BY THEIR SIDE
AND ON THEIR SIDE:

REVIEWING THE EVIDENCE FOR GUARDIANSHIP FOR SEPARATED CHILDREN IN NORTHERN IRELAND

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February 2014
Foreword

As Northern Ireland Commissioner for Children and Young People (NICCY) it is my primary aim, as set out in legislation, to safeguard and promote the rights and best interests of children and young people. The United Nations Convention on the Rights of the Child (UNCRC), which is a touchstone for all my work, requires government to protect the rights of all children across all areas of their lives. The vision of the Convention is not simply that government meets minimum children’s rights standards but that the full implementation of the UNCRC enables all children and young people to flourish and for their individual dignity and integrity to be safeguarded and respected.

This obligation on the part of government includes protecting the rights of separated children who are subject to immigration control and may be, for example, unaccompanied asylum seekers arriving without the support of parents or primary carers, children who may have been trafficked into Northern Ireland and migrant children arriving alone. Separated children are a small and largely invisible group who are among the most vulnerable in our society and are recognised by the United Nations Committee on the Rights of the Child as needing special protection.

When we think about separated children we must remember that few of us ever hear about their experiences and trauma in their country of origin and in their journey to in Northern Ireland and we must not forget that risks to their most basic of rights to protection, safety and welfare can be heightened in the period following arrival. Further to this in being subject to asylum and immigration processes, the unresolved nature of their legal status can leave separated children in a precarious position, not knowing if they are able to make their home in Northern Ireland or will be returned to their country of origin or a third country as they move through interview and assessment processes. These particular circumstances also mean that core statutory responsibilities for separated children stretch across both the Northern Ireland and UK Governments highlighting the need for government agencies to work in an integrated, collaborative and child centred manner.
The United Nations Committee on the Rights of the Child has clearly articulated its view of the arrangements that government should have in place for separated children. This includes ensuring that they have access to a Guardian who will properly represent their best interests in all matters affecting them, who is informed and present in all planning and decision making processes, including those relating to immigration and appeal hearings and care proceedings, and who has the necessary expertise in all areas including in relation to the child’s legal, health and psychological needs. The four UK Children’s Commissioners remain concerned that the UK has not taken action to provide Guardians for separated children, although the service established by the Scottish Government is a most welcome development.

While there has been a range of recent developments in relation to separated children in Northern Ireland, I have remained concerned that the debate regarding guardianship needs to be more fully explored and in order to facilitate this I commissioned the University of Bedfordshire to undertake this research. The authors have completed a considered study which examines international child rights standards and reviews legislative and policy contexts before outlining the perspectives of professionals who participated in the study on how current arrangements are operating. Importantly, the researchers also consulted with a small number of separated children to gain their valuable insights. The report offers a number of recommendations that have been developed to support Northern Ireland ensuring that the needs of separated children are properly met. I would like to thank all those who have contributed to the research as advisors to the project, as professionals and most importantly as young people.

Considering the rights and best interests of separated children brings into sharp focus the challenge that Northern Ireland faces in making sure that proper standards are adhered to and effective services are provided for such a small but vulnerable group of children and young people. The recommendations explore how practice and services could be strengthened and assured in regard to guardianship and the report notes that we must ensure the support that separated children receive is robust and effective rather than being contingent or reliant on the skills of individual professionals. Government must ensure there is an enduring child focused response to meet the needs of separated children that is firmly embedded in international child rights standards.
This report is an important contribution to that debate and in taking this work forward my office will seek to engage government and statutory bodies, as well as others, in the implementation of the research recommendations.

I commend this report and call on all government bodies and statutory agencies who are engaged in the lives of separated children subject to immigration control to carefully consider how arrangements can be strengthened in order to fully realise separated children’s rights and best interests.

Patricia Lewsley-Mooney
Northern Ireland Commissioner for Children and Young People
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Executive summary

In this report we use the following definition of a Guardian, building on the one offered by Crawley and Kohli (2013):

A Guardian is someone who accompanies children and young people when they claim asylum or are trafficked and are cared for by health, education and welfare services. A Guardian will help a child or young person to be actively involved in decisions that affect their life and to get the help they need, when they need it. A Guardian is on the child’s side, can explain what is happening to them, will listen to their views and experiences and speak up for them when needed. A Guardian will also help a child or young person to plan their future, whether in the UK or elsewhere. In all the work that they do, the Guardian will be committed to making the rights of the United Nations Convention on the Rights of the Child meaningful in the lives of the children.

Much evidence is accruing across many nations that Guardians matter to separated children in meeting their needs for protection and care. When considered from children’s own perspectives, Guardians are seen as being key figures who are orienteers, trouble-shooters, advocates, and good companions, helping them to navigate their way across territories of asylum, welfare and the development of social networks (Crawley and Kohli, 2013). The precept that a Guardian should be appointed for separated children is now well established. For example, the UN Committee on the Rights of the Child within General Comment Paper No 6 on the Treatment of Unaccompanied and Separated Children Outside Their Country of Origin (UNCmRC, 2005) have emphasised that:

…States should appoint a Guardian or adviser as soon as the Unaccompanied or Separated Child is identified and maintain such Guardianship arrangements until the child has either reached the age of majority or has permanently left the territory and or jurisdiction of the State, in compliance with the Convention and other international obligations.

Yet Guardianship has various forms across different European states (Alikhan and Floor, 2008; Goeman et al, 2011). In such circumstances, one way of considering what joins rather than divides the various approaches to Guardianship across Europe has been through shifting focus from strategic legal and policy differences, to considering the role, tasks and behaviours of Guardians in their day-to-day interactions with children subject to immigration control. In effect, practice attempts to close the gaps left in policy and legal frameworks.
In 2013 the Joint Committee on Human Rights recommended that there is need for Guardianship in the UK to ensure that its obligations as a signatory state to the UN Convention on the Rights of the Child 1989 are met (JCHR, 2013). *Inter alia*, the JCHR noted that:

*The Guardian should provide support in relation to the asylum and immigration process, support services and future planning, help children develop wider social networks, and ensure that children’s views are heard in all proceedings that affect them (JCHR, 2013, paragraph 175).*

In that context, the Northern Ireland Commissioner for Children and Young People commissioned a research review to:

1. Increase knowledge and understanding of the profile of separated children and young people subject to immigration control in NI, the issues affecting them, including processes, procedures and practices, and the impact these have on their rights under the United Nations Convention on the Rights of the Child (UNCRC).

2. Scope a child-rights compliant model of Guardianship for these children and young people, appropriate to the level of need and the legislative, policy and service provision framework currently operating in Northern Ireland.

In addressing these aims, we focused on the Core Standards of Guardianship Practice as delineated by Goeman *et al* (2011) cross-referenced to relevant child-rights considerations within the UNCRC (see below). We summarised law, policies and services currently applicable to children subject to immigration control, establishing facts about asylum applications by children, and comparing applications in Northern Ireland with other parts of the UK and the Republic of Ireland. We consulted with professionals across a range of settings, via a survey and focus groups.

**Results**

Though numbers of separated children in Northern Ireland (NI) appear to be few in comparison to the UK as a whole (see Table 3.1 of this report), information on exact numbers remains occluded, partly through lack of monitoring and data collection, and partly through inconsistency of definitions and the fluid and hidden nature of many of these children’s lives. A number of steps have been recently taken to create a clear picture of separated children, including commitments made to collate data on all separated children
presenting to social services across all five Trusts. A range of policy initiatives and protocols that will support emergent good practice are present, albeit in early stages of growth and implementation. For example, the Regional Group on Separated Children is an ideal forum for monitoring good practice. There are a number of recommendations included in this report that this Group would be best placed to deliver on. It would be important to have key statutory agencies leading on the work alongside relevant NGO Groups. We understand from NICCY that this Group is not currently active (16\textsuperscript{th} January 2014). This is of concern to us in light of our findings as set out in this report. The focus groups and survey data indicates that for 97\% of respondents, work with separated children was residual, a minor engagement, or there was no contact. However, relative to this, there was some clarity about the role and tasks of a Guardian.

There were ranged responses to the question of whether a Guardian was necessary in the Northern Ireland context – from a need for a child-rights compliant and independent Guardianship Service, to affirming that children’s rights were and could be met through existing services and that Guardianship was an ‘unnecessary duplication’. Across the Core Standards of Guardianship Practice (Goeman et al, 2011), respondents gave the following views and experiences:

1. ‘Best interests’ (UNCRC Article 3 and others)
Most felt that separated children’s best interests were already met through existing services and practices. Some respondents were hesitant about this claim, because the particular circumstances of separated children including immigration matters, therapeutic needs, and cultural dislocation, were unfamiliar, generating inconsistent policy and practice responses.

2. Ensuring participation (UNCRC Article 12 and others)
Many respondents said that they meet their statutory duty to ensure that a child’s expressed wishes and feelings are heard, though time to build trusting relationships with separated children was perceived as scarce, and practice was seen to be variable.

3. Protecting safety (UNCRC Article 6 and others)
Protecting safety was largely perceived as a public duty that was being satisfactorily carried out by existing services. A minority view was that the gaps between duties and practices was not satisfactorily filled in relation to separated children at times, with poor placement choices, or confusion about duties when responding to trafficked children.
4. The quality of advocacy (UNCRC Article 12 and others)
Voice of Young People in Care (VOYPIC) was cited as one example of a non-
governmental organisation (NGO) using advocacy services to ensure that children’s voices 
were heard, alongside social workers’ duties to advocate on the child’s behalf. Both are 
part of existing provisions. As with other standards, practices were also noted as being 
variable in terms of quality. On the issue of independent advocacy, respondents were 
divided, with some seeing the merit of an NGO based model, and others supporting a 
model of social workers as ‘insider’ advocates.

