

National Transfer Scheme for Unaccompanied Asylum Seeking Children

Northern Ireland specific procedure



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

Contents

Introduction.....	3
Underpinning Principles	4
Contacts.....	5
The Legislative Framework.....	5
The National NTS Rota	6
NI Regional Rota for UASC	7
NI NTS Rota.....	7
Notification of NI's turn on the NTS rota	7
Referral and allocation.....	8
Funding	9
Appointment of an Independent Guardian	10
The Transfer Process	10
Preparing the child for transfer.....	10
Travel arrangements.....	11
Transfer of statutory duties	12
Procedure upon arrival	12
If a child goes missing	12
Age disputes and age assessment.....	13
Information sharing	14
ANNEX A: Relevant Legislation and Guidance relating to Looked After Children and UASC in NI	15
ANNEX B.....	16

Introduction

The Home Office (HO) wrote to the then Health Minister and the Head of the NI Civil Service in February 2022 under Section 72(5) of the Immigration Act 2016, directing that Northern Ireland (NI) comply with the National Transfer Scheme (NTS) for Unaccompanied Asylum Seeking Children (UASC). The Home Office worked with NI to finalise arrangements for transfers and NI's participation in the mandated scheme, with the first transfers to NI taking place at the end of February 2023.

The NTS is a scheme to enable the planned transfer of UASC in the UK from one local authority¹ (the entry authority from which the unaccompanied asylum-seeking child transfers) to another local authority (the receiving authority). Only children who meet the definition of a UASC as set out in paragraph 352ZD of the Immigration Rules are eligible to be referred to the NTS.²

The purpose of this document is to provide advice and guidance to Health and Social Care Trusts in NI and local authorities in Great Britain on the operation of the NTS in NI, and in particular, the process to be followed when children are transferring to NI under the scheme.

The development of this NI-specific procedure was informed by a NI NTS Task and Finish Group, comprising representation from the Department of Health, Health and Social Care Trusts, the Independent Guardian Service, the Voice of Young People in Care and the Directorate of Legal Services in the HSC Business Services Organisation. It has been agreed by the Home Office.

The procedure is intended to support NI's compliance with the NTS. Its overall aim is to ensure the safe transfer of children to NI in line with their human rights and the United Nations Convention on the Rights of the Child (UNCRC) Rights.

The procedure seeks to ensure that arrangements for children transferred to NI under the NTS can operate as seamlessly as possible, alongside the arrangements in place for UASC who arrive spontaneously into NI outside of the scheme. It sets out the agreed roles and responsibilities of the organisations with principal responsibility for its implementation, including:

- Health and Social Care Trusts in NI directed to participate with a mandated scheme;
- Local authorities in GB who are transferring UASC to NI under the mandated scheme;
- The Home Office UASC NTS Team; and

¹ References to local authorities in the NI context should be read as Health and Social Care Trusts. Referrals to Northern Ireland under the NTS will be managed by a regional UASC coordinator and allocated to one of NI's five HSC Trusts in line with locally agreed arrangements.

² <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum> . Paragraph 352ZD defines an unaccompanied asylum seeking child as a person who:

- (a) Is under 18 years of age when the asylum application is submitted;
- (b) Is applying for asylum in their own right; and
- (c) Is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

- The NI UASC Coordinator.

Transfers to Northern Ireland under the NTS must take place in accordance with the UK Government's overarching NTS Protocol available at:

<https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>. This operational procedure must be read in conjunction with the NTS Protocol.

This procedure should also be read in conjunction with relevant NI legislation, policies, guidance and procedures about the care of looked after children and UASC in NI, including the Working Arrangements guidance on protecting UASC and child victims of human trafficking and modern slavery available at: <https://www.health-ni.gov.uk/publications/protecting-unaccompanied-children-and-child-victims-human-trafficking-and-modern-slavery>³. Links to related pieces of guidance are provided where necessary throughout the document and further details are provided at **Annex A**.

This version of the procedure is operational from 27 October 2023 and is available at: www.health-ni.gov.uk/publications/national-transfer-scheme-unaccompanied-asylum-seeking-children-northern-ireland-specific-procedure. Notification of any updated versions will be communicated to Health and Social Care Trusts and other stakeholders by the Department of Health. In addition, the procedure will be subject to ongoing revisions and regular review.

