



London Asylum Seekers Consortium

PAN LONDON LOCAL AUTHORITIES

EMERGENCY ACCOMMODATION PROTOCOL

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1. Introduction

In November 2004, the London Borough Croydon (LB Croydon) in conjunction with the London Asylum Seekers Consortium (LASC) established a service to provide Emergency Accommodation (EA) in London for young people, who claim to be 16/17. This service was previously managed by the Refugee Council (RC).

A young person can be referred to EA for the following reasons:

- An application for asylum has not been made and the young person does not possess the appropriate documentation
- It has not been possible to arrange an initial assessment appointment at the allocated local authority (LA) on the same day
- The young person has been referred to an LA and there is a dispute between the receiving LA and a neighbouring borough regarding local connection
- UK Borders Agency (UKBA) has logged an asylum application but the young person was too late to obtain support from an LA and/or has requested support outside office hours.

2. Purpose of the document

This Emergency Accommodation Protocol sets out clear guidance for local authorities:

- Once an initial rota referral has been made and young people are placed in EA
- Working arrangements between LB Croydon, LASC, EA Service Provider and the UKBA.
- To reduce the number of nights a young person stays in EA.
- Safe transfers of young people to LAs.

3. Local determination and Connections

3.1 LB Croydon manages the rota system and LAs have agreed to accept referrals from the rota on the basis that any young person presenting at the Asylum Screening Unit (ASU) would be without a local connection.

3.2 Local connection

LAs should not receive rota referrals of a young person who:

- already has connections with another LA, or
- demonstrated some connection with a relative.

The EA Service Provider will inform LB Croydon and LASC immediately if there is any indication that the young person has a relative or any previous communication with another borough.

In the case where it is known that the young person has a relative or has presented to an LA prior to rota referral, the young person should be returned to the LA they initially had contact with, followed by a letter and phone call stating reasons why.

LAs should check with the Home Office whether the young person is known to another LA. If this is the case, the young person should be referred back to that LA.

If a young person presents to an LA after 4 pm, or over a weekend, the LA should hold the young person until the next working day and then refer to UKBA Asylum Service Unit (ASU) before 1 pm.

If an LA holds a young person for more than a day (24 hours), this will be deemed a local connection.

EA is a temporary arrangement. Young people should not remain in the accommodation for more than 5 working days.

LAs can make arrangements to transfer young people to their support prior to the LA assessment. The cost of support will be met by the UKBA up until the young person is assessed as being an adult.

4. LEGAL RESPONSIBILITY OF YOUNG PERSON

The borough in which EA is located will be legally responsible for the young person. When the young person is referred to an LA via the Pan London rota, that LA will become legally responsible.

5. NOTIFYING LOCAL AUTHORITIES OF EA IN THEIR AREA

LB Croydon and LASC will be responsible for notifying the LA in which EA provision is located. The LA will be required to address the Department for Education (formerly Department of Children Schools and Families) process for a young person.

The LA in which EA is located will be responsible for following through the Department for Education process for a child including relevant s20 process, health care etc. if the need arises.

http://www.londonscb.gov.uk/files/procedures/london_cp_procedures_v.3_print_10.01.08.pdf

An immediate Safeguarding Assessment should be conducted. The assessment must be holistic and consider safeguarding issues of the young person e.g. trafficking, fostering, false marriage, abuse etc.

NOTE: Any safety issues involving the young person whilst in transition from ASU to EA will be discussed with the Croydon Duty manager.

6. MISSING PERSONS

If the child goes missing, the LA in which EA is placed will be responsible for following the Department For Education Guidance on Children and Young People Who go Missing'

<https://www.londoncareplacements.gov.uk/?q=latest-news/dcsf-guidance-children-and-young-people-who-go-missing>
<https://www.londoncareplacements.gov.uk/?q=latest-news/dcsf-guidance-children-and-young-people-who-go-missing>

Child Trafficking

- Service Provider to notify LASC and Croydon if the young person goes missing or they have reason to believe child trafficking has occurred.

