**Department for Education National Fostering Stocktake - Evidence, June 2017**

Coram Children’s Legal Centre (CCLC), part of the Coram group of charities, works in the UK and globally to protect and promote the rights of children through the provision of direct legal services; the publication of free legal information; research and policy work; law reform; training; and international consultancy on child rights. CCLC’s Legal Practice Unit specialises in child and family law, education law, community care law and immigration and asylum law. CCLC operates the Child Law Advice Service (CLAS), providing free advice on family and education law, and the Migrant Children’s Project, a centre of specialist expertise on the rights of refugee and migrant children.

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Coram Children’s Legal Centre has experience of the benefits that foster care can provide for children who arrive in the UK alone and in need of protection. We deal with foster carers directly through our Migrant Children’s Project advice line and training for practitioners on the rights of young refugees and migrants. We also see the benefits and challenges of good foster care in our work directly advising and representing young people. As chair of the Refugee Children’s Consortium we also raise issues relating to foster care for unaccompanied children in regular meetings with the Home Office.

1. **The value of foster care for unaccompanied migrant children**

Foster carers can play a key role in facilitating unaccompanied children’s access to key services such as education and health services and to support them through the immigration process, as well as providing direct emotional support and assistance. Consistent care and support can help promote young people's resilience and capacity to cope in the context of forced migration. Several studies have found that unaccompanied minors have high levels of post-traumatic stress symptoms and this is lower for young people living with family and for unaccompanied young people living in foster care compared to those living in group homes or independently.

Many young people experience considerable anxiety associated with their immigration cases, with consequent negative effects on their mental health. Foster carers can help ensure that young people receive the necessary high quality legal representation and support during this process, in an increasingly difficult climate for accessing good legal advice. Our experience of speaking to foster carers who call the Migrant Children’s Project advice line is that their queries relate to asylum determinations and procedure, access to legal advice and the level of support from the local authority. Foster carers, parents and relatives are the largest user group of the Migrant Children’s Project advice line, with 420 callers in this category in 2016/17. Foster carers have contacted us because they are concerned about the advice received by a child in their care; because they wanted to help find the child a lawyer; or because they wanted a more detailed understanding of the local authority commitment to care for these children.

Being cared for within a family environment has also been found to be a protective factor in preventing vulnerable unaccompanied children going missing from care. Disappearances are also more likely to be reported where a child is in a family environment. This can also break the control of traffickers over victims.

It should of course be noted that while foster care is often described positively by unaccompanied, as a form of accommodation where they felt a sense of belonging and inclusion, others in foster care have felt uncared for, isolated and that they were treated differently. As there is limited scope for cultural matching, sometimes this can be prioritised over other aspects of 'matching' such as personality, interests and lifestyle expectations. Overall, most unaccompanied children are placed trans-culturally so there are issues here for fostering teams and social workers to consider in terms of matching, preparation, planning, comfort and belonging. Both CoramBAAF and ECPAT UK have conducted research with children which has highlighted that children do not always feel welcome in foster homes, and that there is often a cultural clash involving language, food and religion.

1. **The provision of foster care for unaccompanied migrant children**

A long-standing issue for unaccompanied children in the asylum system is the type and level of support they receive from children’s services, with older children often not placed in foster care on the basis of their age, despite having high support needs. Guidance should make clear that unaccompanied children must be provided with adequate support, accommodation and supervision and a full range of looked-after services whilst in the care of local authorities and should be supported in foster care even at age 16 and 17, until they are ready to move into independent living.

In light of this, CCLC suggested that the DfE include the following paragraph in its forthcoming guidance ‘Care of unaccompanied migrant children and child victims of modern slavery’ (final version not yet published):

*‘Children under the age of 16 are often placed in foster care and 16- and 17-year-olds are frequently placed in semi-independent accommodation with more limited support. It is important to note, however, that some older children require more intensive support and there is nothing that prevents a local authority from placing an older child in foster care or keeping them in a foster placement. The location of accommodation should not unduly disrupt the child accessing education or their support network.’ [[1]](#footnote-1)*

This inclusion of this in statutory guidance would go some way to ensuring that vulnerable 16 and 17 year olds who are subject to immigration control also benefit from foster care.

The nature of semi-independent accommodation also needs to be better understood and improved. In some localities it can amount to little more than a phone call every six weeks, with very limited additional support. Also due to the turnover of staff there is often little continuity in social worker assigned to a young person, preventing the development of positive relationships.

Any additional issue that should be addressed if foster care provision is to improve is the collection of data on this group, so that each local authority is clear about its intake and capacity. Anecdotally we have heard of cases where approved foster carers for a local authority are keen to foster unaccompanied asylum seeking children but are told by the local authority that there are none in their area, despite the existence of the National Transfer Scheme (see below). A defeated amendment to the Children and Social Work Bill 2016 would have ensured that councils in England identified whether they have space to settle more unaccompanied children – in the absence of legislation, we would welcome further action to ensure that data on capacity is regularly produced to ensure that we are not unnecessarily depriving children of the best support and care.