5. A specialist bridge and hub of advice and assistance to separated children and 
their helpers (UNCRC Article 3 and others)
We asked respondents whether a Guardian was needed to act as a bridge and a hub 
between services and separated children, in order to generate and sustain clarity, 
coherence and continuity in their lives. Of the survey respondents, a small majority thought 
not, and about one-third thought there was inconsistency of practice that could be ironed 
out if there were Guardians. The evidence seems to suggest that for some separated 
children, some of the time, workers bridge their asylum and welfare needs.

6. Durable solutions’ (UNCRC Article 3 and others)
Respondents agreed that their relative lack of experience of work with separated children 
also meant that focusing on a future durable solution was not done, or not done to 
sufficiently high standards at present. Strong opinions were expressed about social 
workers, rather than Guardians undertaking the ‘durable solutions’ work, as with other 
Looked After Children, within existing legal and procedural terms.

7. Ensuring respect and dignity (UNCRC Article 8 and others)
We found the survey respondents to be largely satisfied with the ways respect and dignity 
were manifest when providing a service to separated children in Northern Ireland, with a 
residual call for Guardians being needed to ensure this standard was met. Respondents 
were aware too that further training (particularly around cultural sensitivities) across all 
services would enhance the ways that practitioners worked in ensuring dignity and 
respect.

8. Trust, openness and confidentiality (UNCRC Article 3 and others)
There was confidence expressed by a majority of survey respondents that they did indeed 
work with these multiple dimensions of trust building with separated children, taking into
account their needs as children, as a specific category of children, and as individuals. As with Standard 2 on participation, respondents recognised that trust required time and worker expertise.

9. Accessibility to a Guardian (UNCRC Article 5 and others)
In the evaluation of the Scottish Guardianship Service (Crawley and Kohli, 2013) Guardians were shown to take time and make time for children, moving between orienteering, companionship, advocacy and social provision, depending on the needs of individual children. They provided timely advice. While many respondents were satisfied that this was a feature of some practice in Northern Ireland, there was worry also about making time for separated children, and therefore ensuring accessibility based on need, not resource constraints.

10. Relevant professional knowledge and competencies (UNCRC Article 3 (3) and others)
We note that the skills of a diplomat, the knowledge of a therapeutically informed social worker, and the embrace of a quasi-family member, appear in effective Guardianship practice with separated children. Some respondents highlighted that workers require further training to build up a skills set to work more effectively separated children. Others were confident that there was good reason to suppose that workers were able to meet the challenges of knowing and doing the right thing by separated children. In all, there was room for much more detailed, systematic training for the roles and tasks of Guardianship based practice.

Conclusions and recommendations
It is encouraging to note that since 2010, important steps have been taken to standardise the quality of care offered to separated children in Northern Ireland, as summarised in Sections 3 and 4 of this report. Ultimately, the UN Committee on the Rights of the Child will consider whether and to what degree these are child-rights compliant during the next reporting cycle. In the meantime there is every reason to maintain the momentum gained thus far, and to gather further specific evidence that leads to consolidation of good practice.
1. Should there be a stand alone Guardianship Service for separated children in Northern Ireland?
In considering a proposal for the most appropriate model of Guardianship for separated children in Northern Ireland, our wider experience shows that Guardianship works well as an independent and dedicated ‘whole’ service that does not ‘belong’ to any statutory service. Whether it has or should have statutory powers in addition to independence is a moot point, as noted by the Joint Committee on Human Rights (2013). Having its own distinctive identity, framed within the UNCRC such a Service as a rights-based organisation leads to children both understanding what a Guardian is, and what they do in a distinctive way. In addition, Guardians having time to develop close and companionable working relationships with separated children, has been shown to be a key aspect of children feeling safe, feeling a sense of belonging within a Service, and being helped to be successful in their lives. In its independent form a distinctive Guardianship Service can complement, support and enhance all services that work with separated children subject to immigration control. However, as evidenced in this report, a large proportion of our respondents thought that the number of separated children should substantially influence the model of Guardianship that develops in Northern Ireland. On the basis of accepting such views, we consider there is not yet a case for a stand-alone service such as the one developed in Scotland, or in other European countries.

Recommendation 1: Exploring the possibility of a stand-alone Service
In the future if numbers of separated children increase, the option of a stand alone Guardianship Service requires careful monitoring and review over time by DHSSPS/HSCB and other stakeholders including the Home Office, NICCY and relevant NGO’s working with separated children. We would suggest that a threshold is established of the numbers of separated children that would be required to tip the balance in favour of a stand alone Guardianship Service, alongside a business plan that allows a Service to co-exist alongside other services for a period of time sufficient to allow a detailed evaluation of its impact and effectiveness.

2. Specialist training for staff within all services in contact with separated children, focusing on rights, needs and entitlements
We note the evident concern among the professions about their confidence and competence in dealing with the complex legal and procedural aspects of children who are subject to immigration control, as well as responding to children who may be traumatised and are isolated, far from their families and kinship networks of origin. We also heard of
examples of effective responses, though these generate little islands rather than a solid landmass of good practice in working with separated children in Northern Ireland. Clearly there is room, and there is willingness for consolidation and improvement via systematic and sustained training in relation to asylum, well-being and social network regeneration. So this consideration is relevant to any of the models defined below.

**Recommendation 2: Providing specialist training for staff**

We strongly recommend that the Regional Group on Separated Children is re-established to take forward key recommendations set out in this report. This Group, which would be led through the DHSSPS/ HSCB, should be made up of professionals from key statutory agencies and involve relevant NGO Groups.

The Regional Group on Separated Children should, on behalf of the DHSSPS/HSCB, audit staff across all sectors that have undertaken ‘single event’ training to gauge its impact on practice. The audit should lead to considerations by DHSSPS/HSCB of how single training is supported by mentoring, coaching by specialists, and further systematic training. We have given a comprehensive account of the types of training a Guardian should undertake. This may provide a prototype for the construction of an audit, and for the emergence of a modularised programme of learning for those wanting to work with separated children.

**3. Numbers and circumstances**

Between 2009 and 2012 there were very few children who claimed asylum in Northern Ireland in comparison to the rest of the United Kingdom – less than one third of one percent (see Table 3.1). Consequently there appears to be only intermittent experience across Northern Ireland of working with them, or the broader group of separated children. Record keeping via the HSC Board is relatively nascent. The known numbers claiming asylum are likely to be part of a bigger, more complex and fluid picture, within which children who are separated but not claiming asylum need to be counted, as well as those who may be only intermittently visible to the authorities, being moved across Trusts, or across the border to and from the Republic of Ireland. This raises issues of what is to be done in terms of better serving the few that appear to be present. Firstly, we consider that a fuller profile of their circumstances and needs should be built up by maintaining the use of the HSCB Notification Report template (see Appendix 1), if confidentiality and anonymity can be assured. Over time this will allow patterns of responses to be contextualised that can better explain incidents of concern.
The ‘many gaps in knowledge’ that focus group participants referred to shows, in our view, a poised awareness of wanting to move from incidents to patterns of understanding.

**Recommendation 3: Creating clarity and precision about numbers**

The DHSSPS/HSCB should consider who takes responsibility for coordinating the completion of a fuller picture of the facts in relation to separated children. This should include systematic liaison with the Home Office to determine figures for those children seeking asylum in Northern Ireland, those who are trafficked, age disputed, in detention, or those who may not be directly visible through data collected via the Notification Report. Children on the radar and under the radar need to be counted. Consideration may also be given, while such a picture is developed, of how the origins and future trajectories of such children are monitored, and how these impact on the ways the Core Standards of Guardianship as stated by Goeman et al (2011) are met.

**4. Understanding existing Guardian-like practices**

We are encouraged to note that in the focus group and survey, many respondents said that they understood the concept of Guardianship for separated children (see table 4:3). So dismissing the notion of a Guardianship service did not appear to be based on misunderstanding Guardianship *per se*. Rather, it was based on two major factors- Firstly, that the majority of respondents clearly considered that the Core Standards of Guardianship were largely being met by existing services. Secondly, that on the basis of receiving relatively few separated children within the Northern Ireland jurisdiction, a new service was not warranted. We note however that further work needs to be undertaken to distinguish claim from fact via systematic monitoring of all service providers, to evidence good, indifferent and poor practices in working with separated children. Claims that services are meeting, among other matters, ‘best interest’ under Article 3 of the UNCRC, participation under Article 12, and non-discrimination under Article 2 need to be evidenced systematically over time.

**Recommendation 4: Understanding existing practices further**

The Regional Group on Separated Children, on behalf of the DHSSPS/HSCB, should monitor precisely how the Core Standards, and thereby the UNCRC, are being met in practice by social workers, immigration officers and other health, education and welfare professionals in order to join up some of the disparate views that we uncovered. The Home Office should therefore be invited to take part in this monitoring process. Due consideration could also be given to independent monitoring through NICCY, within defined reporting cycles.
Consultation with separated young people subsequent to the evaluation
Following our exploration of stakeholder opinions, we were only able to glimpse the views of separated children in Northern Ireland via four separated young people whom we consulted. It is difficult it is to see patterns of children’s views while so few were available. However, we note that the children said that professionals involved in their lives, such as their social workers, foster carers and key workers or advocates did the work of Guardians. In particular, they spoke of the central role of their social worker in meeting many of the 10 Core Standards. They wanted better training for social workers. They did not want more people in the system, but hoped, if a Guardianship system was constructed, that Guardians would have legal powers to challenge decisions that were bad for them.