Underpinning Principles

As set out in the overarching NTS Protocol, in accordance with Section 55 of the Borders, Citizenship and Immigration Act 2009, the need to safeguard and promote the welfare of unaccompanied children being considered for transfer must always be a primary consideration throughout the transfer process. A number of underpinning principles have been agreed in relation to the operation of the NTS in the NI context and are set out below:

- In line with Article 3, paragraph 1 of the Convention on the Rights of the Child, ratified by the UK Government, all actions taken concerning UASC transfers under the NTS should be in the best interests of each child and based on their individual needs. Guidance on best interests assessments within the NTS can be found in Annex C of the UK Government's overarching NTS Protocol.
- Where children are transferring to NI from a local authority in GB, they will be accompanied by a representative from the entry authority, who will hand over responsibility for the child to the receiving authority, unless the child is 16 or over in which case the entry and receiving authority will agree on a case by case basis the need for the child to be accompanied, considering both safeguarding and welfare issues. Further detail is contained below and in the NTS Protocol.
- Transfer of a child under the NTS should take place as quickly as possible and in line with agreed timescales, acknowledging the likely traumatic journey the child

³ Currently under review – revised guidance will reflect NI's participation in the NTS.

will already have made and the additional distress likely to be caused being moved from an initial placement once the child has begun to settle there.

Contacts

Pending the appointment of the NI UASC Coordinator, Steve Mack, the current Regional Lead for UASC Service Support and Information Management will be the primary point of contact for advice, guidance and support in the operationalisation of this procedure and will coordinate any NTS transfers – Steve can be contacted by email: steve.mack@southerntrust.hscni.net

Any comments regarding the application of this document should be directed to Deirdre Coyle (Commissioning Lead for UASC, Strategic Planning and Performance Group, Department of Health) by email to: Deirdre.Coyle@hscni.net

The Legislative Framework

This procedure provides guidance on the operation of the NTS in NI and the way in which Health and Social Care Trusts should effect the safe transfer of unaccompanied children from local authorities across the UK in accordance with [the Immigration Act 2016](#). Sections 69 to 72 of [The Immigration Act 2016](#), as amended by [The Transfer of Responsibility for Relevant Children \(Extension to Wales, Scotland and Northern Ireland\) Regulations 2017](#), provide for the transfer of statutory responsibility for relevant children from the entry authority to other local authorities, including in Scotland, Wales and NI.

The NTS is currently operating under the powers set out under Section 72(3) of the 2016 Act providing for the Secretary of State for the Home Department to direct local authorities and Health and Social Care Trusts to comply with the scheme.

All local authorities and Health and Social Care Trusts are subject to a direction under Section 72 (3) of the 2016 Act and are under a mandatory duty to comply with the NTS. This was reflected in the judgment of Mr Justice Chamberlain in ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023)⁴.

Section 73 of the 2016 Act enables the Secretary of State to make regulations to extend any provisions made by sections 69 to 72 to Scotland, Wales, and NI. In 2018, the Government extended the provisions to the devolved nations, making the NTS a national scheme. The mandated NTS operating from December 2021 continues to be a national scheme, with the national rota operating across the UK.

The **Children (Northern Ireland) Order 1995** is the principal statute governing the care, upbringing and protection of children in NI. UASC have the same rights under the Children Order as those children and young people who are indigenous to NI.

⁴ [ECPAT UK, R \(On the Application Of\) v Kent County Council & Anor \[2023\] EWHC 1953 \(Admin\) \(27 July 2023\) \(baillii.org\)](#)

UASCs may have an entitlement to an Independent Guardian (IG) under **Section 21 (6) & 21(7) & 21(11) of the Human Trafficking Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 and the supporting Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016⁵**. The HSC Trust social worker is responsible, following an assessment to determine eligibility, for making referrals of UASC to the IG service. Where it is confirmed that the UASC meets the service eligibility criteria the IG will undertake to assist, represent and support the child/young person by listening to their views and making representation to, and liaising closely with, all other agencies that fulfil key functions in the arrangements for their immediate and future care and protection. This may include assisting in obtaining – or, in some cases, directly instructing – legal representatives in relation to the child’s asylum status.

