take account of the transfer.

Escalation

Where any issues arise between the entry and receiving authority around a transfer, and this has been escalated to senior social worker level but still cannot be resolved, see [Annex F: Escalation procedure](#) for how to proceed.

Good practice notes

Good practice note 1 – deciding which children to refer for transfer

The appropriateness of transfer must be considered on a case by case basis.

Additional factors indicating it may be in the best interests of the child to be referred for transfer:

- Where there is a heightened risk of gangs, trafficking or child sexual exploitation (CSE) if they stay in the entry local authority
- Where they have a family member in another local authority which they can be transferred to
- Where they are strongly vocal about not wanting to stay in the entry local authority and are at risk of going missing because they want to be elsewhere

Factors indicating it may not be in the best interests of the child to be referred for transfer at the point that the child has arrived in the UK:

- Where a child has a family connection in the entry local authority
- Where they have a level of disability or have additional health needs which need attending to before the child can be transferred (e.g. TB or scabies treatment)
- Where a child has expressed his or her strong view about wanting to stay in the entry local authority and are at risk of going missing once they are transferred in order to return to the entry authority

The assessment of why it is in the best interest of the child to be referred for transfer should be included in the LAC review and shared with the receiving local authority.

Good practice note 2 – preparing the child for transfer

Preparation for transfer needs to be continual and child-centred. Local authority social workers should:

- Ensure that all carers and professionals are giving the same reassuring messages about the fact that the child will be transferring.
- Highlight the opportunities and positives of the move to the child.
- Ensure that, where a child has been in the entry authority's care for some time and a care plan is completed, the care plan reflects the context of the child awaiting transfer.
- Ensure all paperwork and information has been shared with the receiving local authority, and maintain a dialogue with the receiving local authority social worker.
- Make contact with unaccompanied children who have previously been transferred and ask them to share their experience with the child who is due to be transferred.

- Where possible, receiving local authority social workers could travel for an advance meeting with the child before transfer to reassure and start building trust.
- Ask for photos of new carers and information about their household to share with the child, and if necessary help prepare the child for being cared for in a different type of environment to the one they have experienced in the entry local authority.
- Show the child pictures from the area they are transferring to and tell them what it will be like. If possible, put them in touch with other children who have been placed in that area and are happy with the placement.
- Where the child is travelling accompanied by a social worker, arrange for the “handover” between social workers to take place somewhere the child will be relaxed. An unaccompanied child already settled in the receiving area might also be able to be present at the handover.
- An appropriate representative from the receiving local authority should always receive the child into their care and accept legal responsibility.

Good practice note 3 – reviewing decisions to refer for transfer

Where a transfer has not taken place within the expected 10 working days from referral, in certain circumstances this may warrant a review of the decision to refer a child for transfer. Relevant considerations when reviewing the decision could be:

- Following referral has the child then disclosed that they have relatives in the area?
- Has the child developed connections with the local community or local services or treatment which they have begun and which it would be detrimental to leave?
- Are there specialist services which they are accessing and are only available in the entry local authority?
- Have further vulnerabilities become apparent (including mental health needs) since the referral was made?
- Has the child expressed a strong wish to stay – despite being adequately prepared for transfer?
- Have other professionals given a view or made recommendations that the child should not now be transferred?
- Is the child due to turn 18 shortly?
- Is the entry local authority now under the 0.07% threshold?

In some circumstances, (for example where the child is receiving treatment for an infectious disease) it may be in the best interests of the newly arrived unaccompanied child to stay in the entry local authority accommodation for an extended period of time before being transferred. Where a decision on whether to transfer the child has been deferred, the entry local authority will notify the SMP UASC lead and the UASC NTS Team as soon as possible after the deferral decision is made. After a period of deferral, the decision to transfer will need to be reassessed to ensure that it is still in the child’s best interest.

Good practice note 4 – providing child level information to the receiving local authority

Before the receiving local authority is confirmed:

- Complete every section of Part A of the UUCR in as much detail as possible, recognising that information available within the expected timeframes will be limited. For example, it is not expected that a health assessment will have been completed at the time of referral.
- Where additional **relevant** information (which would make a difference to a placement decision) has become available, update and re-send Part A.
- Include full details of any family members.
- Where the care plan has been completed, send this with the revised Part A.

Once the receiving local authority is confirmed, **all relevant information available should be shared with them**. This could include:

- all assessments to date such as the LAC Care plan, medical assessment (or fitness to travel documents), etc.
- information about the culture and ethnicity of the child, including foods, faith, regional language and dialect, experience of culture in journey to the UK.
- the child's relationships with others, and their following of COVID-19 guidelines.
- a photograph of the child for prospective carers.

If during the transfer process the entry authority finds additional **relevant** information about the child, they should share this with the receiving authority as soon as possible by updating Part A of the UUCR and sending this to the receiving authority, copying to the UASC NTS Team and the SMP UASC lead.