Recommendation 5: Gathering children’s views over time
We suggest that further work is undertaken by and with adults with whom separated children and young people have trusting relationships, to gather their views over time. This may reveal much greater detail and pattern about how things are for them in relation to the Core Standards, no matter who is doing the work. Further measured steps need to be taken to understand their experiences and remedies. NICCY could lead on further considerations of how to take this forward to generate a child focused picture over time.

In the context of the above recommendations we now turn to considering the options available through which Guardianship could be considered further. Recommendations 6 to 8 are therefore related to these options.

A model of Guardianship: the options at present
Across Europe there are different forms of Guardianship. Many, as we have note in this report, are locally grown. Whatever their particular shape, each UNCRC signatory State needs to ensure that they are child-rights compliant in design and delivery over time. We also note that the Joint Committee on Human Rights (JCHR, 2013) did not mention Northern Ireland as a site for a Guardianship pilot. However, we saw good evidence of working papers, protocols and robust opinion about models of Guardianship grown in the Northern Ireland context. In this report, we consider a range of options, of which a stand-alone service was one, now discounted for the reasons given above. Of the ones remaining, the following options need appraising, in terms of strengths and limitations, and benefits to separated children, based on further local evidence. It would be advisable to construct and pursue not just a single option but a map of the ways Northern Ireland could provide an example to the rest of the UK by linking some of the options we discuss below.
They are not presented here in any order of preference. From children’s points of view, what matters is to have a faithful champion and companion alongside them on their arduous journey, who, as we have noted in the report, will be on their side, and by their side as they arrive, stay, or leave the United Kingdom.

A: The Northern Ireland Guardian Ad Litem Agency (NIGALA) taking responsibility, if all separated children were to be subject to care proceedings
We note the claim that in Northern Ireland separated children should all be subject to care proceedings. We have cited one respondent’s view that the DHSSPS expects all Trusts to do so, but are not clear how widespread this opinion is, how well known it is among stakeholders, or how systematically it has been operationalized. Certainly having an independent GAL representing the child would reinforce child welfare principles as being the primary consideration. Secondly, issues of statutory authority for Guardians could be resolved through such an arrangement. But a GAL involvement through childcare proceedings is time limited, and may not always be appropriate for 16 and 17 year old separated children. (See s50(4) of The Children (Northern Ireland) Order 1995). Also there is evidence that children benefit from enduring relationships with their Guardian throughout their lives, not just within the time limits of care proceedings.

Recommendation 6, related to the NIGALA option
The DHSSPS/HSCB should fully consider this option, on the basis of a precise understanding of the ways in which care orders and the involvement of a GAL has benefitted separated children in Northern Ireland already. An alternative or additional way forward may be to consider NIGALA involvement in assessing the best interests of separated children via an independent report to the Home Office and Immigration and Asylum tribunals and subsequent courts. The NIGALA option requires further exploration. At this time, this model of Guardianship in the UK would be particular to Northern Ireland, as it is neither proposed nor tested in England, Wales and Scotland.

B: An independent NGO with specialist advocates acting as Guardians
The model of NGO based work is proving effective in Scotland in meeting the Core Standards of Guardianship. While it is a stand alone Service given the numbers there, we have highlighted the potential for NGO’s in Northern Ireland for the development of specialist staff in Guardian-like advocacy roles, underpinned by training and by the deployment of protocols in all matters to do with separated children and their circumstances.
We have noted the role played by VOYPIC as an NGO in using advocacy to ensure that children in care are safeguarded in terms of meeting requirements under Article 3 and Article 12 of the UNCRC. Its independence from statutory services is a key aspect of its existing provision.

Recommendation 7, related to an independent NGO
The DHSSPS/HSCB should fully consider this option, on the basis of a precise understanding of the ways an NGO could be funded and further developed in the Northern Ireland context to advise, assist and befriend separated children, and to work alongside statutory service providers, while monitoring the ways in which the Core Standards of Guardianship are met by all services.

C: Experts embedded within existing statutory services providers to act as Guardianship consultants to others
Apart from the NIGALA and NGO options, some respondents noted the value of a ‘consultant social worker’ role, specialising in separated children, while working within statutory services. For these respondents, independence was not a necessary precursor to effectiveness, but expertise was. It is possible, as the European evidence suggests, for a social worker to act as a Guardian. In some instances, post-qualifying training in Guardianship is a precursor to taking a Guardianship role, as there is a natural fit between understanding the world of the child as a social worker and as a Guardian. If a ‘consultant social worker’ role were developed in Northern Ireland, then the logistics of access to their expertise would also need to be considered. In Scotland at present, the Guardianship Service is for the whole of Scotland, though located in, and mostly working within the Glasgow area, given the concentration of separated children there, and their uneven distribution across Scotland.

Recommendation 8, related to experts embedded in statutory services
If this option is chosen, we recommend that the DHSSPS/HSCB give careful consideration to ensuring the development of a person specification to include roles and tasks, training requirements, mentoring and coaching responsibilities, and accountability that mirror the Core Standards. We recommend the development of a prototype person specification, hybridising current person specifications for child care social work in Northern Ireland with the specialist requirements of a Guardian.
Introduction

Although the research literature on Guardianship in the lives of separated children in Europe is relatively new, it contains some important experiences and expectations about what a Guardian means to such children. As we describe below, no two systems of Guardianship in Europe are exactly the same, though similarities exist across many of them. Decisively, they are similar in the ways children talk about their relationships with Guardians, viewing them as humanising, with trust built into the heart, and enlivened by spontaneous acts of companionship and kindness, in addition to practical, timely, and knowledgeable assistance. As one young person said to us when we evaluated the Guardianship Service in Scotland (Crawley and Kohli, 2013:77), Guardians *make us feel we are human*. For a public service, this is high praise. Similar sentiments are expressed in other research studies that have asked children to talk about Guardianship. For instance, in one study in the Republic of Ireland, a young person talked about the layered ways in which such relationships are built:

*I think the first thing is to start wanting and to start building a relationship before you take it any further – that you meet someone and you do not expect them to just open their heart just like that (snap)…Build a relationship step by step and before you know it this person will be all yours if you start with the right thing* (Arnold and Sarsfield Collins, 2011:49).

Guardians investing parcels of time in a reliable way made one young person in the Netherlands (Goeman, 2011:35) reflect that repeated reassurance made a big difference to the ways that they have to manage proximity and distance in their new lives in a strange country:

*You should first of all reassure them…They need time to be able to talk among each other and with the persons who wants to help. Afterwards you can start talking about their rights and the tasks of a Guardian. But they have to be at ease. You know, young people like me feel often alone and abandoned. If you do not reassure them and just list their rights they won’t care. It is not easy for us to know who to trust.*

In time, if things go well, young people talk of their Guardians as surrogate parents, friends and as reliable companions along their journey to feeling at ‘home’. Fournier’s (2011:29) study in Belgium notes one young person saying:
My Guardian is first of all a person I can trust, to which I can tell everything. She will not tell what I told her to anyone else. I can always count on her. She is also a sort of parent for me, which is important for me because I never had real parents.

Another, reflecting on aspects of reliability and competence, shows that the emergence of an effective working relationship is based on a Guardian being authoritative and skilled in creating the checks and balances that make their lives feel stable. Whimsical practice, wavering commitments, and short, business-like meetings do not lead to robust relationships:

It is important to know that person exists that is there for you, on which you can count…You have to earn the title of Guardian. It is like a doctor, if he doesn’t cure, if he doesn’t help, then he is useless. That is wrong. The Guardians should know more their job (Fournier, 2011:51).

In this regard, the literature also focuses on the practical actions young people consider their Guardians need to take to win their trust. As strangers in new and unfamiliar places, young people’s formative expectation of Guardians is that they are good at orienteering, helping them to find their bearings, finding calm places to live, and showing them their new country over time. As part and parcel of this task, young people expect clarity and precision around the Guardianship role and structures relative to other agencies and services when looking for scaffolding to rebuild and contain their lives. In the Fournier (2011:45) study, one young person observed:

I think my Guardian was important for my life. I needed structure.

In the Scottish context, a young woman who had been trafficked had lost her bearings entirely, until a Guardian’s repeated explanations and reassurances helped her to grasp, not just that she was in Scotland (she had not known which country she was in), but also to understand the map of agencies that surrounded her.

I am shy and I am really scared. We don’t know nobody because It’s our first time. She explained me her job and after a couple of meetings, I began to understand how she help me. (Crawley and Kohli, 2013:37).

As their relationships with Guardians become more firmly planted, the literature identifies young people’s expectations around stability and endurance (Crawley and Kohli, 2013;
Fournier, 2011; Goeman, 2010), and of the need for regular communication with their Guardian. Two levels of communication appear to be expected by young people. Firstly, companionable and inconsequential conversations, taking place within the frame of their ordinary young lives rather than in the frame of their asylum or care experiences, where young people simply check in to say that they are OK, or where their Guardians ring or text them to do the same. Secondly, the need for conversations that carry emotional depth is identified, with Guardians listening and acting as ‘sense-makers’ as they uncover layers of personal history and memory and talk about those things related to their emotional life (Crawley and Kohli, 2013; Fournier, 2011; ECPAT, 2011). Integral to this level of knowing the young person, is the expectation that their Guardians understand their personal geography, are fluent with their experiences of conditions in their country of origin, and that they can address the issue of children returning to a country of origin or country of first asylum after an unsuccessful asylum petition in an informed and individualised manner (Fournier, 2011; Arnold and Sarsfield Collins, 2011; Goeman, 2010).