The following sections describe the process to be followed when a child is being transferred to NI under the NTS. These steps are summarised in a process map at **Annex B**.

The National NTS Rota

Transfers under the NTS operate in line with a national rota, to ensure a fairer and more equitable distribution across all regions and devolved administrations of the UK. Allocations are made on the basis of a tranche of 652 transfers. Each tranche is further broken down into 4 cycles of 163 transfers in each cycle. The current allocation for NI is four transfers per tranche (4/652), or one transfer per cycle (1/163). The number of transfers allocated to each region under the rota will be subject to ongoing review and may vary between tranches.

Local authorities can refer a newly arrived unaccompanied child into the NTS where the UASC population within their area is at or over 0.1% of their child population – the UASC population figure is based on the number of UASC funding claims. There is nothing in sections 69 to 73 of the 2016 Act which makes prior exercise of functions under the Children Act 1989 or equivalent legislation in the Devolved Administrations by the entry local authority a pre-condition of the transfer of responsibility by that local authority via the NTS. For NI, based on the latest available mid-year population estimates, 0.1% of the child population would equate to c437 children. At 30 September 2023, HSC Trusts were supporting 99 UASC under the age of 18. At this stage, it is therefore unlikely that NI will be referring UASC for transfer to other local authorities or regions under the NTS. However, the NI UASC coordinator will continue to monitor data on UASC arrivals and keep the 0.1% threshold under continuous review.

Further information on the process to refer a UASC into the NTS, including reviewing decisions to refer, is provided in the UK Government’s overarching NTS Protocol.

⁵ Currently under review.

Transfers between local authorities, where the referring authority is over 0.1%, agreed outside the rota can be counted towards a local authority's allocation under the rota - again, further details are set out in the NTS Protocol.

NI Regional Rota for UASC

Since 2020, NI has operated an internal rota in collaboration with the five HSC Trusts to respond to spontaneous arrivals of UASC, which is currently overseen and supported by the Strategic Planning and Performance Group (SPPG) in the Department of Health. Under this arrangement, the rota provides for a specific Trust to be responsible for three consecutive arrivals of UASC before the next Trust comes onto the rota. There is an agreed sequence for each Trust to take its turn on the rota. Rotational arrangements require that the receiving Trust assumes corporate parenting responsibilities, including the provision of a suitable placement. Each Trust is responsible for ensuring that suitable age-appropriate placement arrangements are available for their respective rota cycle. The current Regional Lead for UASC Service Support and Information Management issues notifications of the rota status the day after any new arrival and a weekly updated regional position is circulated each Friday. All new arrivals are monitored and a database is maintained by individual Trusts with regional oversight to capture the number of new arrivals, the number of UASC by each Trust and to highlight any trends or issues that arise with regard to the maintenance of the rota.

NI NTS Rota

In order to assist with planning and preparation, a separate rota of receiving Trusts has been introduced for transfers to NI under the NTS. It is intended that this will help to ensure that each Trust has an opportunity to build experience and expertise in responding to the needs of children transferred to NI under the NTS in a planned and managed way. It is also aimed at ensuring a more even and equitable spread of NTS UASC across the HSC Trusts.

The Department of Health has worked with HSC Trusts to agree how the NI rota for NTS arrivals will operate in practical terms, alongside the NI regional rota for spontaneous UASC arrivals. The NTS rota will similarly operate on a system where each Trust will sequentially receive a NTS Transfer with certain mitigations in place should the NTS transfer and spontaneous rotas impact on a particular Trust simultaneously.

This arrangement (the separation of NTS and spontaneous arrival rotas) will be kept under review and—if considered appropriate—a decision may be taken at a future date that Trusts assume responsibility for children transferring under the NTS in accordance with the regional rota for UASC.

Notification of NI's turn on the NTS rota

NI's UASC coordinator will monitor the operation of the national NTS rota, will provide receiving Trusts on this rota with as much advance notice as possible of when they will be expected to accept a child transferring to NI under the NTS, and

will monitor the operation of the NI NTS rota alongside the rota for spontaneous arrivals of UASC. The Home Office NTS Team has committed to sharing data regularly with regions and devolved administrations to support planning and preparation, and to inform future forecasts about the pace of the rota. However, it should be noted the pace of the cycles is determined by referrals to the NTS which is not possible to predict.

