

Needs Assessment and Planning for Asylum Seeking and Refugee Young People: A good practice note

Introduction

The following practice note is aimed at professionals who carry out needs assessments and create pathway plans for asylum seeking and refugee young people.

The main aim is to highlight the additional areas that should be considered, and to compliment existing material that has been created for working with young people leaving care.

What is a needs assessment?

Paragraph 19B(4) of Schedule 2 of the Children (Leaving Care) Act 2000 requires the responsible authority to carry out a needs assessment for each *eligible child* with a view to determining what advice, assistance and support they should provide, both while looking after him or her and when they have ceased to look after him or her. The needs assessment will then form the basis of the pathway plan. As a looked after child, an eligible child will already have had a needs assessment done in order to formulate a care plan; and this should form the basis for the assessment required under the Children (Leaving Care) Act 2000.

Regulation 7 (4) details the areas that the responsible authority shall take account of when carrying out a needs assessment, namely the:

- child's health and development
- child's need for education, training or employment
- support available to the child from his family and other relationships
- child's financial needs
- extent to which the child possesses the practical and other skills necessary for independent living
- child's needs for care, support and accommodation.

Regulation 6 makes it clear that the responsible authority should take all reasonable steps to seek out and take account of the views and wishes of the young person in their assessment, the pathway plan and each review of that plan. The young person should be provided with the outcome of the assessment, a copy of the pathway plan, and copies of each review of the pathway plan. Regulation 7(5) lists those people, besides the young person themselves, who would normally be involved in the needs assessment. These include carers; a representative from school or college; health professionals such as a GP; and a Connexions adviser where there is one, or anyone else

the responsible authority or young person considers relevant. For unaccompanied young people, it will not be possible to consult with parents if their whereabouts are unknown. However those responsible for their care in the UK, on a day-to-day basis, should be involved.

What is a pathway plan?

The young person should already have a care plan in place if they qualify for leaving care provision, and this will have been reviewed and updated regularly. The pathway plan should build on the care plan. You will find the exemplar pathway plan for the integrated children's system (ICS) at www.everychildmatters.gov.uk/socialcare/integratedchildrenssystem/resource/s/exemplars/

The pathway plan should detail how the identified needs are going to be met within identified timescales and by whom. The pathway plan should map out the support and services to be put in place to assist the young person as they prepare for adulthood and independence once they leave care. The pathway plan should change over time in accordance with the young person's needs, age, and stage in the process of transition to adulthood and independence.

The pathway plan should be updated and reviewed at least every six months until the young person reaches 21 – or beyond if they are in education and until they cease to be a *former relevant* young person, that is once the agreed education or training programme has ended.

What additional areas need to be looked at and considered in the needs assessment and pathway plans of asylum seeking and refugee young people?

This section – covering the specific needs of asylum seeking and refugee young people leaving care – is intended to complement existing materials, research and resources on working with young people leaving care. It will cover:

- parallel planning
- immigration
- travel
- voluntary returns
- detention
- family tracing
- placements and accommodation
- health
- education, training and work.

Parallel planning

Unless a young person has been allowed to stay permanently in the UK, a parallel planning approach has to be applied to ensure that the needs identified and the pathway plan cover all eventualities and all possible outcomes. This means that the needs assessment has to look at all of the following:

- the needs of the young person if they remain in the UK long term – integration, settlement, preparation for leaving care, adulthood and independence in the UK
- the needs of the young people if they have exhausted all avenues in regards to their immigration status
- the needs of the young person if they have to return to their country of origin as a result of their immigration status
- the needs of the young person separated from their family – family tracing, locating family, and reunification if this is possible.

This does not mean that different needs assessments and several pathway plans have to be made, but that the one needs assessment and one pathway plan has to cover all the eventualities until such point as it is clear what outcome the future plan can focus on.

Immigration

When working with young people who are asylum seekers, or with those who have not been recognised as refugees but have been given a temporary form of leave to stay in the UK, guidance should be sought from the ADSS (Association of Directors of Social Services) *Transitions Guidance* on how to plan for these young people as they approach 18 and beyond. This is an important document that should be referred to in all such cases.