The final strand to what young people say amplifies the resonance of Article 12 of the UNCRC, and their rights to participation within the work of Guardianship systems. Here, they see Guardians as working in partnership with them towards making decisions that are safe and in their best interests.

I always had the right to take the final decision. She gave me a lot of good advice, but I took the decisions. When I had to take an important decision, she always gave her opinion on what she thought was the best choice. Every time it appeared that she was right. I could always ask her questions on the decisions I had to take (Young Person, Belgium, Fournier, 2011:38).

This expression resonates strongly with the rational for establishing the role of the Northern Ireland Commissioner for Children and Young People under the Commissioner for Children and Young People (Northern Ireland) Order 2003. Here, Article 6(1) establishes the Commissioner’s principal aim to safeguard and promote the rights and best interests of children and young people, including separate children in Northern Ireland.

On that basis, in December 2012, NICCY commissioned us to undertake research related to Guardianship for separated children with the following two aims:
1. Increase knowledge and understanding of the profile of separated children and young people subject to immigration control in NI, the issues affecting them, including processes, procedures and practices, and the impact these have on their rights under the UNCRC, with particular reference to General Comment No. 6 of the UN Committee on the Rights of the Child on the ‘Treatment of unaccompanied and separated children outside their country of origin’.

2. Scope a child-rights compliant model of Guardianship for these children and young people, appropriate to the level of need and the legislative, policy and service provision framework currently operating in NI. The model should emphasise the principle of the best interests of the child (Article 3 of the UNCRC), the voice of the child (Article 12) and the principle of non-discrimination (Article 2).

In addressing these aims we were asked to produce the following:

- A summary of literature concerning Guardianship, within a broader frame of international standards and obligations intended to safeguard the rights of separated children and young people subject to immigrations control.

- A summary of law, policies and services currently applicable to children subject to immigration control in Northern Ireland, alongside a review of data regarding the profile of separated children in Northern Ireland since 2009.

- Consultations with professionals across a range of settings, focusing on current and prospective practices in working with separated children.

- A consultation with separated children in Northern Ireland.

- A proposal for the most appropriate model of Guardianship for separated children in Northern Ireland.

In doing so, this report is constructed in line with these instructions. In Section 1, we explain our method of work for consulting with strategic and operational personnel, to obtain views via a survey and focus groups about current practices in Northern Ireland that carry a potential for a model of Guardianship. We also explain our rationale for the involvement of separated children, which will take place once the research is complete, rather than as part of the preliminary study. In Section 2, we give a comprehensive
account of the literature, taking international standards and obligations into account. We frame these within key Articles of the UN Convention on the Rights of the Child 1989. We define Guardianship, and the ways it has evolved in Europe, assessing the strengths and limitations of current laws, policies and practices. We consider the Core Standards of Guardianship Practice as developed and promoted by Goeman et al. (2011), that appear to offer a coherent frame for assessing the ways in which Guardians can be effective, linking them to relevant articles in the UNCRC. We then reflect on the Scottish Guardianship model of practice. In Section 3, we present our understanding of facts and figures related to asylum applications by children in the UK, comparing these to figures in the Republic of Ireland and to Northern Ireland. We take stock of local laws, policies, protocols and practices that we consider are relevant to the delivery of care for separated children. In Section 4, we present our results from our consultations with professionals, based on an online survey and focus groups, going through each of the Core Standards of Guardianship, summarising professional views. Finally, in Section 5, we offer our conclusions and recommendations about the potential development of Guardianship in Northern Ireland, based on our review of the research literature, laws, policies and practices.
Section 1: Methods of work

We agreed the methods of work with NICCY as follows:

1. To undertake desk-based research about Guardianship and to summarise key findings relevant to the evaluation.
2. To summarise, through discussions with stakeholders and via desk-based research, laws and policies in Northern Ireland, and recent developments in the care and protection of separated children.
3. To survey the views and experiences of stakeholders via an online questionnaire, with NICCY to provide contact details of agencies and people they considered would contribute effectively to the evaluation.
4. To run focus groups consisting of key strategic and operational personnel within Northern Ireland, who shape and deliver services to separated children.
5. To run a consultation event with children subject to immigration control after delivering the report of our findings, based on the above.

Focus Groups

We conducted four focus groups. With the assistance of NICCY and the Law Centre (Northern Ireland), participants were invited from statutory services and NGO’s, working at strategic and operational levels. Nineteen invitations were thus issued. Fifteen service representatives took part in the focus group. While their experience of service delivery to vulnerable children was substantial, their experience of working with separated children varied, according to agency and position, from no direct experience, to direct involvement in cases. In all groups we addressed 3 main questions, with some subsidiary questions as follow ups, as shown below:
### Table 1:1 Focus group questions

<table>
<thead>
<tr>
<th>Question 1</th>
<th>Question 2</th>
<th>Question 3</th>
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<tr>
<td>What do participants know about children subject to immigration controls in NI?</td>
<td>What would participants like to tell others about what <strong>good practice</strong> looks like in NI with children subject to immigration control?</td>
<td>What participants think about a Guardianship Service, or the existence of Guardians for children subject to immigration control in NI?</td>
</tr>
<tr>
<td>Current facts and figures</td>
<td>Practices</td>
<td>As a stand alone specialist service</td>
</tr>
<tr>
<td>Location</td>
<td>Resources</td>
<td>As a specialist role in existing services</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Services</td>
<td>As a matter for training up the existing children's workforce or a designated specialist to support Social Workers</td>
</tr>
<tr>
<td>Countries of origin</td>
<td>Procedures</td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td>Laws and policies</td>
<td>A variant of the above</td>
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<tr>
<td>Treatment by asylum, social care, health and education services</td>
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In all focus groups it was stressed that this was an open enquiry without any pre-given assumptions about models or methods of Guardianship. Each focus group lasted about 1.5 hours. Where participants did not consent to tape recordings, we made notes as discussions took place. Only the third group discussion was recorded, with the consent of participants. Notes from groups 1, 2 and 4 and the transcript of group 3 were then analysed for themes and patterns of responses in relation to each of the main questions, and subsidiary questions as they arose.

### Survey

The online survey (using **Qualtrics** software\(^1\)) was designed to focus primarily on the ways the 10 Standards of Guardianship as defined by Goeman *et al* (2011) were currently apparent in Northern Ireland or could be developed further. The survey also gave opportunities for participants to submit their views in more global ways about the possibility of a Guardianship Service in Northern Ireland, and what they wanted to see as future developments, in terms of models and methods of practice, resources, protocols and policy. Respondents remained anonymous\(^2\).

\(^1\) See [http://www.qualtrics.com/](http://www.qualtrics.com/)

\(^2\) Each respondent was asked to identify the service they working in, but no further details were sought
Questions were developed by us, and refined with the assistance of an advisory panel before the survey was launched. At the launch, the survey was sent to a potential 43 participants covering all agencies considered relevant by NICCY, including those from asylum, health, education and social care. Deliberately, the list of potential respondents contained strategic and operational staff across those services. Invitations were re-issued to the Home Office and PSNI to encourage participation at the closing stages of the survey.

We had hoped that at least 20 agency representatives would respond. Altogether we received 30 responses, an initial return of 70% of those that were invited to participate. Of these respondents, 23 completed the survey fully (53.5% of invitees). This better than average response rate for online surveys (Nulty, 2008) forms the basis of our analysis, as discussed in the results section below.

**Separated children and young people’s consultation**

One of the key dimensions missing from the picture in Northern Ireland has been the experience of separated children of public services. In order to remedy this, NICCY’s invitation to tender for this research specified that consultation should happen with them to understand their experiences and to gather their views, hopes and expectations, within NICCY’s commitment to the UNCRC, Article 12. However, we took a very cautious approach to this element of the tender. We noted, before the research began that:

> The very small number of children subject to immigration control in NI generates ethical issues of how to safeguard confidentiality and anonymity… A small sample also heightens bias. There is no way of assuring from a small sample whether views are representative of more general experiences.\(^3\)

It was on that basis that we proposed, and NICCY accepted, that a separate consultation with children would take place following the completion of our evaluation. We have taken this forward with four young people whom we consulted, focussing on their views of current and prospective provisions in line with the Core Standards. However, the problem of how to garner children’s views from a larger sample over a longer period of time remains, while so few are available to be interviewed in Northern Ireland. We would propose that further thought is given to the ways that people with whom they have established, trusting relationships work with them to gather such views, via enduring, sustaining, companionship-based enquiries.

\(^3\) Extracts from email to NICCY from Professor Kohli, dated 24\(^{th}\) January 2013
Section 2: Literature review: separated children and Guardianship

The movement of children across international borders is a significant feature of the 21st century. While children on the move have always been part of larger forced migration patterns, their numbers over recent years have grown (UN Committee on the Rights of the Child, 2005). Like adults, children are forcibly displaced through man made and natural disasters (Ayotte, 2000; Finch, 2005; Touzenis, 2008). Children also move towards economic opportunities, to countries where they hope things are going to be better (Ayotte, 2000). Child specific reasons for movement away from their homelands happen due to being orphaned, escaping traditional practices such as female circumcision, replacing missing children in other families, child abuse and domestic violence, traditional practices of ‘foster-care’ with extended family members or strangers, avoiding military recruitment and child trafficking (Ayotte, 2000; Finch, 2005; Bhabha and Finch, 2006; Bustamante, 2009; Touzenis, 2008). According to a background paper by the Committee on the Rights of the Child on The Rights of All Children in the Context of International Migration (2012), of the 214 million people that live outside their country of origin, 33 million (15.4%) are below 20 years of age. The spread of these children and young people across the globe does not happen evenly. The numbers that find their way to richer industrialised countries/nations is small. For example, across Africa, children and young people constituted around 28% of migrants. This contrasts with Europe and America, where children and young people make up only around 10 to 11% of the migrant population.