Referral and allocation

The UK wide NTS Protocol describes the process to be undertaken when a child is referred into the NTS, including the relevant sections of the Unique Unaccompanied Child Record (UUCR) to be completed at each stage (these forms are available at Annex H of the NTS Protocol).

The entry authority referring the child will submit a transfer request to the Home Office NTS Team using UUCR **Part A**. The Home Office NTS Team will then allocate the referral to the UASC lead for the region or nation on the rota.

In NI, the NTS will operate on a regional basis, with each Trust accepting referrals in line with agreed local arrangements. The UASC lead will coordinate allocations to Trusts in line with these arrangements.

On receipt of a referral from the Home Office NTS Team using UUCR **Parts A & B**, the NI UASC lead will inform the relevant Trust.

Upon receipt of a referral, the receiving Trust will as soon as possible acknowledge that it accepts the referral by completing UUCR **Part C**: Transfer Acceptance and sending this to the Home Office NTS Team, the entry authority and the NI UASC lead.

For NTS transfers between an entry authority (which has made the NTS referral) and a receiving authority/Trust, the transfer deadline is 10 working days from the point of referral to the NTS. For NTS transfers between an entry authority (which has made the NTS referral) and a receiving authority/Trust, but where the child is not being looked after by a local authority, the transfer deadline is 5 working days. This ensures that any UASC who are being accommodated in a hotel are transferred into local authority/Trust placements at the earliest opportunity.

In line with the underlying principles of this Procedure and as reflected in the NTS Protocol, it is in the best interests of the child that the transfer process takes place without delay as this may cause the child distress as they become settled in the initial placement.

If the transfer of the child fails, the child remains the responsibility of the entry local authority until a successful transfer can be completed, if it remains in the child's best interests to transfer.

While it is acknowledged that logistical issues may mean that in some cases transfers to NI may exceed the transfer deadlines, this should be the exception and every effort should be made to complete transfers within the prescribed timeframes.

If a transfer does not take place within the prescribed timeframe, then the entry authority must review the continued suitability of transferring the child.

Annex G of the NTS Protocol refers to action the HO may take where a transfer is not completed within the set timescale. In such circumstances, the Home Office will undertake engagement at an operational level to understand the circumstances of why this has not occurred within five or ten working days, depending on the terms of the referral to the receiving authority. The Home Office will expect the receiving local authority to set out a clear plan for a timely transfer during this engagement. Where there is no satisfactory plan set out by the receiving authority for the transfer of the child, it may be appropriate for the Home Office to escalate the case to ensure the best interests of the child are met and to maintain the integrity of the broader scheme. This may involve further steps such as local authority engagement by a senior Home Office official and/or Minister, as well as consideration of whether to issue Judicial Review proceedings.

The judgment of Mr Justice Chamberlain⁶ makes clear that the duty to comply with the NTS would be enforceable by proceedings for Judicial Review. Decisions on how the Home Office escalates non-compliance with the NTS including whether steps are taken to issue pre-action protocol letters and/or Judicial Review proceedings will take account of all relevant circumstances on a case-by-case basis.

Funding

Details of the funding contribution made available by the Home Office to the receiving authority /Trust and the process to claim the funding can be found in the UASC and leaving care [funding instructions](#). A local authority/Trust may claim the higher rate funding for any child they receive under the NTS. All such claims are made by SPPG, DoH on behalf of the five HSC Trusts in NI.

The Home Office is also providing a UASC Incentivised Funding Programme for 2023-24 which applies to NTS transfers that take place from a dedicated UASC hotel or from Kent County Council to other local authorities/Trusts within 5 working days – and which will provide an additional payment of £6,000 per child. For children transferred from hotels, this additional funding can be claimed retrospectively for transfers from 1 April 2023. For children transferring from Kent County Council, the funding applies to transfers taking place from 16 August 2023 only and will not apply retrospectively. The Home Office has published funding instructions for this incentivised funding⁷.