In the box below is an initial checklist of areas that should be used by the allocated worker from the local authority (the social worker, personal advisor or community support worker). These issues may already have been addressed during the initial and core assessment but should be double-checked, especially if there has been a change in worker or new information has come to light since the completion of the core assessment.

Checklist

- What is the young person's immigration status? Check with the young person's solicitor.
- If the immigration status is not known, this needs to be ascertained as a matter of urgency.
- Does the young person require legal representation?
- Are the details of the young person's legal representative known? They should be recorded clearly on the young person's file.
- Does the young person have all the relevant documentation: Immigration ID papers or card? Does the solicitor have a copy? Is there a copy on the young person's file in case the originals are lost or mislaid?
- What are the arrangements for going to legal appointments? Will someone need to attend with the young person and, if so, who will go?
- Does the young person understand the legal advice being given? What course of action needs to be taken if they do not?
- Has the young person had any reporting arrangements placed on them by the Home Office? Are there any issues resulting from this that need to be considered, such as transportation?
- The solicitor and Home Office should be advised if the young person changes address or placement.

If a young person has been granted leave to remain in the UK for a time-limited period, the young person will need to seek legal advice at least three months before their leave expires. If the young person does not have a solicitor, what arrangements will have to be made to sort this out?

Young people who have indefinite leave to remain in the UK or who have been granted permanent status may be eligible for British citizenship. Further details on British citizenship can be found under British nationality on the Home Office website: www.ind.homeoffice.gov.uk

There is a cost factor involved when applying for British citizenship. The allocated worker should check with their local authority as to whether the authority would contribute to this cost (refer to local procedures and policies). If the young person has to pay to apply for British citizenship, the allocated worker should assist the young person in finding a way of saving towards this.

When working with asylum seeking and refugee young people, it is very important to keep up to date with any changes in immigration legislation, policy and procedure. (See Resources section at the end of this paper for further details on legal contacts and resources.)

The needs assessment and pathway plan must take account of the implications of a young person's immigration status on the provision of services and how their needs might be addressed as a result. Again, further

guidance should be sought from the ADSS *Transition Guidance* and from the local policy and procedures of the local authority on the services and support available to unaccompanied asylum seeking and refugee young people.

Travel

There may be restrictions on the young person's ability to travel outside the country. This will need to be established. Travel restrictions may have implications for holidays with foster carers and school or college trips. A young person may not be able to go on holiday abroad, for example with a foster carer who has planned the trip at the last minute, as travel documents would have to be applied for.

Save the Children (2005) states that young people who have been granted either exceptional leave to remain, humanitarian protection or discretionary leave, are only being granted certificates of identity (otherwise known as the 'brown document') to allow them to travel for any of the following reasons:

- essential employment or business
- exceptional compassionate grounds
- education
- religious
- other essential reason of conscience.

Young people who have been recognised as refugees will be able to apply for travel documents – the UN Convention Travel Document (CTD) otherwise known as the 'blue document' – and will then be able to travel to any country apart from the one from which they sought asylum.

Unless they are returning permanently or as part of a returns programme, all young people need to be aware of the consequences of travelling back to their country of origin (the country from which they have sought asylum) – namely that their leave to remain in the UK may be withdrawn as it may be deemed that they no longer need protection. Young people should seek legal advice on this matter, even if they have been living in the UK for a number of years and intend to visit their family.

For further information on travel, visit the Home Office website www.ind.homeoffice.gov.uk. Save the Children (2005) have also written about travelling overseas in *Young Refugees: A guide to the rights and entitlements of separated refugee children*. The Children's Legal Centre provides advice and information on travel, including information for children wishing to go on school trips abroad. (See References section for details.)

Voluntary returns

Young people need to be made aware of all the services and support available to them should they decide they want to return home voluntarily. They need to be made aware of the criteria for being assisted in voluntary returns to their country of origin. Both the Choices project and International Organisation for Migration (IOM), described below, can be contacted for

further details of these criteria at the addresses given in the Resources section at the end of this paper.

The Refugee Action project, Choices, provides confidential and impartial information and advice to those wishing to return to their country of origin.

The IOM (International Organisation for Migration) voluntary-assisted returns and reintegration programme can provide advice and help in returning home if this is considered in the young person's best interest and by agreement with the Home Office.