All persons working with the young person must follow the guidance for child trafficking and child trafficking tool kit.

http://www.londonscb.gov.uk/files/resources/trafficking/london_safeguarding_trafficked_children_toolkit_july_2009.pdf

7. Pan London Rota

The pan London Rota was an agreement by Directors of Children Services that LAs would take turns in supporting unaccompanied asylum seeking children. This was to ensure the fair distribution of young people to LAs in London. The rota was a voluntary arrangement and all LAs have positively contributed to being part of the system. The rota is now managed by Croydon Unaccompanied Minors Team.

8. Age Assessment

LAs can claim for an age disputed asylum seeker up until the day when the age assessment concludes the person is an adult provided:

- the age assessment is conducted in a reasonable time, and
- the person has claimed asylum.

The UKBA must be informed of any potential delay in carrying out an age assessment and with reasons provided as this may determine whether UKBA will pay for the entirety of the claim.

If the age assessment concludes that the young person is an adult they must be immediately transferred to the adult asylum service.

There is no agreed transition period for a young person. When an age-disputed asylum-seeker is age-assessed and concluded to be an adult, she/he must be referred **IMMEDIATELY** to NASS to access an adult service. This is because by definition no adult can access any children's services' provision.

The UKBA will cease all funding IMMEDIATELY from the date of the conclusion of the age-assessment.

The LAs priority should be the care and placement of young people including vulnerable adults/children awaiting an age assessment. Assessment can be conducted whilst the young person is placed in LA care such as residential or foster care.

If a young person is assessed as an adult, the LA must refer them to NASS services and notify LASC. The young person **must not** be returned to EA.

9. Cancelling Appointments

LAs **must provide 24 hours notice in writing** if they wish to cancel an arranged appointment for the young person (see EA briefing note). If the LA fails to give sufficient notice the young person will be sent to the LA who must make alternative accommodation arrangements.

10. Emergency Accommodation Process

- 10.1 The ASU carries out the initial assessment and refers the young person to LB Croydon for rota referral, this normally happens in the afternoon of the day of their application. However, should the ASU assessment take longer than one day, Croydon must indicate on the referral form when this assessment is complete. This information will assist LASC with their monitoring process.
- 10.2 Croydon will refer the young person to the next LA on the rota and telephone the LA to forward of the referral. An email should be sent to a designated person in the LA.
- 10.3 Croydon completes request for appointment and faxes this together with the young person's Home Office papers to the rota LA who will arrange an initial assessment appointment. Phone calls are made between the LA and Croydon to arrange a suitable date when the provider can take the young person to the LA. At this stage Croydon does not need to confer with the Service Provider as to the availability of staff to escort the young person, Croydon should seek the earliest appointment that the LA can give which should be no later than 5 working days. Transfers are available at all times, transporting the client should not pose a problem.
- 10.4 The Admin Officer completes EA Placement Form and emails to the EA Service Provider.
- 10.5 The young person is then transported to the EA Service Provider.
- 10.6 The Placement Form shows the date and time when the young person should present themselves either to the Home Office or the allocated LA. It also indicates if it is "age dispute" case
- 10.7 Home Office appointments will take priority over LA appointments.

11. Local Authority Support Cost Claim

LAs can claim for an age disputed young person up until the day when the age assessment concludes they are an adult.

12. Travel

12.1 Transfer Arrangements

LASC will co-ordinate the safe transfer of young people to LA appointments. LASC will utilise a Westminster City Council contractor. All transport staff are CRB checked.

The LA should make arrangements for young people to be transferred to their offices as soon as is possible (within 5 days).

The LA should utilise a reputable transport company to transfer the young person to other appointments. The LA is required to submit confirmation of the office address they wish the young person to report to.

12.2 Pick Up Point

Between LASC, the Service Provider, receiving LA, and transport a pick up point must be agreed.

LASC, LA and transport to confirm location of LA office/ drop off point.

Travel expenses incurred for Young People are claimable within the UKBA grant.

13. Absconding

Please refer to LASC Partnership Procedures.

14. Interpretation Services

LAs can access the Hounslow Translation and Interpretation Services which has been identified for LA requirements. They provide the following services:

- face to face interpretation services,
- interpretation over the phone, and
- translation of documentation.

