

Towards a regional approach to closing missing UASC cases in the East Midlands (September 2019)

1. Background

This summary of the general approach by local authorities to closing missing LAC UASC cases in the region is based on discussions and information provided through the East Midlands UASC Leads group, as part of interest in working towards shared regional approaches to various aspects of UASC policy and practice.

2. National guidelines

The Department for Education has confirmed that there is currently no legislation or national guidance for the closure of missing UASC cases, and that it is considering the matter presently. In the meantime, the view is that it is up to local authorities to decide, practically, on what to do in terms of the day-to-day management of these cases where a child has been missing for a significant period of time – provided this is consistent with all the steps local authorities are required to take as set out in the statutory guidance: [“Statutory guidance on children who run away or go missing from home or care”](#) (DfE, Jan 2014)¹.

There is nothing in the statutory guidance to say that LAs can’t close cases after a period of time but LAs should get their own legal advice on a case by case basis; every child is different.

3. Summary of current positions

All nine East Midlands Local Authorities with care responsibilities for UASC provided information on their current approaches to closing missing UASC cases, summarised as follows:

- Most LAs (8/9) treat closure on case by case basis
- Majority of LAs (6/9) do not have a set time period to keep cases open
- Majority of LAs (7/9) close cases at age 18
- Mix of approaches to on-going care planning

3.1 Closing cases on a case-by-case basis

In eight of the nine LAs, cases are closed on a case-by-case basis. The one LA which did not identify a case-by-case approach does not close cases until the UASC reaches 18. Therefore, *where cases of missing UASC are closed prior to their 18th birthday, this is always on a case-by-case basis* and dependent upon an assessment of vulnerability, risk and needs. Prior to closing any missing UASC cases, the views of the Local Authority’s Legal Department should be obtained.

3.2 Set time periods

The majority of LAs do not have a set period of time for keeping missing UASC cases open. For those LAs which do specify a timeframe, cases are kept open for a minimum of 13 weeks (consequently, missing UASC would generally qualify for Leaving Care support should they return). Therefore, *where cases of missing UASC are closed before their 18th birthday, this is after a minimum of 13 weeks and is case specific; cases where a risk of trafficking or vulnerability is identified are kept open.*

¹ The DfE Statutory Guidance on children who run away or go missing from care (2014) will be revised in 2019

3.3 Closing cases at age 18

The majority of LAs close missing cases when the UASC turns 18, (except in some cases where the case has already been closed). The LAs which keep cases open beyond age 18 have UASC Teams which retain responsibility for UASC when they become care leavers and the decision to close is on a case-by-case basis. Therefore, *the majority of missing UASC cases are closed at age 18*, with the remainder closed either prior to their 18th birthday, or after turning 18 on a case-by-case basis.

3.4 On-going care planning

In relation to on-going care planning (LAC Reviews and Personal Education Plans) for missing UASC cases prior to closure, the region divides broadly into two approaches, with a roughly 50:50 split. One approach is to continue to conduct 'paper' LAC Reviews (as per [Regulation 33, The Care Planning, Placement and Case Review \(England\) Regulations 2010](#)) and PEPs (mostly) until the case is closed. The other approach is not to conduct LAC Reviews or PEPs after the UASC goes missing. However, in the majority of LAs, the missing strategy plan is regularly reviewed. Therefore, *there are broadly two differing approaches to on-going care planning, but the majority conduct regular review strategy meetings*.

4. Towards a regional approach to closing missing UASC cases

In order to move towards a regional approach to closing missing UASC cases, the East Midlands UASC Leads group considers that serious consideration needs to be given to the recommendations of [Shropshire Safeguarding Children Board's Serious Case Review; Child C](#) (published 7 November 2018), set out as follows:

4.1 Shropshire SCB's Serious Case Review Recommendations

1. Keeping all cases open to the age of 18

Children who go missing from care should retain their status as Looked after Children, should remain subject to the scrutiny of Looked after Children Reviews and remain the responsibility of the Council as Corporate Parent until the child reaches the age of 18.