Entry local authority accommodation providers, carers and social workers will identify any immediate risks to the child and will take all safeguarding actions necessary. If there is any concern that the child has been trafficked, the local authority should convene a strategy discussion with all agencies, and initiate enquires under section 47 of the Children Act 1989. It may be appropriate to take emergency action to secure the safety of the child. The local authority should also follow the instructions set out in the [National Referral Mechanism: guidance for child first responders](#) and child protection procedures.

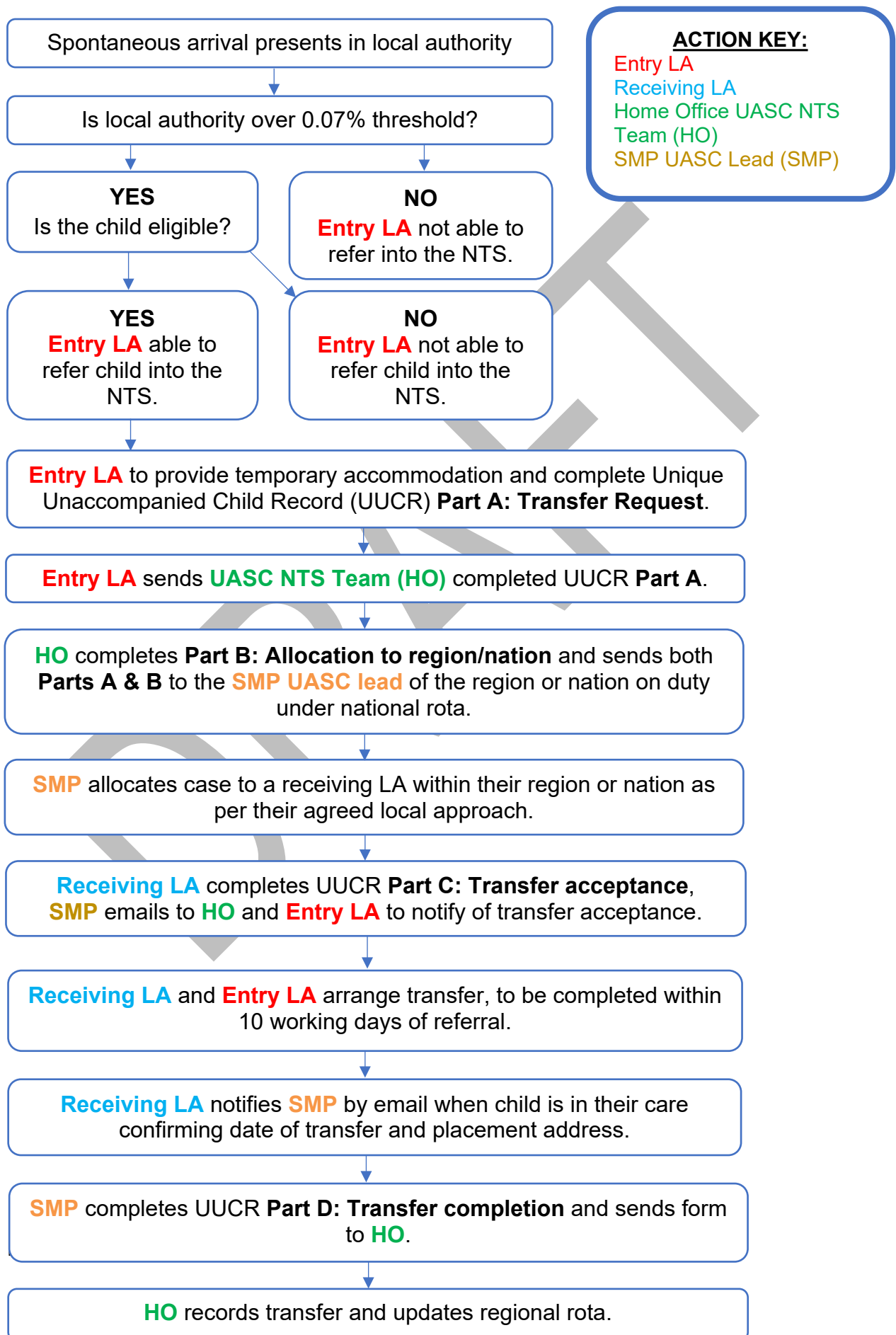
The entry local authority will arrange for a registered medical practitioner to carry out an immediate assessment of the child's state of health which will address any immediate health issues that require urgent attention and include an assessment of whether the child is fit to travel. Entry local authorities should register the young person with the local GP as soon as possible so that relevant information can be easily accessed by the health authorities in the receiving local authority area. Further information developed by health professionals in Kent can be found at <http://www.uaschealth.org/>.

