

Request:

On 27 July 2023, Mr Justice Chamberlain handed down his judgement in the case of R (ECPAT UK) v (1) Kent County Council; (2) Secretary of State for the Home Department [2023] EWHC 1953 (Admin) which, amongst other matters, made findings about the transfer of unaccompanied asylum-seeking (“UAS”) children between local authorities in accordance with the National Transfer Scheme Protocol (the “NTS Protocol”) operated by the Secretary of State for the Home Department (“SSHD”). The NTS Protocol states that:

- Only local authorities which are looking after numbers of UAS children which exceed 0.1% of their general child populations may refer a UAS child into the NTS; and
- Local authorities which are looking after a UAS child population or 0.1% or above of their general child population will not be directed by the SSHD to accept any UAS children transferred via the NTS.

**Clarification received (29/08/23) I write to confirm that a “Local Authority child” includes those who are now over the age of 18 years old.*

In relation to your specific local authority, please provide the following information which is requested under the Freedom of Information Act 2000:

1. The number of UAS children which represent the 0.1% threshold in the NTS Protocol for your local authority;
2. The number of UAS children which are currently within the care of your local authority as looked after children, as at the date of this request (17/08/23), for the purposes of sections 17, 20 and/or 22 of the Children Act 1989;
3. The number of British citizen and/or ordinarily resident children (i.e. non-UAS children) which are currently within the care of your local authority as looked after children, as at the date of this request (17/08/23), for the purposes of sections 17, 20 and/or 22 of the Children Act 1989;
4. The number of UAS children for whom your local authority has been requested to accept the transfer of functions from another local authority via the NTS since 14 December 2021;
5. The number of UAS children for whom your local authority has accepted the transfer of functions from another local authority via the NTS since 14 December 2021
6. The number of UAS children for whom your local authority has declined the transfer of functions from another local authority via the NTS since 14 December 2021;
7. Where your local authority has declined the transfer of functions in relation to UAS children via the NTS since 14 December 2021, the reason or reasons given in each case for declining the transfer of functions.
8. The number of UAS children, if any, which your local authority has referred for transfer via the NTS since 14 December 2021;
9. Where your local authority has accepted the transfer of functions in relation to UAS children via the NTS, the number of days – on average – which elapse between the request first being made from your local authority and the physical transfer of the UAS child concerned to your local authority’s area; and
10. Where your local authority has accepted the transfer of functions in relation to UAS children via the NTS, the proportion of those transfers which are completed within 10 working days from when the request was first made to your local authority; and
11. Confirmation of whether the Home Office and/or the SSHD has taken any enforcement actions, including by threatened legal proceedings, to require your local authority to accept the transfer of functions for UAS children from another local authority.

Response:

1. 68
2. 73
3. 632
4. 17
5. 0
6. 0
7. 1, the reason for which was the child was 14 years old and we were unable to source foster placement, having continuous sufficiency issues.
8. 0
9. 8 days
10. 82% completed within the 10 working day timeframe.
11. No legal action taken.