



GRANT INSTRUCTIONS TO LOCAL AUTHORITIES

FINANCIAL YEAR 2008/9

UK BORDER AGENCY GRANT: UNACCOMPANIED ASYLUM SEEKING CHILDREN (UASC) – LEAVING CARE COSTS

Directorate of Central Operations and Performance

Date of Issue: 3rd October 2008

Version [1.0]

SCOPE

1. The UASC Leaving Care Costs Grant is intended to assist local authorities to meet care costs of supporting young people who were unaccompanied asylum seeking children (UASC) and who are now “former relevant children” within the meaning of section 23C(1) of the Children Act 1989. It is in addition to other sources of support that may be available to young people aged 18 or over. It will not affect individuals’ entitlements to any other assistance.
2. This grant was previously (up to and including financial year 2007-08) funded by the Department for Children, Schools and Families. From this financial year, it will be funded by the UK Border Agency (the Agency).
3. The 2008-09 Grant will be allocated to authorities that have supported more than 25 full time equivalent (FTE) eligible care leavers. Payment will be made at a flat rate of £100 per week, per FTE care leaver (over the threshold of 25).

REIMBURSEMENT CRITERIA

4. In order for reimbursement to be made, the young person must have a Home Office reference number and meet the following criteria:
 - (a) the young person was an unaccompanied asylum seeking child, and is now a “former relevant child” within the meaning of section 23C(1) of the Children Act 1989;
 - (b) the local authority making the claim is the responsible authority in relation to the young person;
 - (c) the local authority making the claim is actually providing support and the young person has not moved away and/or lost contact;
 - (d) the young person’s immigration status is one of the following:
 - i. Refugee status
 - ii. Indefinite leave to remain
 - iii. Humanitarian protection
 - iv. Discretionary leave
 - v. Exceptional leave to remain
 - vi. Outstanding application to extend leave, provided the application was submitted before the expiry of that leave
 - vii. Outstanding appeal against refusal to extend leave, provided the appeal was submitted in time; and
 - (e) the young person is not disqualified from receiving care leavers’ support by Schedule 3 paragraphs 4 – 7(a) of the Nationality, Immigration and Asylum Act 2002.
5. Note that the Agency will only make a payment for leaving care costs in the above circumstances. Local authorities may provide leaving care support for former relevant children whose leave has expired (and an extension has been refused), or whose appeal rights are exhausted, where required to avoid a breach of human rights – paragraph 1 of Schedule 3 of the Nationality, Immigration and Asylum Act does not prevent the exercise of a power/duty to provide support to the extent necessary to avoid a breach of ECHR rights. However, this support is not funded by the Agency. Local authorities are also liable to provide leaving care support to former relevant children who made their asylum claim at a port and who never received any form of leave, whether or not their appeal rights are exhausted. Again, this support is not funded by the Agency.

EXCLUSIONS

6. The following cases are specifically excluded:
- (a) Young people who, as children, arrived in the UK in the care of a parent or other adult (e.g. a relative or family friend) who by law or custom, has responsibility for the child,
 - (b) Young people who, as children, arrived in the UK alone but were subsequently living with a parent or other adult (e.g. a relative or family friend), even in the event of a subsequent breakdown of this situation.
 - (c) Young people who have been separated from their parents as a result of a Section 9 ruling under the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.
 - (d) Young people who have the nationality of an EEA state.
 - (e) Former UASC with an outstanding asylum claim, whom the Agency is paying the local authority to support (currently at the rate of £140 per week).

DATA RECONCILIATION AND PAYMENTS

7. Local authorities are required to complete a quarterly application for payment (Annex A), detailing supported days for each individual being claimed for. For this year only, the first payment application should be for the first two quarters. Application for payment summaries for the third and fourth quarters must clearly highlight any additions to the previous quarter. The Agency's grants team will reconcile this data with UK Border Agency records. It is the future intention of the Agency to make payments monthly, in line with grants paid for the support of UASC. For this financial year, the following transitional timetable will apply:

Action	Date
Local authorities to submit application for payment (Annex A) for April-September 2008	31 October 2008
The Agency to make payments on account for the first two quarters	December 2008
Local authorities to submit application for payment (Annex A) for April-December 2008	31 January 2009
The Agency to make payments on account for the third quarter	February 2009
Local authorities to submit application for payment (Annex A) for April 2008-March 2009	30 April 2009
Local authorities to submit final claim form (Annex B)	30 June 2009
The Agency to make final payment for 2008-09	31 July 2009

8. The quarterly application for payment must be received by the Agency by no later than the end of the month following the claim quarter; late returns will significantly delay payment. A first payment will be made for the period 1 April to 30 September 2008, referenced UASC LC 08/09 POA Mth6 and paid in December 2008. Failure to submit application for payment schedules on a quarterly basis may result in additional cases not being considered and/or grant payments to local authorities being withheld. Further payments will be referenced UASC LC 08/09 POA Mth followed by the month number in the financial year. Please advise your cashier's department accordingly.

9. Anomalies identified as a result of cross-checking with UK Border Agency records will be notified to local authorities in order that they can be resolved. Payments will reflect the number (over 25) of agreed FTE former relevant children being supported for the period and any adjustments as a result of prior anomalies being resolved.

10. The Agency will automatically cease payments under this grant when a young person's appeal rights are exhausted, or their leave to remain expires and an extension is refused. When an individual who has been granted leave becomes a naturalised British citizen, leaving care costs will no longer be reimbursed.

11. Where any amount of grant has been paid in excess of the amount payable in accordance with these instructions, then such excess, as notified by the Agency to the authority, shall be repaid by the authority.

12. Throughout the year UK Border Agency UASC LA Grants Team staff will work with local authorities to ensure the accuracy of claims, thereby reducing the need for intensive audit at year-end, when it is envisaged that self-certification will be allowed for some local authorities.

CONTACT DETAILS

13. Please bear in mind that the case owner deals with the applicant's asylum case (whether to give the applicant discretionary leave, etc.) and the UASC LA Grants Team deals with whether or not the case is payable under this grant.

For queries relating to payments or the submission of Annex B, please telephone, either 020 8604 6633 or 020 8604 6753.

To request CBP accounts, please telephone 020 8760 3244.

For other enquiries about this grant, please telephone 020 8760 3244 or 020 8760 4224 or email UASCLAgrants@homeoffice.gsi.gov.uk

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ANNEXES

14. The annexes to this instruction are contained in an Excel spreadsheet with the following contents:

- Notes
- Annex A (Quarterly Claim)
- Annex B (Final Claim)
- Classifications (codes for nationality, local government accounts and ports)

Note that the format of the claim spreadsheets **MUST NOT** be altered.

RETURN OF CLAIMS

An electronic version of your final claim (Annex B) must be returned by the CBP portal in accordance with the instructions sent to CBP account holders, plus a hard copy with wet signature to be returned by post.