Some of these children arrive in host countries having made the journey alone, being pushed or pulled across international borders by exploitative and dangerous others (Kohli, 2007; Mougne, 2010;). It is these solitary children that are considered here. In international policy terms, this group of children tend to be identified and understood as ‘separated children’ (UNCmRC, 2005). ‘Separated children’ is a term that is commonly used across a number of international and regional jurisdictions to refer to children that are under the age of 18 years, and are “outside their country of origin”, “have become separated from both parents, or from their previous legal or customary primary caregiver but not necessarily from other relatives…..and includes children accompanied by other family members.” (UNCmRC, 2005:6). Separated children are therefore, by definition, migrant children who have experienced disrupted family relationships and are without their immediate family carers and environment.
There are many administrative categories used to describe the experiences of child migrants both within policy and the child migration literature (Sigona and Hughes, 2012). The administrative category that falls within the scope of this review is ‘separated children’. Separated children are:

Under 18 years of age, outside their country of origin and separated from both parents, or their previous legal, or customary primary caregiver. Some children are totally alone while others may be living with extended family members who are not necessarily their customary or primary caregivers…………(they) may be seeking asylum because of fear of persecution or the lack of protection due to human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to escape conditions of serious deprivation (SCEP, 2004: 2).

It is significant to note that this category is distinct to that used by the UK Home Office. Indeed, the Home Office make use of the administrative category of ‘unaccompanied children’ and while this term is often used interchangeably with ‘separated children’ within the literature, there are differences between them. 4 The term ‘unaccompanied children’ potentially narrows the scope of protection in the sense that it generates ambiguity around whether the category extends to children who arrive with other family members or any other adults that are unsuitable. The term ‘separated children’ on the other hand is unequivocally inclusive of children who arrive with extended family members and any other adults that are unsuitable.

It is estimated that at any given time there will be at least 100,000 separated children living in Europe (IRIN, 2003) and around 10,000 living in the United Kingdom (Refugee Council, 2011), including Northern Ireland. As we note below, within the Northern Ireland context, as in the UK more generally, it is difficult to know the demographics of separated children with any degree of precision. In part, this is because of the lack of consistency in the way

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4 In the Immigration Rules, the Home Office establishes the definition of an unaccompanied child within the context of asylum only. In that context an unaccompanied asylum seeking child is a person that is under the age of 18 years when the application is lodged, as making an application in their own right, as separated from both parents and is without the care of an adult who in law or custom has responsibility to care for them.

http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/oemsectione/chapter26?view=Binary
that definitions are used and applied across different agencies that come into contact with separated children, as well as in the methods they use for the identification of these children (O’Kelly and Bokhari, 2012). Furthermore, distinct child immigration data is only collated for unaccompanied asylum seeking children, a sub-set of ‘separated children’ (Barnardo’s, 2011; O’Kelly and Bokhari, 2012). Counting them is also complicated because some may remain invisible to authorities, and others may only be intermittently visible. What is known is therefore diffused rather than certain, and sometimes anecdotal (Webb and Toner, 2011).

Evidence shows that separated children arrive in their new countries with protection needs that are triggered by different types of risk and vulnerabilities. Firstly, these emerge in countries of origin. Persecution, violence, deprivation, destitution, absence of care, death of family members and exploitation, all appear as recurrent features when children tell their stories (Thomas and Lau, 2002; Bhabha and Finch, 2006; Bean et al, 2007; Kohli, 2007; Chase et al, 2008). Secondly, after departure they experience multiple separation and losses. Whether or not they arrive in their host country with a relative, they are without the care of their immediate family and are known to be more vulnerable to abuse (Bustamante, 2009; Hynes, 2011). Thirdly, risk is enhanced in post-migration contexts and in particular by asylum and migration procedures (Thomas and Lau, 2002; Kohli and Connolly, 2008; Children’s Society, 2012; UNHCR, 2012). For example, on arrival they may be treated as adults and denied the safeguards that are theoretically built into the asylum and immigration system for children; they may be detained and subjected to fast track asylum processing or dispersed to live with unrelated adult asylum seekers; more often than not their claims for asylum will be rejected in the first instance; they may be denied legal assistance and access to appropriate juridical processes; they may be removed under administrative powers either to first or third countries, and be unaware of their rights and not involved in significant decisions about their futures (Smith 2003; Bhabha and Finch, 2006; UNHCR, 2012). These structural risks emerge from contexts where public policies, including those in Northern Ireland, do not address directly the rights of migrant children, and where immigration and child protection systems function in contradictory ways to create protection gaps for separated children, and in particular for asylum seeking children (UNHCR, 2012). In such circumstances they may become ‘closed book’ children, either unable or unwilling to reveal the many layers of details that together make up their migration trajectories (Kohli, 2005).
When separated children arrive into parts of the UK and are known to the authorities they are compelled to encounter multiple structures, processes and people. For the majority of children, these will all be somewhat of an enigma to them and a source of bewilderment, if not fear. As separated children, they will become ‘looked after’ within the child protection framework, and through this will be introduced to a plethora of health and social care professionals; as migrant children, they will become subject to the scrutinising processes of the immigration system and require legal representation; and for children that have been trafficked, they may be involved in the youth justice system or referred into the National Referral Mechanism framework with its additional systems and processes of protection and law enforcement. The evidence suggests that this is a confounding territory for separated children to be catapulted into and that profound difficulties arise for them in deciphering not just the different languages and codes of these systems but where the borders are drawn between them (Kohli, 2007; JCHR, 2012). The evidence also suggests that not only is it a confounding territory but that it is also uneven. Here, the interests of various groups of separated children are seen to be subordinate to the interests of powerful actors, organisations and institutions. For example, evidence shows that the numbers of separated children seeking asylum that are given full refugee protection or indeed any subsidiary protection are low. Indeed, while the numbers of children granted refugee and humanitarian protection has been increasing significantly over recent years, in 2012, only 24.1% of child applicants were granted status in comparison to 30% in the adult asylum population (JCHR, 2013). Instead, 40% were granted ‘discretionary leave’ either for three years or until they turn 17 ½ years of age (Kohli and Connolly, 2008; Bhabha and Finch, 2006; UNHCR, 2009c). Discretionary Leave is a concessionary status granted on grounds that adequate assessment arrangements are not available for them in their country of origin. It is in effect a limbo status, forcing children into a state of having to live their life anticipating a return to danger and harm back in their country of origin (Kohli and Connolly, 2008). A further 36.1% of separated children’s claims for asylum were refused outright (JCHR, 2013) with the overhanging threat of removal to their country of origin or a third country. In recent years, outright refusals have been increasing as discretionary leave has been decreasing (JCHR, 2013). Within the context of these statistics, it is perhaps important to draw attention to the concern that has been raised consistently over the years about the variable quality of asylum decision-making in the UK in child asylum cases (UNHCR, 2009; Bhabha and Finch, 2006; JCHR, 2013) and to suggestions that a system of Guardianship for this group of children would be one way of contributing towards the improvement of child asylum decision-making outcomes (Crawley and Kohli, 2013).
Research in respect of trafficking has tended not to focus on the intersection between immigration, asylum and trafficking and so it is difficult to report on immigration and asylum outcomes. However, what has been highlighted in research terms is the way in which the National Referral Mechanism (NRM) is operating. The NRM was established in 2009 in response to obligations under *The Council of Europe Convention on Action Against Trafficking in Human Beings*. Its purpose is to identify and support persons that have been trafficked into the UK, including children. Support is only provided under the NRM framework if it is determined by the designated ‘competent authorities’ that the person that has been referred into the framework has been trafficked. There are two designated ‘competent authorities’ within the NRM system. The first is the United Kingdom Human Trafficking Centre (UKHTC) and the other is the Home Office. The former is responsible for making decisions in respect of UK or EEA nationals and the latter in cases where there is an asylum application or within the context of other immigration processes. Evidence has shown that rates of decision-making are different between the two competent authorities with higher positive determination rates given by UKHTC for UK and EEA nationals than by the Home Office in circumstances of asylum and immigration (JCHR, 2013; ECPAT, undated). The implications of this are significant given that the NRM, as part of its function, can facilitate discretionary leave for trafficked children as a means of both protecting them against a return to their country of origin and the risk of being re-trafficked and developing a case for the prosecution of the traffickers. Within this context, it could be argued that the interests of the immigration system are being positioned above the interests and safety of separated trafficked children.

**Guardianship: International, Regional and National Standards of Guardianship Provision**

The nature and prevalence of risks for separated children has prompted responses at international, regional and national levels for systems of Guardianship to be implemented (Kohli and Crawley, 2013). The precept that an independent Guardian should be appointed to protect, assist and advise separated children who are subject to immigration processes and procedures is now well established. For example, within international law, *The UN Committee on the Rights of the Child* within their *General Comment Paper No 6 on the Treatment of Unaccompanied and Separated Children Outside Their Country of Origin* (UNCmRC, 2005) have emphasised that:
States are required to create the underlying legal framework and to take necessary measures to secure proper representation of an unaccompanied or separated child’s best interests. Therefore States should appoint a Guardian or adviser as soon as the Unaccompanied or Separated Child is identified and maintain such Guardianship arrangements until the child has either reached the age of majority or has permanently left the territory and or jurisdiction of the State, in compliance with the Convention and other international obligations.

Within General Comment No 6, the UN Committee on the Rights of the Child delineates in general terms the role and function of a Guardian, stating that a Guardian:

(Should) be committed and informed regarding all actions taken in relation to the child. The Guardian should have the authority to be present in all planning and decision-making processes, including immigration and appeal hearings, care arrangements and all efforts to search for a durable solution (UNCRC, Articles 18 (2) and 20 (1).