Any enquiries regarding UASC funding, will be directed by SPPG on behalf of any Trust to the Home Office's UASC and Leaving Care Payments Team at UASCfundingteam@homeoffice.gov.uk.

⁶ [ECPAT UK, R \(On the Application Of\) v Kent County Council & Anor \[2023\] EWHC 1953 \(Admin\) \(27 July 2023\) \(bailii.org\)](#)

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1183344/2023-24_NTS_additional_funding_instruction.pdf

Appointment of an Independent Guardian

Under section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, the Department of Health in NI (previously the Health and Social Care Board) is required to appoint suitably qualified social workers to act as independent guardians to assist, represent and support children who have either been trafficked, are suspected to have been trafficked or who have become separated from their parents and because of that separation, may be at risk of harm.

An Independent Guardian (IG) must be appointed to a child if a reference relating to that child has been, or is about to be, made to a competent authority for a determination on trafficking; there has not been a conclusive determination that the child is not such a victim; or if the child appears to the Department to be a separated child and because of that separation may be at risk of harm.

The legislation requires an IG to be an employee of a registered charity who is required to represent the child's best interest and assist, represent and support him/her until the child attains 18 years of age. Provision exists for continuation of the service beyond the age of 18 years of age up to age 21 subject to the provisions of the Act being met.

As part of the overall assessment of the UASC referred under the NTS, the responsible Trust will determine whether the child meets the eligibility criteria for the IG Service as per Section 21 of the Act and associated DoH Guidance⁸ and ensure timely referral to the IG Service where the criteria is met.

UASC are only eligible to transfer under NTS where an asylum claim has been lodged in the entry authority, therefore, unlike spontaneous arrivals to NI where the asylum claim is made by the child upon arrival and thereafter supported by an appointed legal representative, there will be slight variation to current practice to accommodate the requirements of the NTS. In cases where a child's asylum claim in the entry authority has involved legal representation, the child will need to agree to transfer of the claim. In such cases, the new legal representative in NI will draw up an authorisation document which the child will be asked to sign and which will be sent to the legal representative in the entry authority to enable the child's file to be transferred to the new legal representative.

The Transfer Process

Preparing the child for transfer

In line with the good practice outlined in the UK wide Protocol, social workers from the receiving Trust should make contact with the child in advance of travel to NI and should ensure that the child is provided with information about NI and where they will be living when they arrive here. A welcome pack is available for children transferring to NI which has been shared with Trusts – translated versions will also be made available.

⁸ <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-igs-guidance-s21.pdf>

The UK wide Protocol suggests that social workers from the receiving Trust may travel for an advance meeting with the child, or meet virtually, before transfer to reassure the child and begin the process of building trust with them. It is acknowledged that it may not be possible for Trust social workers to travel to meet with the child in person, and virtual meetings may be necessary. The UK NTS Protocol makes further suggestions about introductions, engagement and reassurances that can be provided to the UASC about the transfer. It is essential that there is ongoing communication between the entry authority, the receiving Trust, UASC Coordinator and Home Office contact person at this critical stage with an emphasis and focus on the UASC and ascertaining their wishes and feelings; and ensuring that all relevant documentation—including necessary travel documentation—is available to enable the child to travel to NI. The Home Office has developed a UASC UK Travel Letter which can be used as ID for children travelling on domestic flights between GB and NI – subject to the agreement of the relevant airline. Trusts should also liaise with entry authorities to ensure that any available documentary evidence relating to the child’s identity, nationality or citizenship of another state is in the child’s possession when they transfer under the scheme (e.g. ID card, passport etc). Communication between the entry and receiving authorities should include explicit consideration of any safeguarding risks associated with transfer (for example, likelihood of the child going missing) and the steps which need to be taken to mitigate against any identified risks.

Travel arrangements

In line with the overarching NTS Protocol, transport arrangements from the entry authority’s temporary placement to the receiving authority placement will be coordinated between the two authorities. The entry authority will be responsible for payment of transport costs unless different arrangements are exceptionally agreed between the two authorities and the Home Office.