Details of the company attached can be found on the London Councils London Care Placement database:

www.londoncouncils.gov.uk/londoncareplacements

15. Partnership and Working Arrangements

Young people are referred to EA via the LB Croydon. Accommodation is currently provided by the LASC Service Provider and is managed by LASC. LASC monitor the accommodation and support services and administer the payment of invoices on behalf of the UKBA. The Refugee Council (RC) occasionally refers young people to the rota via LB Croydon and EA. LAs should take steps to assess the client as soon as is possible and transfer them to support accommodation and services.

15.1 London Borough of Croydon

Young people who are eligible for the rota are taken from the ASU to LB Croydon, by the duty social worker.

LB Croydon is responsible for:

- Arranging an initial assessment appointment with an allocated LA based on the rota referral system. If the young person is unable to be assessed on the same day, LB Croydon will refer the young person to EA.
- Completing an EA Placement Form for each young person and updating this for every night the young person requires accommodation. The initial referral in most cases, will detail which LA the young person has been allocated to and when an LA assessment

has been arranged. The form may also indicate if the young person needs to return to the UKBA, visit the RC etc.

- Making travel arrangements for the young person to reach EA safely (when young people have presented in Croydon), if a referral is being made on behalf of the Refugee Council, the Refugee Council is responsible for making travel arrangements for the young person to reach EA safely.
- Completing monthly spreadsheets detailing all rota referrals, number of nights accommodated in EA and the allocated LA. A copy of this is forwarded to LASC.
- Inform rota LA of the young person being referred. LA to make contact with the EA Provider to arrange transfer. Once Croydon has faxed confirmation to the Service Provider, the Service Provider is to make contact with the LA to arrange transfer.
- Confirming arrival of the young person and logging young people who go missing.

- **15.2 Emergency Accommodation Service Provider** (a full breakdown of services are listed in the EA Service Specification)

The EA Service Provider is responsible for:

- Receiving and allocating accommodation to the young person
- Confirming safe arrival of the young person
- Identifying any immediate risk
- Support and sustenance during their stay in EA
- Escorting the young person for any emergency medical treatment
- Ensuring the young person boards transport arranged. (within 5-days).
- Utilise transport firms with CRB checked driver to transport young people
- Inform LA, Croydon and LASC if young person goes missing from EA or misses a transfer arrangement

- Keeping a record of all young people, the dates accommodated in EA and the movements of young people i.e. UKBA, medical appointment, LA and reporting to LB Croydon if young people go missing from accommodation.

15.3 Receiving Local Authorities

The LA is responsible for:

- Agreeing and arranging to undertake an initial assessment as soon as possible and within 5 working days.
- Work in partnership with LASC and the Service Provider to receive the transfer of young people within 5 working days.
- Reporting to LB Croydon if a young person goes missing/does not attend initial assessment appointment.
- Placing the young person in a safe and secure accommodation in their borough upon receipt of Rota referral or within 5 nights in EA. There is no cost implication if assessment is carried out whilst in LA accommodation. If LAs are unable to locate their own accommodation LASC are able to source accommodation on their behalf.
- **NB:** At the point of assessment and once the young person has been transferred the LA picks up financial responsibility for the young person. If the LA disputes the date of birth of an applicant they must conduct a Merton compliant age assessment and then either, provide a service or refer the applicant to NASS as an adult.

15.4 London Asylum Seekers Consortium (LASC)

LASC is responsible for:

- Providing EA on behalf of the UKBA.
- Monitoring both the EA and support services and arrange for any necessary inspections of accommodation prior to young people being placed.
- Monitoring the performance of the EA Service Provider.
- Monitoring the number of nights young people are accommodated in EA to ensure they do not exceed 5 nights.

- Administering the Placement Forms received from LB Croydon via the EA Provider, checking and processing the payment of invoices on behalf of the UKBA.
- Reconciling information provided by LB Croydon and the EA Provider to establish all agreed assessment interviews have been kept.
- Recording the LA to which young people will be referred on the rota.
- As good practice LAs should update their information on young people referred from EA.