Furthermore, within Paragraph 31, the Committee defines the background and qualifications required for the appointment of a Guardian:

The Guardian or adviser should have the necessary expertise in the field of childcare so as to ensure that the interests of the child are safeguarded and that the child’s legal, social, health, psychological, material and educational needs are appropriately covered by, inter-alia, the Guardian acting as a link between the child and existing specialist agencies (individuals who provide the continuum of care required by the child...).

The European Union has in recent years also shown an increasing commitment, at least within its legal frameworks, to the rights of the child generally, incorporating parts of the United Nations Convention on the Rights of the Child (UNCRC 1989) into its Treaty on The European Union (Article 3). As an articulation of the EU’s commitment, EU law has also specifically addressed the rights and needs of unaccompanied (but not separated children) and EU Member States have, since the 2003/9/EC Reception Directive5, agreed, by way of Article 19, that a system of special representation in the form of Guardianship should be guaranteed for unaccompanied children across all EU Member States. However, the way in which they have guaranteed this is not without controversy.

While the 2003 Reception Directive establishes, as a minimum requirement, that measures of legal Guardianship should be established for unaccompanied children as soon as is possible, a more recent Directive in the form of 2004 / 83 / EC Qualification Directive recedes on this commitment. It arguably contradicts international standards and establishes a lower minimum threshold around when a Guardian should be available to children, suggesting that this should only happen at the point when children have been granted refugee or subsidiary status. On the other hand, it could be argued that limited comparison can be made between the two Directives in the sense that one deals with procedures and processes of reception and the other with international protection (qualification). Nonetheless some degree of ambiguity is generated between the broader approach of the former and the narrower approach of the latter. While subsequent Directives have not resolved this ambiguity, a return to international standards can be found within the European Commission Action Plan (2010-2014) on Unaccompanied Children (European Commission, 2010). This embeds measures of protection, prevention and return with the aim of addressing the protection gaps for unaccompanied children within and across EU Member States. The Action Plan recommends that States:

- Have a system of Guardianship;
- Adhere to common standards of Guardianship systems;
- Have a system in place that reviews the quality of Guardianship and Guardianship within the context of decision-making; and
- Ensure that a Guardian is available for unaccompanied children at all stages of the process.

On that basis the European Commission confirms that the principles of the UNCRC (1989) will now sit “at the heart” of EU policy frameworks and guidance about the reception, care and treatment of unaccompanied migrant children. The relatively new Trafficking in Human Beings Directive 2011/36 further stipulates the need for Guardianship for unaccompanied migrant children that have been trafficked.  

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Despite these international and regional developments, UK Governments have traditionally been sceptical about Guardianship, refuting recommendations by the United Nations Committee on the Rights of the Child, that the UK should enhance the current framework of protection for unaccompanied and separated children by developing a model of Guardianship. The UK Government’s position has been that there are many different layers of professional involvement in the lives of unaccompanied and separated children, and that to add an extra layer adds to the confusion of roles that children already experience. A central argument has been that social workers in their role as the corporate parents fulfil many of the duties expected of Guardians (Dorling and Hurrell, 2012). Arguably this misses the point that there has been an increasing interdependency between social work and immigration systems over the years (Christie, 2002; Home Office, 2007) which has effectively removed social workers from having an independent safeguarding duty in respect of unaccompanied and separated children.

However, since 2008 there has been some movement at UK Government level towards thinking about the possibility of a model of Guardianship for children subject to immigration control (Bolton, 2012). Legal Guardianship has jointly been supported by all four of the UK’s Children’s Commissioners (UK Children’s Commissioners, 2008; 2011). In 2009, The House of Commons Children Schools and Families Committee articulated its commitment to the need for a system of Guardianship as a means of “ensuring that (unaccompanied asylum seeking children) are properly supported throughout the asylum process, and that swift access to services is arranged on their behalf” (House of Commons, 2009). Furthermore, the Westminster Joint Committee on Human Rights (JCHR, 2013), in their inquiry into the Human Rights of Unaccompanied Migrant Children And Young People In The UK recommended that in light of the ample evidence presented to them on how to make the asylum and immigration process more humane in its essence, protective in its effect and more obvious in its relationship to human rights, that:

> The Guardian should provide support in relation to the asylum and immigration process, support services and future planning, help children develop wider social networks, and ensure that children’s views are heard in all proceedings that affect them (JCHR, 2013, paragraph 175).

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8 See the 2002 and 2008 Concluding Observations of the Committee on the Rights of the Child
The JCHR was convinced by arguments that a system of Guardianship would ‘add value’ to current structures and processes of support and that it would generate better outcomes for unaccompanied children in terms of participation, influence and ‘voice’, durable solutions, improved and sustainable decision making, multi-sector working, and in diminishing the confusion of plural systems, rules and jargon.

While the majority of witnesses to the JCHR inquiry supported some form of systematic Guardianship, including all four of the UK’s Children’s Commissioners, we note that not all the evidence presented to the JCHR was unequivocal in its endorsement of Guardianship. Beyond the standpoint of the Government that Guardianship appears to them to be a replication of the statutory responsibilities and duties within the ‘looked after children’ framework, some evidence suggested that other than the advocacy job of a Guardian, the broader ambit of their role and function was undetermined and as such, difficult to support as a mechanism for the effective realisation of the best interests of unaccompanied children. As one dimension of its inquiry, the JCHR also asked whether a system of Guardianship should have a statutory footing. Some witnesses to the inquiry said that a statutory basis was imperative on grounds that the system would gain more traction and reduce its vulnerability to claims of unprofessionalism and bias, that it would enable Guardians to give legal instruction to lawyers and that it would ensure that its independence was monitored and maintained over time. On the other hand, a non-statutory advocacy service as ‘Guardianship’, akin to the Scottish model (see below), was considered as valuable because it could flow into the gaps sometimes left by statutory services, or could complement, enhance and improve such services through advocacy. As an extension of this point, evidence was also given to the effect that this kind of Guardianship could develop alongside services on the ground that are already providing de facto Guardianship to unaccompanied children.

The UNCRC and separated children

There is no international or regional legislative framework that exists solely to protect the rights and lives of migrant children. However, migrant children, and more specifically, separated children, hold legitimate claim to rights under a number of international and regional frameworks. In particular, the United Nations Convention on the Rights of the Child (1989) is central to the protection of separated children as it embeds norms on general child welfare and protection as well as special protection rights for certain categories of separated children, such as asylum seeking and refugee children (Article 22), trafficked children (Article 35), children living in exploitative contexts (Article 32 and
Article 34 and children living in substitute care (Article 20). It is a framework that is grown around the principle of the best interests of the child (Bolton, 2012).

Bustamante (2009)⁹, appointed as Special Rapporteur on the Human Rights of Migrants in a 2009 report emphasised the significance of the UNCRC for migrant children thus:

*Although the Convention neither focuses on child migration nor defines the migrant child, its provisions are of the highest relevance to ensure the adequate protection of all children in all circumstances, including therefore all stages of the migration process (Paragraph, 31:8).*

While all the rights of the UNCRC have to be understood and engaged as being interdependent, as a *series of articulated bridges* (Kohli et al, 2010: Bolton, 2012), there are 4 core applicable principles that are highlighted by the General Comment Paper No 6 on the Treatment of Unaccompanied and Separated Children that are Outside their Country of Origin (UNCmR, 2005) in the care and protection of separated children. Each of these principles should be used as general principles of interpretation for all other rights as well as for directing implementation strategies.

**Table 2:1 Key UNCRC Articles relevant to Guardianship**

<table>
<thead>
<tr>
<th><strong>Article 3 (best interests)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>This article establishes the principle that all institutions, both public and private, are responsible for giving primary consideration to the best interests of the child in all actions that concern and impact upon them. While this is a broad duty and one that is criticized for being without definition, it can be given more precision and meaning when it is considered as being the right that all others are built upon. Therefore, all the rights that together make up the Convention are in the child’s best interests and all decisions that are made with the best interests of the child in mind, will be ones that engage all other rights</td>
</tr>
</tbody>
</table>

### Article 2 (non-discrimination)

This article establishes the principle that all children should enjoy the rights of the Convention without discrimination. In this respect, the accessibility of rights within the Convention is not something that can only be enjoyed by citizen children but by all children, irrespective of their nationality or immigration status, including those that are in search for asylum, refugee and migrant children and stateless children.

### Article 6 (survival, life and development)

This article establishes the principle that all children have the “inherent right to life” and further establishes the standard that States shall ensure for all children, and to the “maximum extent possible”, their right to “survival, life and development”. It is central to all considerations for the protection of children across time, entailing immediate, medium term and durable solutions, and places obligations on States that extend beyond childhood and into adulthood.

### Article 12 (participation and the right to express views freely)

This article establishes the principle that all children, with sufficient capacity for self-expression, should be enabled to do this freely, and particularly so within the context of judicial and administrative procedures that will influence in their lives. This entails the right to direct or indirect expression. It places obligations on States more generally to generate favourable contexts and mechanisms for expression. More specifically, it engages obligations upon States to establish Guardianship systems for children in immigration and asylum proceedings.10

### Defining Guardianship

Steinbock (1996) suggests that there are two paradigmatic forms of Guardianship for asylum seeking children that are without their primary caregivers. The first is ‘private Guardianship’, which is a form of individualised Guardianship, where a relative known to the child is nominated by the family to act as the child’s Guardian and where they are largely accountable to other family members and friends of the family in respect of ensuring the child’s best interests. The second is ‘state Guardianship’, whereby the responsibility is in the hands of a State official or charitable agency in circumstances where a child’s family is not known, where they have been abandoned, orphaned or are without parental authority. It is this second form of Guardianship that Steinbock (1996) highlights as being the most favourable for asylum seeking children that are in public care in host countries.