2. Statutory reviews should continue

Child C had only one Looked after Children Review. Strategy Meetings and Review Strategy Meetings were regarded as a substitute for future reviews. The absence of any national guidance as to whether children should retain their status as looked after in this circumstance contributed to the local authority's uncertainty as to how to proceed. Whilst Child C remained accommodated by the local authority, he should have remained subject to statutory reviews. The fact that he had remained missing should have prompted the local authority to act as his advocate and his voice rather than be seen as a reason not to hold reviews.

Looked after Children Reviews should be held so that the Independent Reviewing Officer (IRO) can review and challenge the activity of agencies involved in the missing person enquiry.

4.2 East Midlands Minimum Standards

In light of the Shropshire SCB's recommendations above, subject to local agreement all East Midlands Children's Services will, as a minimum:

1. **Retain all missing UASC as Looked after Children until they reach the age of 18** (claimed DoB if no documentary evidence or Merton-compliant age assessment available)
2. **Continue to conduct statutory reviews while the missing child remains looked after** (noting proposed attendees identified below)

And note the current “Statutory Guidance on Children Who Run Away or Go Missing from Home or Care (2014)” directive that:

3. Trafficked children are at high risk of going missing, with most going missing within one week of becoming looked after and many within 48 hours. **Unaccompanied asylum seeking children who go missing immediately after becoming looked after should be treated as potential victims of trafficking.** (Details of the East Midlands Independent Child Trafficking Advocacy (ICTA) Service are given in Section 6.2 below)

It is proposed that regular LAC reviews are held for missing UASC with the following parties being invited to attend and at minimum update their involvement/actions over the previous 6 months: Police; Home Office (East Midlands Immigration Enforcement); Health (GP); ICTA Service (advocate); Education (if appropriate); LAC Social Worker; Personal Advisor (if appropriate); Team Manager (LAC); IRO.

In summary, in the East Midlands, UASC missing from care will remain the responsibility of the Council as Looked After Children until they reach the age of 18 and remain subject to the scrutiny of regular Looked after Children Reviews. At age 18, decisions to close are on a case-by-case basis (following legal advice being taken); where risks of trafficking or other vulnerabilities are identified, cases remain open. Cases that remain open past 18 are thereafter closed on a case-by-case basis. When a missing unaccompanied child or young person returns or is found, they remain the responsibility of the originating local authority either as a Looked After Child, or are offered leaving care support (if eligible) including where their case has been closed.

5. Processes for notifying central government of missing UASC

5.1 Home Office

If a UASC who is part of the National Transfer Scheme goes missing, the local authority should notify the Home Office’s [UASC National Transfer Team](#) by submitting a Part E (Looked After Status Update) of the UCCR form ([Annex 2 \(p.31\), National Transfer Scheme Protocol \(Mar 2018\)](#)).

In cases where the child is not part of the National Transfer Scheme it is necessary for the local authority to notify the Home Office Evidence and Enquiry Unit when a child or vulnerable adult in their care goes missing, or when a missing child or vulnerable adult returns or is found. The Home Office Evidence and Enquiry Unit can be contacted by Local authorities via: evidenceandenquiry@homeoffice.gsi.gov.uk or by telephone: 020 8196 0280 (only to be used in emergencies or if IT systems are down).

5.2 Department for Education

Through their SSDA903 data collection, the DfE collects information about children who are looked after by local authorities; and for those who have recently left care. LAs should submit data on missing UASC as part of their SSDA903 return, noting the following in the DfE’s [Children Looked After SSDA903 Data Guide \(p.26\)](#):

“There are no special rules for recording UASC on the SSDA903. The only distinct rule that applies to UASC is that they should be recorded as a looked after child as soon as they come to the attention of local authorities, rather than only when they have been accommodated for 24 hours. Unlike other children, all UASC who come to the attention of local authorities will become looked after so the 24-hour rule does not apply. If a UASC goes missing in those first 24 hours they should always be recorded as missing from care.