At the point of transfer (from another local authority) the child must be accompanied by a representative from the entry local authority who will hand responsibility for the child to the receiving local authority, unless the child is 16 or over in which case the entry and receiving authority will agree on a case by case basis the need for the child to be accompanied, considering both safeguarding and welfare issues.

Given the unique nature of the journey from GB to NI, and taking account of the particular trauma a child may have experienced in getting to the UK, it is acknowledged that it would be preferable for children aged 16 and over to be accompanied on their journey to NI. However, it is also recognised that this may not always be practicable and that arrangements for ensuring safe and appropriate transfer of the child will need to be agreed on a case by case basis, taking into account the child’s needs and their wishes and feelings. Where it is deemed acceptable and appropriate for a child aged 16 or over to travel alone, advance liaison will take place between the entry authority, the relevant airline, the HSC Trust responsible social worker and the NTS / UASC Coordinator.

Transfer of statutory duties

The **receiving Health and Social Care Trust will become legally responsible for the child at the point of physical transfer of the child into their care. The specifics relating to the transfer of legal responsibility for each child, including any child aged 16 or over who may be travelling alone, to be transferred to NI under the NTS will be discussed and reviewed on a case by case basis, and agreement reached between the transferring and receiving authorities as to when legal responsibility transfers.**

The receiving Health and Social Care Trust will then need to comply with its obligations under the Children (Northern Ireland) Order 1995 and associated subordinate legislation and guidance.

Sections 69 to 72 of The Immigration Act 2016, as amended by The Transfer of Responsibility for Relevant Children (Extension to Wales, Scotland and Northern Ireland) Regulations 2017, provide for the transfer of statutory responsibility for relevant children from the entry authority to other local authorities, including in Scotland, Wales and NI.

Procedure upon arrival

As outlined in the UK wide Protocol, as soon as is practicable and no longer than 24 hours after arrival, the NI UASC lead will complete UUCR **Part D: Transfer completion** and send this to the Home Office UASC NTS Team, copied to the named contact in the entry authority, to notify them of the safe arrival of the child.

As above, the receiving Trust social worker should, as part of the overall assessment, determine whether the UASC under the NTS meets the eligibility criteria for the IG Service and ensure timely referral to the IG Service where the criteria are met. In such cases, together the Trust social worker and the IG should ensure that the child has a legal representative appointed. A multi-agency risk assessment meeting should be initiated by the Trust social worker within 48 hours of the child's arrival.

Upon safe arrival, if the child has not been referred to the National Referral Mechanism prior to transfer but the receiving HSC Trust considers that the child may have been a victim of trafficking, it should follow the instructions set out in the Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery available at <https://www.health-ni.gov.uk/publications/protecting-unaccompanied-children-and-child-victims-human-trafficking-and-modern-slavery>⁹.

If a child goes missing

The UK Protocol sets out the process to be followed if a child goes missing at any point during the NTS process. It is clear that the local authority which has legal responsibility for the child at the time they went missing should take the necessary action in line with the relevant policies, procedures and guidance applicable to that authority and should notify the Home Office UASC NTS Team. In a scenario where a child not currently in the care of a local authority goes missing and is subsequently

⁹ Currently under review.

found, the local authority where the child is located should assume statutory responsibility for the child.

The Protocol states that the receiving authority becomes legally responsible for the child at the point of physical transfer of the child into the care of the receiving authority. If a HSC Trust is expecting to receive a child being transferred to NI under the scheme, and the child does not arrive at the time expected, the Trust should contact the entry authority, which should undertake the necessary investigations. If the child goes missing prior to the transfer of statutory duties to the receiving authority, it may be appropriate to withdraw the referral.

Where legal authority for the child has transferred to the receiving HSC Trust, and the child subsequently goes missing, the Trust should follow the guidance set out in the Interface Protocol between HSC Trusts and PSNI (Where a child is reported missing and other police interactions with residential children's homes), available at https://online.hscni.net/wpfd_file/missing-children-protocol-2022/ and the Notification of Children/Families assessed as being at potential risk and their whereabouts remain unknown 2016, available at: https://www.proceduresonline.com/sbni/files/notif_ch_fam_risk.doc

Age disputes and age assessment

The UK NTS Protocol sets out at Annex E the process to followed where there is a dispute over the age of the child/ young person being transferred and provides details of the documentation which should be provided to the receiving authority to enable them to gain a better understanding of why age was disputed by the Home Office. All asylum-seeking individuals who are accepted or temporarily treated as being below 18 years of age during the initial Home Office welfare interview are eligible to be included in the NTS.