Transfers should take place within 10 working days of referral. If for exceptional reasons the transfer is unlikely to meet this timeframe, the entry local authority may need to commence arrangements to undertake the initial health assessment (a health plan) as required by the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#). The health plan must cover all of the information set out in Schedule 1, paragraph 1 of the Regulations and feed into the wider care plan. Further guidance can be found in the Department for Education and Department of Health, [Promoting the health and well-being of looked-after children Statutory guidance for local authorities, clinical commissioning groups and NHS England \(2015\)](#).

Whether or not the child has been referred for transfer, after they have been accommodated by the entry local authority for 24 hours they become a looked after child under section 22 of the Children Act 1989, or in Scotland section 25 of the Children (Scotland) Act 1995. The entry local authority will then need to comply with all its obligations under the [Children Act 1989](#), the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) and statutory guidance ensuring that the child is accommodated in the most appropriate placement available which meets their needs. What is appropriate in the circumstances is a decision for the local authority to make.

All of the information collated by the entry local authority as a result of the above should be shared with the receiving local authority.

Annex A: The national rota: eligibility, referral, allocation, and transfer process map



Annex B: Illustrative allocations under the national rota

To make the national rota as fair and equitable as possible, a weighting system has been applied to take wider pressures relating to looked after children and the supported asylum population into consideration. The weighting system determines the proportion of referrals that a region can expect to receive based on the five factors set out below, with the particular weightings indicated.

[FINAL WEIGHTINGS TBC, TO BE INDICATED BELOW]

Size factor

- **Child population.** A region's contribution will be weighted according to its share of the total UK child population. This factor ensures a proportional relationship such that the larger regions will be allocated a larger number of referrals.

Children's services factors

- **Looked After Children population.** The number of looked after children per 10k is an established measure of the pressures on children's services. This factor ensures that regions with higher looked after children rates will be allocated a smaller number of referrals.
- **UASC population.** Providing the appropriate care for UASC in their care may require additional support from local authorities due to the particular needs and challenges of this cohort. This factor ensures that regions already supporting higher numbers of UASC a proportion of their child population will be allocated a smaller number of referrals.
- **Former UASC care leaver population.** Similarly, former UASC care leavers may require additional support from local authorities. This factor ensures that regions already supporting higher numbers of former UASC care leavers as a proportion of their population will be allocated a smaller number of referrals.

Supported asylum seekers factor

- **Supported Asylum population.** The number of asylum seekers who are dispersed and supported under provisions of the Immigration and Asylum Act 1999 varies between region. This factor ensures that regions with a greater number of supported asylum seekers as a proportion of their population will be allocated a smaller number of referrals.

Devolved Authorities

The NTS is a UK-wide scheme. However, due to the different legislative and political environments, it has not been appropriate to apply the factor-based modelling to the devolved authorities. Instead, realistic and ambitious contributions to the rota have been agreed in relation to Scotland, Wales and Northern Ireland.

Review

The model is designed to be flexible and will routinely be reviewed to ensure the underpinning data is up to date and rota continues to achieve its objective of an equitable and fair distribution. The UASC Governance Board will oversee the operation of the rota and will consider on an annual basis whether the modelling factors and weightings applied to them remain appropriate for achieving an equitable distribution.

Indicative placement allocations

The rota modelling also provides an indication as to the number of children that might be allocated for placement in a region. This is based on estimated annual referrals and previous experience though should be considered illustrative as it is difficult to forecast future intake.

[Final rota weightings and indicative placement numbers will be published as supplementary material alongside the protocol and updated as new datasets become available.]

Annex C: Best interests of the child

At the beginning of the transfer process local authority social worker will need to make a decision based on the child's best interests:

- Whether to request a transfer to another local authority; and
- When to request a transfer if it is deemed a transfer is in the child's best interests.

Article 3 of the United Nations Convention on the Rights of the Child provides that in all actions taken concerning children, the best interests of the child shall be a primary consideration.

Article 3, paragraph 1, of the [Convention on the Rights of the Child](#), ratified by the UK Government, gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere.

The UN Committee has drawn up a [non-exhaustive and non-hierarchical list](#) of elements that could be included in a best interest assessment by any decision-maker having to determine a child's best interests. The non-exhaustive nature of the elements in the list implies that it is possible to go beyond those and consider other factors relevant in the specific circumstances of the individual child or group of children. All the elements of the list must be taken into consideration and balanced in light of each situation. The list should provide concrete guidance, yet flexibility.

Elements to be taken into account when assessing the child's best interests

- (a) The child's views
- (b) The child's identity
- (c) Care, protection and safety of the child
- (d) Situation of vulnerability
- (e) The child's right to health
- (f) The child's right to education

As with any looked after child, a local authority accommodating a child under section 20 of the Children Act 1989 is expected to make decisions to safeguard that child and to promote their welfare. Making these decisions will require the local authority to consider the child's wishes and feelings as well as other factors in the child's life, including but not necessarily limited to the child's safety and vulnerabilities, identity and care needs, education, cultural and/or religious needs and health.