It is government policy that children and young people under the age of 18 should only be returned to their country of origin if there are adequate reception and care arrangements in place for them. The government is working on developing a returns programme for those under 18 to countries where they consider that adequate reception and care arrangements can be made. Those working with young people need to keep up to date with any changes in government policy and returns programmes currently being established. They should seek advice from their local authority on the implications of such programmes on practice and local authority policy and procedures.

Detention

Young people need to be informed of their rights should they be detained by Immigration services and how the local authority will continue to support them if they are detained. The very basic duty of keeping in touch with the young person would still apply until they are removed from the UK. Further information on detention can be found in the Resources section at the end of this paper.

Family tracing

The local authority has a duty to make arrangements to enable the young people it is looking after to be able to live with parents or relatives: *unless that would not be reasonably practicable or consistent with his welfare* (Children Act 1989 Section 23(6)).

This raises the question of whether there is a role that statutory services can play in trying to locate the parents and families of asylum seeking and refugee young people. This should be considered during the needs assessment and in any future planning if there is a possibility that the young person could be reunited with their family.

Although the issue of tracing families may be sensitive, this cannot detract from the local authority's duties and responsibilities. The Children Act 1989 advocates that a child should be brought up within their family wherever possible, so long as it is in the best interest of the child.

The International Social Work Services (ISS) can undertake assessments of the viability of returning a child or young person to their country of origin and

assist in family reunification. Their details can be found on their website www.issuk.org/what_we_do/asylum.htm

Young people can access the family tracing and messaging service run by the International Red Cross to try and find family members. Details of their services and information for young people can be found and downloaded from their website: www.redcross.org.uk. If young people are not already aware of these services they should be given the information.

Placements and accommodation

As with all young people in the public care system, the placements that are identified should be appropriate to their needs, maturity and stage in the transition process to adulthood and independence.

The Children (Leaving Care) Act 2000 makes it clear that care leavers should be provided with suitable accommodation which the Act defines as:

in so far as reasonably practicable is suitable for the child in light of his needs including his health needs

(Regulation 11 (2))

Depending on the assessment of need, at the point at which the young person becomes accommodated by the local authority under section 20 of the Children Act 1989, the young person could be looked after in a foster placement. If the plan is for the young person to remain in the foster placement until they reach 18, the foster placement will need to address how the young person will be prepared for living independently and adulthood. For some young asylum seekers and refugees, foster placements provide stability and consistency at a time when their future is undecided and can help to bridge the gap of family life lost by becoming a separated child. The move on from foster care will also need to be sensitively handled and planned for, as this move may constitute another major loss in a child's life especially if they have no other safety net or support system in place.

If a young person is being considered for semi-independence, there are a number of areas that need to be addressed in the needs assessment and pathway plan. This includes the induction into this type of placement, work based around practical living skills, how this will be assessed, and on-going support issues. This is discussed in more detail in Kane and Scott (2006) *Young Asylum Seekers and Refugees and Supported Housing*.

In the longer term there may be an issue around housing entitlements that has to be factored in. Broad (2005 p5) states:

since most of the young people post 18 do not have extensive periods of leave to remain, they do not qualify for public housing and therefore are likely to be placed in less secure private accommodation

There have been numerous studies that have highlighted the link between poor housing, lack of support and mental health issues, particularly amongst

asylum seekers and refugees, such as Hodes et al (2004) and Hollins & Heydari (2005). It seems that the young people who are placed in foster care fare much better in terms of mental health than their peers in more independent types of accommodation, like supported housing, where young people have to be more self-reliant and self-sufficient (Hodes et al 2004). The possible impact of the type of accommodation identified for asylum seeking and refugee young people has to be considered.

The young person may be entitled to NASS (National Asylum Support Service) when they turn 18. Those eligible include any of the following:

- young people who have not had an initial decision made on their asylum application
- young people who have an outstanding appeal against an outright refusal of asylum – but only if they have not been granted any other form of leave, such as discretionary leave
- young people who have not applied for an extension of leave to remain before their current leave to remain in the country has expired **and**, as a result, their asylum claim is being treated as a fresh application by the Home Office.