“If a UASC goes missing from their placement, in every other aspect aside from the aforementioned disapplication of the 24-hour rule, missing episodes of UASC should be recorded in the same way as missing episodes for any other looked after child. Unresolved cases should remain open until the child’s 18th birthday, at which point the case should be closed using the appropriate reason code. Records must not be closed before this point”.

6 Other protective factors

6.1 Operation Innerste

When an unaccompanied asylum seeking child first interacts with the police, they may be mistrustful of authority, unclear on what will happen to them, and need reassurance and support. The [2017 Safeguarding Strategy for Unaccompanied Asylum Seeking and Refugee Children](#) includes a commitment to pilot a standardised process for Police when they first encounter an unaccompanied child. A first encounter pilot, ‘Operation Innerste’ has been successfully implemented by Hertfordshire Police. The process aims to ensure that UASC found in the UK are appropriately safeguarded. The process has been successful in reducing missing incidents of the UASC it has identified through helping to build trust between the child and UK authorities. By not arresting the child and working with Children’s Services to complete an initial welfare assessment ensures that the risks to the child are assessed early so that effective protective measures can be put in place. Biometric information is also recorded to assist Police and other law enforcement agencies to locate children if they subsequently go missing. In the East Midlands, this approach is led by East Midlands Immigration Enforcement and is being rolled out across the region, initially in Nottinghamshire and Nottingham City.

6.2 Independent Child Trafficking Advocacy (ICTA) Service

In support of UASC who may be at risk of going missing due to human trafficking/modern slavery, the Independent Child Trafficking Advocacy Service has commenced in the East Midlands. The role of an ICTA is outlined in section 48 of the Modern Slavery Act 2015 and within Home Office [interim guidance](#). Further details including to make a referral to the ICTA Service and the 24h Support Line (0800 043 4303) is available on [Barnardo’s website](#).

6.3 The National Referral Mechanism (NRM)

As noted above (Sec. 4.2), the Statutory Guidance on children who run away or go missing from home or care (2014) states that unaccompanied asylum seeking children who go missing immediately after becoming looked after should be treated as potential victims of trafficking. Where it is suspected that a child has been trafficked, they should be referred by the local authority into the UK’s victim identification framework, the National Referral Mechanism (NRM) – the system by which victims of modern slavery are identified and provided with support. The [Trafficked Children Toolkit](#), developed by the London Safeguarding Children Board, has been made available to all local authorities to help professionals assess the needs of these children and to refer them to the NRM. The Home Office has published [guidance on the NRM for child first responders](#) and the NRM child referral form is located on [GOV.UK](#).

Appendix: Further Resources

[2011 DfE and HO practice guidance on safeguarding children who may have been trafficked](#) – this guidance is for local authorities, to help agencies and their staff safeguard and promote the welfare of children who may have been trafficked.

[2017 Statutory Guidance on the Care of Unaccompanied Migrant Children and Child Victims of Modern Slavery](#) – this guidance is for local authorities and staff running local multi-agency safeguarding arrangements. It sets out the steps they should take to plan for the provision of support for looked-after children who are unaccompanied migrant children, and who may be victims, or potential victims, of modern slavery.

[Child Exploitation Disruption Toolkit](#) - This toolkit is aimed at frontline staff who are working to safeguard children and young people under the age of 18 from sexual and criminal exploitation. This includes law enforcement, social care, housing, education, the voluntary sector and related partner organisations. It is intended to help all safeguarding partners to understand and access existing legislative opportunities at their disposal and to target specific risks, ranging from warning notices to offence charges and care orders.

[NSPCC: Child Trafficking Advice Centre](#) - Provides free guidance and training to professionals concerned that a child or young person has been or is about to be trafficked into or out of the UK.

[Modern Slavery resource page](#) - This resource is designed to share examples of training products available to public sector professionals and other individuals that might come across victims to help raise awareness, better spot the signs and increase confidence in reporting modern slavery when potential cases are encountered.

[Home Office: Criminal Exploitation of children and vulnerable adults: County Lines guidance](#) - This guidance is primarily aimed at frontline staff who work with children, young people and potentially vulnerable adults. This includes professionals working in education, health, housing, benefits, law enforcement (police) and related partner organisations.