1. **The need for training and increased capacity to ensure unaccompanied children receive appropriate foster care**

Provision of foster care for unaccompanied children relies on foster carers being both available and sufficiently trained to understand their needs and the legal systems they will have to go through.

A relatively recent issue for children arriving unaccompanied in the UK is the introduction of the National Transfer Scheme.[[2]](#footnote-2) There is currently an interim transfer protocol[[3]](#footnote-3) and the purpose of the scheme is to ensure that there is a more even distribution of caring responsibilities across local authorities so that some local authorities are not responsible for the vast majority of unaccompanied children. It is important that the scheme is successful in promoting the best interests of the child and ensuring better outcomes. This will only occur if services and support are available in the local authority area and there is capacity for the number of children being transferred. This will include ensuring that there are foster carers in receiving authorities and that these are properly trained to work with unaccompanied migrant children, and can help them access legal services as well as other forms of support, including school, further education services, and healthcare.

Foster carers need to know about immigration and asylum system, as well as the specific needs of asylum seekers. For example asylum seekers often have nocturnal activity patterns and trauma can sometimes result in a strong investment religion, so not having access to religious books or institutions can be very problematic. Specialist training can help foster carers address these challenges. Also, young people often have to repeatedly recount traumatic events several different times to different people and can be retraumatised as a result. A foster carer may be able to use their adult authority to direct agencies to the notes that they already have and reduce the degree of repetition and retelling. Their views are also important when there are queries as to the child’s age. [[4]](#footnote-4)

There is much work that can be done to improve the knowledge and capacity of existing foster carers and encourage more people to care for this group. Before the protocol was introduced, when transfer was operating on a more informal basis, CCLC sent FOI requests to local authorities to ascertain what steps were being taken to ensure that appropriate foster care provision existed for this group in their area. The majority of local authorities noted that they had taken no action to increase the number of foster placements available specifically for the purposes of fostering unaccompanied asylum seeking children. A few stated that targeted training had been provided to their existing foster carers and that they had taken steps to increase the number of suitable fostering placements that could be offered to refugee or asylum seeking children.

Since then, the Home Office has commissioned training for foster carers on caring for victims of trafficking but it would be beneficial to have a funded course for foster carers covering *all* unaccompanied children. CCLC has delivering training to a number of groups of foster carers in the past two years who have indicated that there is a great appetite for this support but little resource to fund it.

CCLC’s Migrant Children’s Project provides a free advice line (see [http://www.childrenslegalcentre.com/get-legal-advice/immigration-asylum-nationality/advice-line/](https://owa.coram.org.uk/owa/redir.aspx?SURL=O_Qtu8820zRPvaEIcPoKYlGQ0w1ThgOo0SKBzt8G4Bib0hz7prTUCGgAdAB0AHAAOgAvAC8AdwB3AHcALgBjAGgAaQBsAGQAcgBlAG4AcwBsAGUAZwBhAGwAYwBlAG4AdAByAGUALgBjAG8AbQAvAGcAZQB0AC0AbABlAGcAYQBsAC0AYQBkAHYAaQBjAGUALwBpAG0AbQBpAGcAcgBhAHQAaQBvAG4ALQBhAHMAeQBsAHUAbQAtAG4AYQB0AGkAbwBuAGEAbABpAHQAeQAvAGEAZAB2AGkAYwBlAC0AbABpAG4AZQAvAA..&URL=http%3a%2f%2fwww.childrenslegalcentre.com%2fget-legal-advice%2fimmigration-asylum-nationality%2fadvice-line%2f)) and a toolkit, ‘Seeking Support: a guide to the rights and entitlements of separated children’(<http://www.childrenslegalcentre.com/seeking-support/> ) for carers and practitioners. Both are entirely dependent on charitable funding and would benefit from government support for future sustainability.

On 1 November 2016, the then Minister for Families committed to increasing the number of foster carers in his statement on a national strategy for Safeguarding unaccompanied and asylum seeking refugee children. The commitment was for the strategy to be published by 1 May 2017. This commitment should be renewed and expanded. The commitment to analysing the gaps in available training, as well as looking at supported accommodation and alternatives to foster care are long overdue.

1. <http://www.childrenslegalcentre.com/wp-content/uploads/2017/05/DfE_Care-of-unaccompanied-migrant-children-and-child-victims-of-modern-slavery_CCLCCommentsMarch2017-1.pdf> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/news/government-launches-national-transfer-scheme-for-migrant-children> [↑](#footnote-ref-2)
3. <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme> [↑](#footnote-ref-3)
4. See Coram Children’s Legal Centre, *Happy Birthday? Disputing the age of children in the immigration system*, 2013, at [www.coramchildrenslegalcentre.com](http://www.coramchildrenslegalcentre.com) [↑](#footnote-ref-4)