Young people who have been recognised as refugees, who have humanitarian protection or discretionary leave to remain (including those who have applied in time for an extension of their leave to remain in the UK or who are appealing a refusal of extension) are not entitled to NASS support as they will be entitled to mainstream benefits.

For further details on NASS support, refer to NASS Policy Bulletin 29, contact the NASS helpline on 0208760 8674 or check their website www.nass.co.uk

Health

The needs assessment should take account of existing Health Action Plans and any current or ongoing health issue being attended to.

The assessment must cover an individual child's physical, emotional and psychological health needs. It must also identify what information and knowledge that particular young person needs to acquire in relation to health care provision in the UK, for example about the National Health Service; and procedures, such as registering with a GP, dentist and so on.

During the preparation for independence and adulthood, young people need to learn the skills to be able to take care of their own health needs as they get older.

In western culture, people are familiar with the notion of preventative care and health checks, such as having regular dental checks. This may not be the case for an asylum seeking or refugee young person who comes from a country where preventative health is not available or not regarded in the same way as in the UK.

A young person may be concerned or show reluctance to attend health checks for many reasons. If this is the case it will be important to try and find out what their concerns or fears might be. The young person may not understand the concept of preventative health and question why someone might attend the doctors or dentist when they are not ill or in pain. It may be necessary to provide information about the health care system and discuss reasons for preventative health care.

Despite this, as with any child who is looked after, a young person may decide to opt out of LAC (looked after children) medicals, which is their right. However this should be done on an informed basis. The importance of continued health checks, such as opticians and dental checks, is part of developing responsibility for looking after one's own health and should be actively encouraged.

There may be difficulties in ascertaining full or in-depth information for many reasons. The information on the young person's health history may not be known; there may be no records from the country of origin to refer to; the young person may not know about their health history. The young person may have concerns or worries about divulging information about their health, as there may be an assumption that this will have an adverse affect on their immigration status or application. Definitions of health issues, health needs and desired outcomes may differ across cultures and therefore one cannot assume that there are common understandings. Everything needs to be explained.

There may be health issues that the young person is not aware of or does not realise are an issue and need attending to.

It may be difficult to ascertain whether a young person's immunisation record is up to date; and therefore medical advice will need to be sought as to how to proceed. Some GP practices may have information on what immunisations are carried out in different countries but there are no guarantees that the young person will have had access to those vaccination programmes.

There may be health issues resulting from their experiences and what has happened to them. Often these issues are not picked up in routine medicals and may not come to light until the young person feels ready to talk about their experiences. A young person may feel reluctant to see a doctor because of something that has happened to them in the country of origin or during their flight into exile. All these matters have to be handled sensitively, with advice sought from the medical profession as necessary, for the health and well-being of the young person concerned.

Case study 1

A 17-year-old Vietnamese young man had been in the UK for sometime and was being looked after by the local authority. He had been having all the regular check-ups; LAC medical, dental check-up and so on, and everything seemed fine. One day the young man told his social worker that he had been worrying for some time about his health and then disclosed that he had been raped whilst in Vietnam. He said that it was only now that he felt he trusted his social worker enough to tell him. The social worker sought advice from the local authority medical advisor for looked after children, then discussed the options with the young man. He agreed to have some medical tests. The young man was diagnosed with Hepatitis B.

Case study 2

A 17-year-old woman from Somalia was six months pregnant but was very reluctant to go to any of the check-ups with the doctor or midwife. The pregnancy had been confirmed but no further checks had been made. It came to light that the young woman had undergone a procedure in her village in Somalia – female genital mutilation – and therefore was very wary of seeing a doctor. However she was concerned about whether there would be any problems with giving birth. Once this was known, the social worker, LAC nurse, GP and midwife worked together to provide her with the appropriate support and information to enable the young woman to get the proper antenatal care she needed.

Education, training and work

The needs assessment should take account of existing plans around education, training and work such as the personal education plan (PEP).

There are a number of challenges in planning for asylum seeking and refugee young people to access post-16 education: ensuring that their needs and abilities are adequately assessed; balancing this with the uncertainty as to how long the young person may be in the UK; and ensuring that they are given the opportunity to reach their full potential and achieve their aspirations.