Although the term "best interests" is commonly used to encompass local authorities' responsibilities towards children looked after by them, local authorities do not have a

specific duty in national legislation to make decisions in a child's "best interests". Instead, local authorities have the **duty** to safeguard and promote a child's welfare, a duty which inherently requires local authorities to take account of a child's best interests and, under section 1 of the Children and Social Work Act, a local authority in England must, in carrying out functions in relation to children who are looked after by a local authority '**have regard to** the need to act in the best interests, and promote the physical and mental health and well-being, of those children and young people'; Reference to best interests therefore refers to a local authority's duties under the Children Act 1989 and the Children and Social Work Act 2017.

The requirement to take into account the wishes and feelings of the child and to safeguard and promote the child's welfare are embedded in the following legislation, Regulations and guidance:

- Section 22 of the Children Act 1989;
- The Care Planning, Placement and Case Review (England) Regulations 2010;
- The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review, and the Care Planning, Placement and Case Review (England) Regulations 2010;
- Working together to safeguard children A guide to inter-agency working to safeguard and promote the welfare of children March 2015;
- Section 1 of the Children and Social Work Act 2017;
- Applying corporate parenting principles to looked-after children and care leavers: Statutory guidance for local authorities, February 2018.

Annex D: Family reunification

Spontaneous arrivals and family reunification

Where a child arrives unaccompanied in the UK but declares the presence of a potential carer in another local authority and that person is willing and able to care for them, and it is assessed as being in the best interests of the child to be reunited with them, the entry local authority will make arrangements to assess whether the child could live with the adult. This may result in the child ceasing to be looked after by the local authority (if the arrangement is deemed to be an informal family and friends care arrangement) but not in all cases. If, after an assessment, it is deemed in the best interests of the child not to be cared for by that adult but contact should be facilitated, the entry local authority should request that the child is transferred to the family member's local authority, specifying the reasons why that local authority is being asked to assist the child to facilitate contact with that individual. This is most likely for example, if the adult is a sibling and care leaver themselves. See the **Allowing flexibilities in transfers** and **Transfers agreed outside the rota** subsections of [Step 2: Referral and allocation](#) of the protocol for more guidance on this.

At the point where a child is reunited with family members and may cease to be a looked after child the local authority will use UUCR **Part C: Transfer completed** and send to the UASC NTS Team to notify them of the arrangements.

Family reunification through established legal routes of entry

The UK is no longer bound by the Dublin Regulation. However, specific family reunion provisions of the Dublin Regulation were 'saved' by Part 3 of Schedule 2 to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019, known as the 'saving provisions'. This means that transfers of people seeking asylum in Europe, including unaccompanied children, to the UK for family reunion may still take place under the Dublin family provisions for a period of time.

There may be clear reasons why transfer would, or would not, be in the best interests of the child. For example, where a child enters the UK under the 'saving provisions' and has relatives in an area who are unable to care for them, but it is in the child's best interests to be near their family. See published guidance on [Requests made to the UK under the Dublin III Regulation prior to the end of the Transition Period](#).

If for any reason, such as breakdown of the family relationship, the child becomes looked after by the local authority in which the relative(s) reside, then the child will be included in the 0.07% calculation, but it is expected that it will usually be in the child's best interests to stay in the same local authority as their relative(s). In some circumstances, it may be assessed to be in the child's best interests to be transferred to another local authority.

Annex E: Age disputes

In accordance with the [Assessing Age](#) guidance, anyone claiming to be a child but whose physical appearance and demeanour very strongly suggests that they are 25 or over will be treated by the Home Office from that point onwards as an adult, though the decision will be reviewed if relevant new evidence is received. All asylum-seeking individuals who are accepted or temporarily treated as being below 18 years of age during the initial Home Office welfare interview are eligible to be included in the transfer scheme.

Where the age of a child is disputed – but accepted as being under 18 years of age or treated as being under 18 years of age until further assessment of their age has been completed – the receiving local authority will normally conduct the Merton and further case law compliant age assessment. In some cases, the entry local authority may agree to conduct the case law compliant age assessment before referring the person into the NTS. Where the child is not being transferred, the Merton and further case law compliant assessment will be conducted by the entry local authority.

Where an individual has been given the benefit of the doubt and accepted as a child while a full age assessment is undertaken, the local authority will confirm with the Home Office as to the outcome of the age assessment. Further age assessment guidance can be found on the [Association of Directors of Children's Services](#) website and the Home Office's [Assessing Age](#) guidance.

Where the entry authority has agreed to complete the full age assessment, they will include the outcome of the assessment in **Part A** of the UUCR when sending to the UASC NTS Team.