As stated earlier, Article 19 2003/9/EC Reception Directive establishes a duty on Member States to ensure the necessary representation of unaccompanied children by legal Guardianship, or by an organisation that has a duty to ensure the care and well-being of minors, or indeed by any other representation. This means that at a minimum, Guardianship is about representation for unaccompanied children. However, this position is somewhat ambiguous and fails to spell out what kind of representation is required of States as a result of the Directive, leaving it open to interpretation as to whether the Directive expects merely legal representation or representation in addition to this around welfare and the developmental needs of separated children. Nor does the Directive establish how States should organise this representation, what the reality of representation should look like and furthermore, who this responsibility should be attributed to and what their competencies and qualifications should be. At the European level then, the concept of Guardianship is open to considerable variability in terms of structure, practice, mandate and actors.

A Guardian as an independent ‘voice’ on behalf of the child

The definition of Guardianship as representation is also found in the General Comment No 6 of the Committee on the Rights of the Child (2005 (See above). However, the obligation of responsibility is extended to representation in respect of all actions, planning and decision-making concerning the child, with specific attention to immigration and appeal hearings, the search for durable solutions, care and education arrangements and the fulfilment of the child’s legal, social, health, psychological, material and educational needs. A significant dimension to the Committee’s definition of Guardianship is that as a function of realising the interests of children, Guardianship requires independence and distance from any agenda that may subvert these interests. This idea of a Guardian as an independent individual has been widely endorsed at the national, regional and international level (Save the Children, 2008; NSPCC, 2008; RMJ, 2009; ENGI 2011; Brownlees and Finch, 2010; Scottish Refugee Council and Aberlour Childcare Trust, 2009; UNHCR, 2009a) as can be seen in the following observations by UNHCR which clearly state that:

An independent, qualified Guardian needs to be appointed immediately, free of charge in the case of unaccompanied or separated children (UNHCR, 2009b, paragraph 69).
The Committee’s rationale for independence has been confirmed, extended and enhanced by several commentators. Firstly, the Independent Asylum Commission (2009:27) states that:

*We believe that a corporate body [...] cannot perform the function of Guardianship in the way that can and should be done by a named individual. Just as named individuals have the responsibility of safeguarding the best interests of a UK child who would otherwise be without such support, we believe the same should apply for unaccompanied asylum seeking minors.*

Secondly, the idea is developed that separated children require an independent adult who is not their social worker to ensure their needs and interests are met. Within the context of evidence that has shown that separated migrant children’s interests are vulnerable to subordination by the interests of powerful agencies, where variability of support is known to be offered to them, both within and across local authorities, and where children may not even have their own social worker to protect their interests in an enduring way, this point is significant. (Children’s Society, 2013; UK Children’s Commissioners, 2008; Crawley, 2007; Wade et al, 2005). As a voluntary sector worker explained in one inquiry:

*Some social workers are great but are constrained by resources, legal duties and the policy framework, and strategic Children’s Services management (Save the Children 2008:7).*

Furthermore, evidence in respect of trafficked children has highlighted a lack of time rich support for trafficked children by social workers and a heightened risk of them disappearing off the radar (Pearce 2011). Within these circumstances, the benefit to children of having an adult who is outside these constraints who can look out and advocate appropriate support for them, has been summed up by ECPAT in their endorsement of Guardianship to;

*minimise the risk of child victims of trafficking going missing, assist in severing their links with traffickers, and provide a secure foundation to begin what, for many, will be a long and traumatic recovery (ECPAT, 2011:5)*

Thirdly, independence is also associated with the idea of the Guardian as maintaining a relationship of trust over time (Bhabha, 2006; RMJ, 2009:10). The proposition is that when a child sees that a Guardian is independent of statutory agencies, the child is more likely to be trusting and open with them about his or her experiences, wishes and needs, and
more likely to experience a Guardian as being on his or her side as an advocate, mentor and protector. Overall, independence and trust are seen in the literature as being interdependent, particularly in contexts of high mistrust, and guarded story-telling (Kohli, 2009), where the stakes for children and young people are high, and the chances of reaching a safe everyday life are slim.

In bringing all these elements together, Guardianship is thus not just about representation, but rather it is about the arrangement of independent representatives that are responsible for ensuring the well-being and best interests of the child.

The overarching objective of General Comment No 6 is to ensure that unaccompanied and separated children:

> Are able to access and enjoy their rights, and to provide guidance on the protection, care and proper treatment of unaccompanied and separated children based on the entire legal framework provided in the Convention on the Rights of the Child, with particular reference to the principle of non-discrimination, the best interests of the child and the right of the child to express his or her views freely (UNCmRC, 2005: 5).

Given that Guardianship is framed centrally within General Comment No 6 as a means of securing and sustaining the protection of separated children, the interpretative assumption deriving from the overarching objective above is that any definition of Guardianship has to be conceptualised as a system of independent representation that has at its very core the responsibility of bringing the principles and provisions of the UNCRC alive in the experiences of separated children.

Within such international and regional frameworks around the need for Guardianship systems, work is now being done that distils what a Guardian is and does. Crawley and Kohli (2013:3) offer the following definition of a Guardian:

> A Guardian is someone who accompanies children and young people when they claim asylum or are trafficked and are cared for by health, education and welfare services. A Guardian will help a child or young person to be actively involved in decisions that affect their life and to get the help they need, when they need it. A Guardian is on the child’s side, can explain what is happening to them, will listen to their views and experiences and speak up for them when needed. A Guardian will also help a child or young person to plan their future, whether in the UK or elsewhere.
While we use this definition in this report, it could be linked more explicitly to the UNCRC, echoing NICCY’s commitment to the rights and best interests of children, as follows:

In all the work that they do, the Guardian will be committed to making the rights of the United Nations Convention on the Rights of the Child meaningful in the lives of the children.

**Guardianship Systems: from law to practice**

In line with international and regional legal standards, many countries have developed strategic policy and legal frameworks for the delivery of ‘Guardianship services’ for unaccompanied and separated children. Alikhan and Floor (2008), in their mapping of Guardianship systems across 42 European States, reported on 31 countries as having some form of professionalised system of Guardianship. One of their main findings was the existence of fundamental differences around the ambit and scope of the work that Guardians do across different national jurisdictions, with some offering Guardianship only as a system of legal representation and counselling throughout the asylum adjudication process, others offering representation and support in respect of the child’s physical and psychosocial well-being, and other systems offering a conjunction of these. High levels of ambiguity were not just found across the systems of Guardianships but also across designated national actors, with some examples of professionals, in their capacity as Guardians, having to move with relative unease into other professional territories. The examples given are social workers giving young people legal advice, and legal representatives advising and arranging education. What their research shows is that the ways in which the standards of international and regional law are being translated and applied within different national contexts is multiple, with each system of Guardianship appearing to be locally grown and specific rather than coherent across national contexts. This has been substantiated by subsequent research (ENGI, 2011; Hancilova and Knauder, 2012; Kohli and Crawley, 2013). In effect, these current differences in Guardianship systems mean that the nature and quality of protection afforded to children within these systems is variable. In many ways, this fits with differences that exist more generally across Europe in terms of the treatment, care and protection of unaccompanied and separated children. Goeman *et al* (2011:5) make the following observation with regard to European approaches to Guardianship:
In some countries specialised Guardianship institutions and legislation apply to separated children, in other countries guardians work in the same Youth Care framework as for national children. Responsibilities, tasks and qualifications can vary per guardian and their caseload can vary from one child up to two hundred children.

Furthermore the mandate of the guardian to decide in the best interest of the child differs amongst the researched countries. The type of protection and care a separated child receives from a Guardian therefore depends upon the country which the separated child has (often randomly) entered. Next to the discrepancies between countries there is often a different level of protection on a regional level and a discrepancy between legislation and practice.

Thus Guardianship structures and processes currently in place for the support of separated children and young people in Europe therefore appear to be locally contingent. Yet, despite this, there are also some replicable elements that can be found across jurisdictions. Alikhan and Floor (2008) and Vestegen and Murk (ENGI 2011) have mapped these. Their research shows that Guardianship is ordinarily within the scope of two institutions - either Government institutions responsible for child welfare and social services or charitable NGO’s; that systems can be professionalised (such as in the Netherlands), voluntary (such as in Sweden) or even sit at the intersection of these (such as in Belgium and Germany), with a preference for professionalised; that there are 3 types of professional affiliation that impact upon the focus of Guardianship – legal, welfare and multi-sectoral, with the most common approach being welfare affiliated. Each of these affiliations determines the character and trajectory of the Guardianship approach. Legal affiliation tends to see Guardians attached to asylum authorities and an emphasis upon supporting children through the asylum adjudication process, child care / welfare affiliated Guardians orient support around welfare, and ‘multi-sectoral’ affiliations where work is conducted across the legal and welfare domains. Vestegen and Murk (ENGI 2011) show that the demographic and legal context within which Guardians are working are so diverse that “one size cannot fit all”. Therefore, what Guardianship looks like within a particular national setting depends on the size, composition and nature of the group of children that arrive there, as well as the character of the child- care and asylum and immigration frameworks.
Yet even in circumstances of such diversity there are strands of work to be done with separated children that are the same. One way of considering what joins rather than divides the various approaches to Guardianship across Europe has been done by shifting focus from strategic legal and policy disharmony within Europe, to considering the role, tasks and behaviours of Guardians in their day-to-day interactions with children subject to immigration control. In effect, practice closes the gaps left in policy and legal frameworks. One good example of such an endeavour is the work coordinated by Defence for Children International across eight European countries – Ireland, The Netherlands, Belgium, Denmark, Germany, Slovenia, Sweden and Italy. Research in each of these countries has produced a country specific report that focuses on the role of the Guardian, the relationship between Guardians and other service providers and the experiences and understanding of children and young people about Guardianship11. Through this collaboration Goeman et al (2011) have developed the following Core Standards of Guardianship Practice. Given that the United Nations Convention on the Rights of the Child (1989) plays a central part within the report by Goeman et al (2011) in terms of their consideration of the context and remedy of the protection gaps for separated children, they make an explicit link between its principles and provisions and the standards of Guardianship practice that they recommend.