Appa (2005 p32) highlights the problem around the guidance given to young people:

There are cases of UASC (unaccompanied asylum seeking children) being steered into more vocational courses rather than academic ones which they feel able to take. This happened regardless of the fact that these students are academically able and excel in particular subjects.

This approach squanders the talents of gifted students and ignores their needs and long term-aspirations for the future.

Some might agree with the sentiments expressed above, however this whole area has to be approached realistically, especially if there is a high chance that the young person will have to return to their country of origin. It raises the questions: Will the qualifications that they achieve here in the UK have any relevance back in their country of origin? If the young person cannot complete a course of study, will they be able to pick up a similar course back home and finish where they left off?

All asylum seekers and refugee young people are entitled to receive support from the Connexions Service and this service should be able to offer advice and support in accessing education, training and work.

Young people who are entitled to provision under the Children (Leaving Care) Act 2000 may be assisted with education costs as part of their pathway plan, including assistance with travel and equipment. Checks should be made, at a local level, to ascertain what the local authority policy is on funding for those young people who are asylum seekers and those who have not been given refugee status.

For young people wishing to go on to higher education, it is important to note that unless a young person has indefinite leave to remain there may be an issue with regards to their tuition fees and accessing student loans. Local leaving care policies and procedures should be consulted.

The Educational Grants Advisory Services (EGAS) can provide up-to-date information on loans, grants and benefits, and have a database of charities and educational trusts that might assist in funding. (See Resources section for contact details.)

EMA (Education Maintenance Allowance) may be available to young people with refugee status or indefinite leave to remain; and to those who have EU temporary protection and who, as the EMA website states:

are doing or applying to do 12 hours in a guided learning programme in school sixth form colleges, further education colleges or at a training provider. This includes a wide range of learning programmes, an LSC funded E2E course or course that leads to such an apprenticeship, up to and including level 3, such as AS/2, GCSE, GNVQ, NVQ and other vocational qualifications.

The age criteria along with further details on EMA and how to apply can be found on the Department for Education and Skills (DfES) website www.dfes.gov.uk/financialhelp/ema

There are lots of resources and information on education and work issues for asylum seeking and refugee young people that should be looked at as part of preparations to complete the needs assessment and pathway plan. A sample

of these resources can be found in the Resources section at the end of this paper.

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References

Appa, V (2005) *A Study on How Asylum Seekers and Refugees Access Education in Four Local Authorities in England*. London: NCB.

Broad, B (2005) 'The wellbeing of unaccompanied asylum seekers leaving care', *Diversity in Health and Social Care*, (2, 4, 2005, in print).

Department of Health (2001) *Children (Leaving Care) Act 2000 Regulations and Guidance*. London: DOH (can be downloaded from www.doh.gov.uk/qualityprotects/work_pro/project-5.htm)

Hodes, M, Cunniff, A and Tolmac, J (2004) 'Epidemiological Studies in the Mental Health of Adolescent Asylum Seekers', paper presented to the London Mental Health Research and Development Virtual Institute Conference, March 2004. London.

Hollins, K and Heydari, H (2005) 'The Mental Health of Unaccompanied Refugee Adolescents: An inner city London survey', paper presented to the London Mental Health Research and Development Virtual Institute Conference, March 2004, London.

Kane, S and Scott, I (2006) *Young Asylum Seekers and Refugees and Supported Housing*. London: NCB (can be downloaded from www.ncb.org.uk/arc)

Save the Children (2005) *Young Refugees: A guide to the rights and entitlements of separated refugee children*. London: Save the Children. (This can be downloaded from the Save the Children website www.savethechildren.org.uk or contact the Information Officer on 0208 741 4054 ext: 112.)

Resources

Immigration

There are a number of sources, including the following, where you can find out about immigration legislation and therefore how this might affect childcare practice.