If the receiving local authority concludes from their own age assessment that the individual is an adult, they will cease to be eligible for support from the local authority under the Children Act 1989. The local authority should immediately notify the Home Office of anyone assessed as an adult who is in need of asylum support accommodation by submitting a request to the [Accommodation Gatekeeper Team](#). The Accommodation Gatekeeper Team handles referrals on a same day basis and will arrange initial accommodation and transport to that accommodation as necessary. The local authority remains responsible until the individual has been physically transferred into accommodation in the adult asylum support system.

Annex F: Escalation procedure [DRAFT – STILL BEING FINALISED]

Introduction:

1. The Escalation Procedure provides guidance to Local Authorities (LAs) on how to escalate an issue with another LA regarding children that have, or are to be, transferred through the National Transfer Scheme (NTS) for Unaccompanied Asylum-Seeking Children (UASC). It seeks to provide clarity around key stakeholder's roles and responsibilities.
2. The Escalation Procedure can be used both prior to, and after, transfer. It typically applies where entry authorities and receiving authorities find they have differing views on what is in the best interests of a child who is due to be transferred between them, or who has recently been transferred between them.

It may also be used where a LA wishes to flag a perceived short-coming in terms of best practice, to promote constructive learning among all LAs participating in the NTS, in the interests of avoiding similar challenges in the future.

3. Examples where the Escalation Procedure might be used:
 - (a) Situations where the appropriateness of a transfer needs to be reviewed:
 - After transfer it becomes apparent that the entry authority did not share information that they were aware of prior to transfer, which would have affected the basis for the transfer, e.g. child was known to have relatives in the entry LA or another LA.
 - The receiving LA believes the decision to transfer has seriously affected the safety and welfare of the child and is concerned that the transfer is not in the child's best interests.
 - (b) Situations where frustration arise between LAs about the nature of a transfer:
 - An entry or receiving LA is consistently slow to correspond about an upcoming transfer, resulting in delays.
 - Receiving LA exceeds the 10-day deadline in identifying a placement and transferring a child.
 - Information comes to light after a child has been transferred which the receiving LA believes they should have been made aware of prior to transfer, as it would have affected the selection of placement within the receiving LA, e.g. significant information relating to the profile of the child.
 - Differing views about the child's age once the child has been transferred.
4. In all situations 'the best interests of the child' will be a guiding principle.
5. In all situations entry LA and receiving LA should log the issue with the HO in order to share learning with the wider NTS network.
6. The old '[Cases of Concern](#)' process, which sought to address serious safeguarding or practice concerns via a dedicated Home Office inbox, was in practice hardly used. In practice, safeguarding concerns are typically escalated

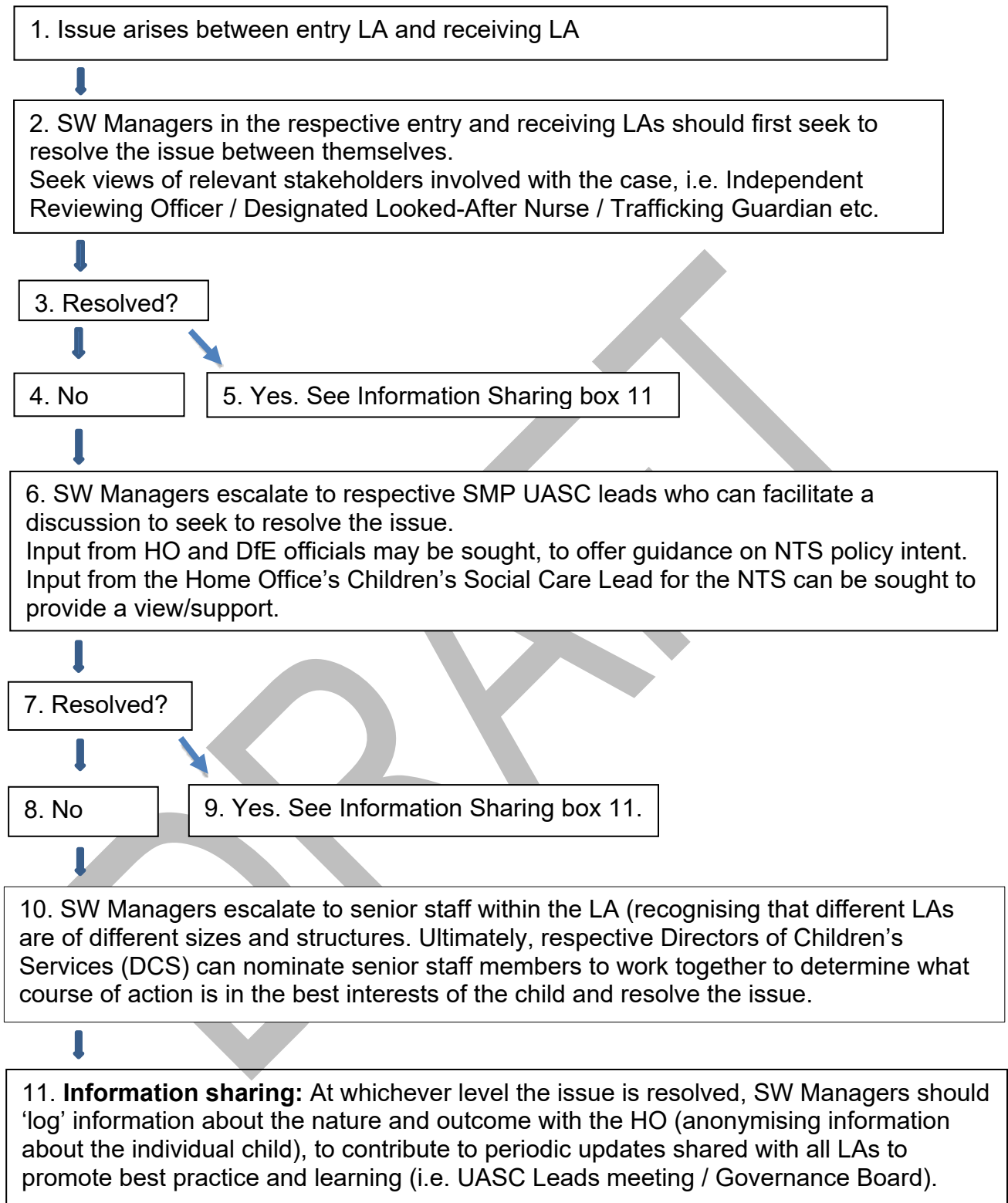
through existing social work structures, and practice concerns are flagged to the NTS team – where relevant – through normal correspondence. Therefore, the Cases of Concerns process will be discontinued.