15.5 The UKBA

The UKBA/NASS is responsible for:

- Meeting the costs of accommodation and support while the young people are in EA
- Data matching young people from point of claim to initial assessment.
- Meeting the cost of EA in line with any grant arrangements paid to LAs in respect of supporting young people.
- The first appointment takes place once the young person is supported by the LA or after 10 days.

17. Risk Assessment/Lines of Communication.

EMERGENCY ACCOMMODATION RISK ASSESSMENT/LINES OF COMMUNICATION

	Description of Risk	Agency	Action	Preventative Method
Child Abuse	Young person subject to indecent sexual/child abuse by resident or staff	All – Provider, LA LASC	Immediate investigation, LA Child Protection Team	Take up references, CRB on staff, and POCA register
Missing person	Unexplained absence exceeding 24 hours	Provider, Police, LB Croydon, LA & LASC, UKBA	Provider reports young person to police and informs Croydon, LASC and LA	Close Monitoring of accommodation.
Abduction	Young person is subject to trafficking	Provider, Police, LB Croydon, LASC & LA, UKBA	Full report to Croydon, LASC & LA	
Death of young person	Young person deceased	Police, Provider, LB Croydon, LASC, LA, Coroner	Investigation Reports: Provider/Croydon/LA Funeral arrangements: Provider to notify next of kin (if known)	
Incidents	Serious incidents involving threats of or actual violence between residents. Anti-social behaviour	Provider reports to LB Croydon, LASC & LA	Provider to investigate and issues warning or eviction through consultation with Croydon. Provider assists if	House Meetings Development work and monitoring

			young person wishes to make a formal complaint against other resident and statement to the police	Good practices and procedures.
Health & Safety	Hazardous health and safety of the physical building	Provider LASC Environmental Health	Young person would not be placed in EA	Regular monitoring Provider to carry out daily inspections
Health & Safety/Risk	As above Or risk to young person's health or risk from other resident	Provider LASC	Provider to notify LASC – ensuring address has been previously checked by EH	Monitor Service Agreement
Emergency Accommodation Complaints about service provision	Young person with a complaint about any aspect of their service	LASC to investigate	Investigation & Time scale for provider to carry out remedial action. Possible closure of accommodation	Monitor Service Agreement
Complaints about a resident	Anti social behaviour. Staff & Residents	LASC	Warning or eviction	Regular Service Monitoring - announced & unannounced
General Health	On arrival should the young person feel unwell	Provider, LASC, LA Local provisions should be made. Phone the NHS direct and advise symptoms	Report on handover, regarding the young persons health issues and outcome	

		Dr on Call. If in doubt key worker should take the young person to A& E		
Mental Health	Should the young person exhibit undue signs of emotional stress or mental health With behaviour likely to place self and others at risk	Provider, LB Croydon, LASC, LA	Report on handover, regarding the young persons health issues and outcome	

Withdrawal of Asylum Application under the Immigration Rules

For an asylum application to be treated as withdrawn the requirements set out in paragraph 333C must be met. Paragraph 333C of the Immigration Rules states:

“If an application for asylum is withdrawn either explicitly or implicitly, consideration of it may be discontinued. An application will be treated as explicitly withdrawn if the applicant signs the relevant form provided by the Secretary of State. An application may be treated as impliedly withdrawn if an applicant fails to attend the personal interview as provided in paragraph 339NA of these Rules unless the applicant demonstrates within a reasonable time that that failure was due to circumstances beyond his or her control. The Secretary of State will indicate on the applicant’s asylum file that the application for asylum has been withdrawn and consideration of it has been discontinued.”

Paragraph 333C does not apply to human rights claims (excluding Article 2 and protection-based Article 3 claims); however an applicant may still choose to explicitly withdraw such a claim. An application will be treated as explicitly withdrawn if the applicant signs and submits a valid Withdrawal of Asylum & Human Rights Claim Form.

As shown above, an application for asylum and human rights can be withdrawn explicitly or implicitly. When a decision is made to treat the application withdrawn, consideration of the asylum application will be discontinued and a decision **will not** be made on the claim.

If after an application has been treated as withdrawn and consideration of it discontinued the applicant attempts to make a further application, this will be considered as further submissions and case owners should apply paragraph 353