Children's Legal Centre – Asylum Seeking and Refugee Children Project
Website: www.childrenslegalcentre.com

ICAR – The Information Centre about Asylum and Refugees in the UK
Website: www.icar.org.uk

ILPA – Immigration Law Practitioners Association
Website: www.ilpa.org.uk

Immigration and Nationality Directorate (IND)
Website: www.ind.homeoffice.gov.uk

NASS helpline (on issues affecting young people turning 18)
Tel: 020 8633 0522

PIMS (Parliamentary Information Management Services), for progress of legislation; and links to all debates and documents relating to Bills (important with changes in immigration legislation)
Website: <http://bills.ais.co.uk/AC.asp>

Refugee Council
Tel: 020 7346 6700
Email: info@refugeecouncil.org.uk
Website: www.refugeecouncil.org.uk

Child care legislation and policy

DfES (Department for Education and Skills)
Website: www.dfes.gov.uk

Every Child Matters portal
Website: www.everychildmatters.gov.uk

Info 4 Local (information for Local Government from Central Government)
www.info4local.gov.uk

Health

Burnett, A and Peel, M (2001a) 'Health needs of asylum seekers and refugees', *British Medical Journal*, 322, 7285, 544–7.

Burnett, A and Peel, M (2001b) The Health of Survivors of Torture and Organised Violence in *British Medical Journal*, 322, 7286, 606–609.

Burnett, A and Fassil, Y (2002) *Meeting the Health Needs of Refugee and Asylum Seekers in the UK: An information and resource pack for health workers*. London: NHS/Department of Health.

This very informative pack which would be useful to any professional working with asylum seekers and refugees is available to download from www.london.nhs.uk/newsmedia/publications/asylum-refugee.pdf

Department of Health (2002) *Promoting the Health of Looked after Children*. London: Department of Health.

Greater London Authority (July 2004) *Young Refugees and Asylum Seekers in Greater London: Vulnerability to problematic drug use. Final report*. London: GLA.

Gilligan, R (2000) 'Adversity, resilience and young people: The protective values of positive school and spare time activities', *Children in Society*, 14, 37–47.

HM Treasury (2003) *Every Child Matters*. Norwich: The Stationery Office.

Richman, N (1998) *In the Midst of the Whirlwind: A manual for helping refugee children*. London: Save the Children.

Roberts, K (2000) 'Lost in the system?: Disabled refugees and asylum seekers in Britain', *Disability and Society*, 15, 6, 943–8.

Rutter, J (2003) *Working with Refugee Children*. York: Joseph Rowntree Foundation.

Save the Children (2003) *Young Refugees: Providing emotional support to young separated refugees in the UK*. London: Save the Children.

This is one of a series of guides produced by Save the Children for practitioners working in the field. This particular guide provides practical tips for providing emotional support to unaccompanied minors. It can be downloaded from the Save the Children website www.savethechildren.org.uk/scuk/jsp/

Sellen, DW and Tedstone, A (2000) 'Nutritional needs of refugee children in the UK', *Journal of the Royal Society of Medicine*, 93, 7, 360–64.

Health websites

Health for Asylum seekers & Refugees Portal
www.harpweb.org.uk

Healthy Care
www.ncb.org.uk/healthycare

Sane
www.sane.org.uk

Children's Legal Centre
www.childrenslegalcentre.com
For information on the issue of medical consent.

Education

Department for Education and Skills (2004) *Aiming High: Guidance on supporting the education of asylum seeking and refugee children*. London: DfES.

Department for Education and Skills (2005) *Who Does What: How social workers and carers can support the education of looked after children*. 2nd Edition. London: DfES.

Education Grants Advisory Service (EGAS)
(offers advice/guidance on post-16 education)
Tel: 020 7254 6251
Website: www.egas-online.org

Educational Maintenance Award (EMA)
Website: www.dfes.gov.uk/financialhelp/ema

National Refugee Integration Forum (NIF)
Website: www.nrif.org.uk/education/index.asp

This website was launched February 2006 and provides a comprehensive guide with links on all educational matters regarding refugee children and young people.

QCA: Qualifications and Curriculum Authority
Website: <http://www.qca.org.uk/9984.html>

The QCA provides information on 43 countries (not all refugee-producing countries) covering: background, language, ethnicity, culture, religion, the education system for each country reported on, issues for teachers and schools in the UK, and resources.

The Refugee Assessment and Guidance Unit (RAGU)
Education and Employment website
Website: www.learning.unl.ac.uk/ragu/asset/
www.londonmet.ac.uk/ragu/about-us.cfm