Note

In the past, a common issue has been the perception of receiving LAs that they have received incomplete information about a child prior to transfer. With the new NTS, children will be transferred more quickly, within a target of 10 working days. Therefore, the receiving LA can expect to receive key basic information about the child prior to transfer, and then plan to build up a fuller picture once the child is under their care. As much as possible the receiving LA should view the child as a 'spontaneous arrival' to their region, and keep in mind that UASC are unlikely to disclose all information about themselves in an initial assessment in the entry authority.

Another common issue in the past has been, differing views over whether a transfer continues to be in a child's best interests if they have spent significant time in the entry LA. It is hoped that with the new NTS, faster transfers will avoid children becoming settled in the entry LA. Clear and timely communication between the entry LA and the child, and the receiving LA and the child, will be key to ensuring a child fully understand the process and reasons for transfer, and will help reduce the risk of a child resisting the transfer.

The Escalation Procedure:



Note on Timescales: Issues that arise before transfer should be resolved within the 10 (calendar) day period prior to transfer. Issues that arise after transfer should be addressed urgently, within a matter of days.

Frequently asked questions:

1. *How different is this process to what has happened in the past?*
In the past LAs have sometimes directed their concerns to the HO UASC NTS Team. Home Office and DfE officials can provide a view on NTS policy intent, and input from the Home Office's Children's Social Care Lead for the NTS can be sought to provide a view/support. Ultimately, however, decisions around the care of unaccompanied minors remains the duty of the local authority.
2. *Should there be a role for the LGA, UASC Working Group, or UASC Governance Board?*
Not in decisions about the appropriateness of a particular child's transfer, that is for social workers who are close to the child's case. However, they may be invited to take a view on the 'global picture' of the type and frequency of issues, in the interests of promoting best practice and avoiding LAs repeatedly facing the same challenges.
3. *What happens if the two DCSs, or the people they have nominated to come to a decision, can't decide? Don't we need a 'deciding vote'?*
The consensus among social work practitioners is that they will be able to decide.
4. *Does the Escalation Procedure apply in situations where a child has been transferred to an LA and then run away to the entry LA or another LA, and there is a disagreement between LAs about what is in the child's best interests?*
Yes it might be helpful in this circumstance.
5. *Does the Escalation Procedure apply in the potential situation of a mandated transfer?*
This procedure has been drafted with voluntary transfers in mind, as these are going to be the vast majority. It is acknowledged that we may need to revisit the procedure in light of potential mandatory transfers in the future.
6. *Can anyone else use the Escalation procedure, i.e. NGOs, medical staff etc with concerns?*
No, but they can flag concerns to a child's Social Worker or Independent Reviewing Officer.
7. *Do children have a voice in the escalation procedure?*
Children have Independent Advocates and Independent Reviewing Offices who are positioned to review the care plan and provide challenge to a child's social worker.

Annex G: Unique Unaccompanied Child Record (UUCR)

This form is used to facilitate the **safe transfer of an unaccompanied asylum seeking child (UASC)** from one local authority (the entry authority) to another local authority (the receiving authority).

The form has five parts relevant to each stage of the transfer process:

Part A: UASC Transfer Request form – to be completed by the entry local authority, to provide all relevant information about a child in their care that they wish to transfer. It is essential that the entry local authority completes this part fully as it will be used to inform any prospective local authority about how to support the child.