Where the age of a child is disputed – but accepted as being under 18 years of age or treated as being under 18 years of age until further assessment of their age has been completed – the receiving local authority will normally be required to conduct the Merton and further case law compliant age assessment. In some cases, the entry local authority may agree to conduct the case law compliant age assessment before referring the person into the NTS.

In circumstances where there is a potential age dispute in respect of the UASC transferred to the receiving authority, the responsible Trust in the first instance will seek explanation, rationale and supporting evidence from the entry authority and / or the Home Office to ascertain the basis for the age dispute. On receipt of this information, the Trust social worker will share the detail with the UASC's legal representative and where appointed, with the IG. The Trust social worker will further consult with all agencies involved with the UASC regarding their views and examine the evidence provided. It may be appropriate to convene a multi-agency discussion to facilitate information gathering to ultimately inform the social worker's decision on the necessity or otherwise of undertaking an age assessment in line with NI specific Guidance on Arrangements pertaining to the Convening of a Multi-Agency Age Assessment Commissioning Meeting (MAACM). Where the decision is that an age

assessment will not be progressed at this stage, the social worker is responsible for communicating this decision to the Home Office.

Where the decision is to progress an age assessment, arrangements are agreed for undertaking the age assessment process as per Merton compliance requirements. The process and timing of the age assessment are agreed with the relevant parties. The outcome of the age assessment is communicated to the Home Office using the prescribed proforma.

Where an individual has been given the benefit of the doubt and accepted as a child while a full age assessment is undertaken, the receiving local authority will confirm with the Home Office as to the outcome of the age assessment once completed.

If the receiving Trust concludes from its own age assessment that the individual is an adult, they will cease to be eligible for support under the Children (Northern Ireland) Order 1995. The Trust should also immediately notify the Home Office of anyone assessed as an adult who needs asylum support accommodation by submitting a request to the [Routing Initial Accommodation Validation \(RIAV\) Team¹⁰](#). Where appropriate and based on vulnerability, asylum status and whether there are potential or actual trafficking or modern slavery risks, Trusts should ensure that robust planning takes place to facilitate the transition from Children's Services into the appropriate adult support services. Trusts must retain a record of the exit plan and transition arrangements for young people in these circumstances.

It should be noted that differing views between the entry and receiving authorities about the child's age following transfer is cited as an example of when the NTS escalation procedure may be used (see Annex F of the NTS Protocol).

Information sharing

The NTS Protocol details the child level information which should be shared with the receiving authority to support the transfer of the child. This includes all available assessments, including the looked after child care plan (where available), any medical assessments, information about the culture and ethnicity of the child, and information about their relationships with others.

Engagement should also take place between the Trust and the Home Office to verify and acquire details of the UASC's asylum claim registered in the entry authority so that there is timely follow-up action and appointment of a legal representative.

¹⁰ routingvalidation@homeoffice.gov.uk

ANNEX A: Relevant Legislation and Guidance relating to Looked After Children and UASC in NI

Links to relevant legislation and guidance are set out below:

[The Children \(Northern Ireland\) Order 1995](#)

[s21 of the Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#)

[Guidance on Section 21 of the Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act 2015](#)

[Co-operating to Safeguard Children and Young People in Northern Ireland \(2017\)](#)

[Safeguarding Board for NI Procedures Manual](#)

[Working Arrangements for the Welfare and Safeguarding of unaccompanied and separated children and young people](#)

[Working Arrangements for the Welfare and Safeguarding of child victims and potential child victims of human trafficking and modern slavery](#)

[Protecting Looked After Children Guidance NI](#)

[Interface Protocol between HSC Trusts and PSNI \(Where a child is reported missing and other police interactions with residential children's homes\)](#)

[Notification of Children/Families assessed as being at potential risk and their whereabouts remain unknown 2016](#)

ANNEX B

The national rota – referral, allocation and transfer NI process map