Part B: Allocation to region/nation – the formal request sent by the Home Office UASC NTS Team to the region or nation on duty to source a suitable placement for a child to be transferred to. This form and Part A are sent to the SMP UASC lead of the region or nation on duty, who will allocate the transfer to a local authority in their area.

Part C: Transfer acceptance – to be completed by the receiving authority, and sent by the relevant SMP UASC lead to the HO UASC NTS Team and entry authority, to inform them that the receiving authority accepts the transfer of the child into their care, and to provide contact details of the social worker responsible for the transfer.

Part D: Transfer Completion – to be completed by the SMP UASC lead and sent to the HO UASC NTS team to confirm the transfer is complete and that the receiving authority is now legally responsible for the child.

This form **must** also be completed if an unaccompanied child has been transferred from one local authority to another without the involvement of the HO UASC NTS Team.

Part E: Withdrawal of referral/ change in circumstances – to be completed by the entry authority to update the HO UASC NTS Team that the entry authority withdraws the referral, or that there have been relevant changes in circumstances e.g. to the looked after status of the child or the child has gone missing during the transfer process, before legal responsibility has transferred to the receiving authority.

Part A: Transfer request

This part is completed electronically by the entry local authority social worker for each unaccompanied child where a transfer to another local authority is requested. It is important that the form is completed fully and accurately. Entry authorities have a responsibility to ensure receiving authorities have all relevant information about the child known at the time to inform planning and provision of services, recognising that information available within the expected transfer timeframes will be limited.

Once completed the form must be submitted by the entry local authority to the to the HO UASC NTS Team at UASCNationalTransferTeam@homeoffice.gov.uk and copied to the SMP UASC lead in their region/nation.

It is important to ensure that the HO UASC NTS Team is continually updated if new information comes to light or circumstances change.

Section 1: About the local authority making a UASC transfer request	
Entry LA requesting transfer	
Social Worker	
Date Part A completed	
Section 2: About the child	
Port/HO ref:	Location of entry to the UK:
First name:	
Middle names:	
Family name:	
Any other names known by:	Any other names used:
DOB:	
Age:	
Gender:	
Is this age disputed? Yes/No	
If yes complete section 9	
Nationality:	Language:
Are there any documents to support the stated nationality and age? If yes, please list	Dialect:
	Does the child speak any English? Please indicate (e.g. easily, a little, none)
	Speaks Understands Reads Write
Religion:	Practising?
Any dietary considerations?	

Section 3: Health			
Allergies:		Medication:	
Smoke?	Alcohol?	Drugs/Substance misuse?	
Are there any obvious signs of trauma/vulnerability?			
Does the child require any emergency health treatment?			
Are there any physical marks, scars or identifying features that would enable this child to be identified if necessary?			
Any long-term health concerns?			
Are there any other health issues that any receiving local authority should be made aware of?			
Has the child been assessed as fit to travel to a new local authority?			
Section 4: Education/Work history			
Have they attended school?		Number of years attended?	
Grades completed:			
Work History:			
Section 5: Trafficking			
Are there any indications that the child may have been trafficked?			
Does the child have an Independent Child Trafficking Guardian, please provide contact details.			
Further information			
<p>National Referral Mechanism: When an agency comes into contact with a child who may have been trafficked Children's Services and police should be notified immediately. All children, irrespective of their immigration status, are entitled to protection. For further information including the referral process see National Referral Mechanism: guidance for child first responders</p> <p>Independent Child Trafficking Guardian Independent Child Trafficking Guardians (ICTG) are professionals who support children who have potentially been trafficked. Please also complete the ICTG referral form at Interim guidance for Independent Child Trafficking Guardians early adopter sites - GOV.UK if the child you are concerned about lives in or has links to:</p> <p>Greater London; Surrey; Essex; West Yorkshire; Merseyside; Kent; Warwickshire; North Yorkshire; Gloucestershire and Bristol; Lancashire; Bedfordshire; Wales; Hampshire; Greater Manchester; West Midlands; East Midlands; and the Isle of Wight.</p>			

Section 6: Family		
Mother's name:	Age:	Location:
Father:	Age:	Location:
Brothers:		
Sisters:		
Did this child arrive with a close relative? If so, please provide further details. Has this child asked to be kept together with this relative?		
Has the child asked to be kept together with another accompanied child? If so, please provide further details.		
Section 7: Family links in the UK		
Does the child have any family in the UK?		
How are they related to this child?		
Location: Full address: Contact details (including email and mobile number if known):		
Has this child expressed a desire to live with this relative?		
What attempts have been made to find out whether it is possible for this child to be reunited with their relative? Have you considered the following: <ul style="list-style-type: none"> Is it in the child's best interests to live with and be cared for by their relative? If it is not in their best interests to live with their relative, is it in their best interests to live near and have contact with their relative? Provide further details on when the relative was contacted and why in your view it is not appropriate for the child to be reunited.		
Section 8: Journey to the UK		
Which country was the child living in prior to arriving in the UK?		
How long ago did they leave their home country?		
Background: What was the route and journey? Provide timeframe if known		
Section 9: Age disputes		
Has the age been disputed?		
Who has disputed the age? Please provide further details.		

Has an age assessment been undertaken?
What form of assessment has been undertaken? <ul style="list-style-type: none"> • Short form assessment <input type="checkbox"/> • Comprehensive Merton Assessment <input type="checkbox"/> • Opinion of the Immigration Officer that young person is being treated as under 18 until further assessment of their age <input type="checkbox"/>
What was the date of the assessment? Please send the assessment proforma with this transfer request.
Section 10: Other concerns (also see Section 5 on trafficking)
Has a risk assessment been undertaken to identify if the child is likely to go missing?
Do <u>you</u> have any other concerns about this child?
Section 11: Possessions
Do they have a mobile phone? Mob No: If yes, has the phone been seized? Can they provide any further information?
Do they have money?
Do they have belongings?
Section 12: Current Placement
Date the current placement commenced?
Type of placement (e.g. reception centre/foster placement)
Address of placement
Section 13: Child's Best Interests
Summary explanation of why it is in the child's best interests to transfer, including the child's feelings and wishes (the transfer decision should continue to be reviewed by the entry local authority to reflect new information or changes in the child's circumstances that could mean transfer ceases to be in the child's best interests):
Has the child been counselled about moving to a local authority in another region/nation?

Section 14: Confirmation a transfer to another local authority is requested

This authority has reviewed the best interests of the child and considers it appropriate for the child to be moved to another region/nation.

Responsible social worker:

Contact details:

Responsible Social Worker Manager:

Contact details

(All case notes pertaining to this child will need to be transferred to the receiving local authority once transfer acceptance has been confirmed)

Details for person to be contacted for a transfer to be arranged:

Name

Secure e-mail

Telephone

Date/time of request:

Part B: Allocation to region/nation

To be completed by the HO UASC NTS Team and submitted to the SMP UASC lead for the relevant region/nation on duty under the national rota.

Child's name: Nationality: DoB: Home Office/Port Reference:
Allocated region/nation:
Date and time of allocation:

Part C: Transfer acceptance

To be completed by the receiving local authority once they have agreed to accept the transfer, and sent by the SMP UASC lead to the HO UASC NTS Team at UASCNationalTransferTeam@homeoffice.gov.uk, copied to the entry authority.

Child's name: Nationality: DoB: Home Office/Port Reference:		
Receiving local authority accepting transfer:		
Date and time of acceptance:		
Date and time transfer expected to take place:		
Contact details for person in receiving authority to arrange transfer:		
Name	Secure e-mail	Telephone

Part D: Transfer completion

To be completed electronically by the SMP UASC lead **as soon as possible upon completion of transfer.**

This form should be completed in all cases including where:

- the transfer is within the same region
- the transfer is to another region
- the Home Office UASC NTS Team has not been involved in the transfer.

The form should be sent to the HO UASC NTS Team at:

UASCNationalTransferTeam@homeoffice.gov.uk.

Child's name: Nationality: DoB: Home Office/Port Reference:
Entry local authority:
Receiving local authority: This authority confirms its acceptance of legal responsibility for assessing and looking after the aforementioned child, by way of transfer between local authorities by mutual agreement in accordance with section 69 of the Immigration Act 2016.
Address of placement in receiving authority:
Date of acceptance of legal responsibility:
Was this a transfer agreed outside of the national rota?

Part E: Withdrawal of referral/ change in circumstances

This part is to be completed by the entry local authority and sent to the HO UASC NTS Team at: UASCNationalTransferTeam@homeoffice.gov.uk to notify of relevant changes in circumstances of the unaccompanied child where they have been referred to the HO NTS Team for transfer as set out in pages 9, 12 and 13 of the protocol.

Local authority:		
Contact in case of query:		
Name	Secure e-mail	Telephone

Details of child/young person

Port/HO Ref:	LA ref:
Family/Tribal name:	Nationality:
First name:	Middle names:
Any other names known by:	Any other names used:
DoB:	Gender:

E1 – to be completed if the child/young person has ceased to be looked after

Reason for child or young person ceasing to be looked after:	
a. Missing: Police authority to which reported	
b. Age determined as over 18	
c. Reunified with responsible adult (name and address)	
d. Other (please specify)	
Date on which child/young person ceased to be looked after by this authority:	

E2 – to be completed if the child/young person has resumed being looked after

Reason for resumption of child being looked after (please state):
Date on which authority resumed looking after the child:

E3 – to be completed if the region/nation wishes to withdraw the transfer request

Reason for looking after in this local authority (please state):
Date responsibility commenced:

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