11 Available at www.ecpat.nl/p/43/522/mo89-mc97/english
### Table 2:2: Core Standards of Guardianship Practice (Goeman et al 2011)

<table>
<thead>
<tr>
<th>Standard 1: The Guardian advocates for all decisions to be taken in the best interests of the child, aimed at the protection and development of the child (A 3, 6, 12, 18, 20, 24, 27, 28, 29, 31)(^{12})</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Guardian is able to advocate, assess and adjust the best interest of the child on a regular basis, involves all relevant actors and ensures that the assessment of the best interest of the child is based on the views of the child and the individual circumstances.</td>
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</tbody>
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<thead>
<tr>
<th>Standard 2: The Guardian ensures the child’s participation in every decision which affects the child (A 12, 13, 17)</th>
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<tbody>
<tr>
<td>The Guardian provides information in a child friendly way and checks if the child understands and recalls the information, listens carefully to the child and ensures plans are based on the views of the child and shared with the child, is open to feedback and manages expectations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 3: The Guardian protects the safety of the child (A 2, 3, 6, 16, 19, 20, 22, 32-39)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Guardian gives the highest possible priority to the child’s safety, knows the signals of child abuse and trafficking, acts and reports upon signals of any harm or danger, ensures the child knows he/she is welcome to voice anything concerning his/her safety, only breaks the confidentially norm when a child is at risk, ensures victims get appropriate treatment and is open to being monitored on own behaviour.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 4: The Guardian acts as an advocate for the rights of the child (A 12, 3, 5, 18 (1 and 2))</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Guardian is an assertive, committed watchdog, dedicated to defending the rights of the child, shows emotional strength, opposes decisions which are not taken in the best interests of the child and pursues fair procedures concerning the child.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 5: The Guardian is a bridge between and focal point for the child and other actors involved. (A3, 5, 14 (2), 18, 27 (2))</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Guardian keeps in contact with all relevant actors, ensures to be informed about all decisions which have an impact on the child and is where necessary present at meetings, assists in establishing links with the child’s community and developing relationships that give the child a sense of belonging to a family or group.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard 6: The Guardian ensures the timely identification and implementation of a durable solution. (A 3, 6, 10, 16, 18, 19, 20, 22, 24, 27, 28, 34-38)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Guardian ensures the identification of a durable and safe solution and challenges others to prove that their proposed solutions take the best interest of the child as a primary consideration, supports the reunification of the child with his/her family and supports the integration of the child in the host country when this is in the best interest of the child, defends safety guarantees when a child is returned and prepares the child for all predictable changes which will occur after turning eighteen.</td>
</tr>
</tbody>
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\(^{12}\) After each standard we indicate the relevant UNCRC Articles, as in A3, referring to Article 3 on ‘best interests’. This is to keep in mind that the Core Standards are child-rights compliant.
Standard 7: The Guardian treats the child with respect and dignity
(A 8, 7, 12, 13, 14, 16, 30)

The Guardian demonstrates appropriate behaviour, treats the child unprejudiced with respect to the child’s identity, privacy and cultural differences, supports the child in developing peer relationships and shows a flexible approach tailored to the individual needs of the child.

Standard 8: The Guardian forms a relationship with the child built on mutual trust, openness & confidentiality. (A 3, 5, 12, 13, 14, 18 (1 and 2), 19, 20)

The Guardian is always honest with the child, keeps his/her promises and keeps all information confidential unless it is necessary to break confidentiality to keep a child safe, pays attention to verbal and nonverbal communication, is empathic towards the child and gives moral support and makes clear to the child that a child who disappears is always welcome to return.

Standard 9: The Guardian is accessible. (A 5, 18 (2), 20)

The Guardian can be reached easily, lives near enough to the child to be able to respond quickly to difficulties, sees the child as soon as possible after his/her appointment and pays visits to the child on a frequent basis and communicates in a way which fits the age and development of the child, making use of interpreters whenever necessary and contacts the child to keep in touch also when there is no specific need to do so.

Standard 10: The Guardian is equipped with relevant professional knowledge and competences. (A3 (3), 18 (2), 19, 20)

The Guardian is proactive in identifying learning and development needs, manages his/her caseload and available resources, is accountable, works according to a set methodology, knows personal and professional limits, seeks support and counselling whenever necessary and is open to supervision and monitoring.

There are a number of strengths and limitations deriving from these standards. While they emerge from research about Guardianship, they also echo the standards of child welfare practice more generally. To a great extent they resonate with other child welfare professions, for example, social work. They establish a common language of commitment to child welfare in the work that can be done around separated children. In that respect they echo the broader questions of how separated children are treated at the borders of entitlement – whether as a distinct group with very specific needs and rights, or as members of a bigger population of vulnerable children.

They highlight issues of demarcation and territorialism, within which different actors give various definitions of what is meant by the term ‘us’ and ‘them’, and what ‘we’ do about ‘them’. The answers are context dependent.
The Scottish Guardianship Service is an example of developing Guardianship in a context that is similar and different to Northern Ireland. Its notable likeness can be found in the non-devolved legal structures surrounding asylum and immigration, and to some extent the devolved child welfare structures. A chief difference is in the number of separated children each jurisdiction receives (see Table 3.1). In Scotland, following an intensive two year evaluation, (Crawley and Kohli, 2013) it was affirmed that social work and the Guardians had found ways of working together to meet the Goeman et al (2011) Standards, though the path to understanding and differentiating between what social workers and Guardians did was not always smooth. But in time, the establishment of joint protocols, goodwill, and collaborative working, brought order and purpose to the lives of separated children. In the report, it was established that Guardians worked across three domains of practice, as illustrated below: 

Figure 1:1: Scottish Guardianship Service working across the domains of asylum, well-being and social networks

Note that on 1 April 2013 the UK Border Agency was split into two separate units within the Home Office: a visa and immigration service and an immigration law enforcement division.
In terms of the asylum domain, the evaluation showed that there was evidence that the Guardians assisted with the process of making clear and precise asylum claims where possible. They showed commitment to the young people by spending time together and reducing bewilderment by explaining asylum rules and sequences, and by bridging consistently with decision makers. As one legal representative noted:

_The project has made a real difference to the lives and experiences of the young people it has worked with…There is a vast difference in the level of understanding of the asylum process and the ability to engage in it in a positive way to ensure that the information that UKBA need to make the most appropriate decision is communicated_ (Crawley and Kohli, 2013:48).

Within the domain of well-being it was demonstrated that the service worked well as a go-between service, particularly within the fields of education, housing and health, and that this happened on two levels - in getting children and young people linked into and engaged with necessary resources, and of bringing service providers together in the work that they do to enhance the level of provision. The domain of well-being also saw Guardians acting as ‘good lookouts’ and again, operating on two levels – for children and young people in ensuring that the standard of services were good and that service gaps were filled when needed and secondly, on the level of stakeholder organisations to ensure that they were assisted in their duties to safeguard the interests and welfare of children.

Finally, within the domain of social networks, evidence generated by the evaluation tells of the positive consequences of the facilitation of social opportunities by Guardians and the provision of ordinary human spaces for young people to encounter a sense of themselves without the label of asylum seeker, trafficked, looked after, etc. The evaluation emphasised the significance of work within this domain for its ‘normalising’ effect on young people and its capacity to help young people to:

_ live and rebuild their lives away from the stresses of the asylum process and the complex negotiations and difficulties associated with securing their day to day welfare in terms of housing, education and health_ (Crawley and Kohli, 2012: 22).
In summary, with many voices identifying the need for clarity, continuity and coherence in the provision of an independent Guardianship service, the emergence of a review about Guardianship in Northern Ireland has been important, not just for separated children and young people seeking asylum but for wider debates about the value of establishing independent Guardianship systems, the role of Guardians in protecting the rights and interests of separated asylum seeking children and young people and about how they can best operate in the context of interagency working. We turn now to Northern Ireland, and consider what it offers young people who are subject to immigration control.
Section 3: Separated children in Northern Ireland

Separated children have received increasing attention within Northern Ireland in recent years, in large extent due to the efforts of a cross-sector Working Group on Separated Children established in autumn 2010 by a non-governmental organisation, the Law Centre (Northern Ireland). In the absence of existing data and knowledge on the subject, members of this working group (of which NICCY is one) collated preliminary data as to numbers of separated children entering Northern Ireland, mapped existing service provision in relation to their experiences and engaged in policy and practice discourse as to areas of required improvement within the field. As discussed in the results section of this report, matters have evolved since 2010 with increased commitment from government and statutory agencies to recognising and addressing the needs of this distinct group of young people and some clear progress is observable in this regard. That is not to say that further progress is not required, as identified by participants in the focus group and survey in our evaluation.

Extent of the issue

The difficulties of capturing data on the extent and nature of this issue have been well rehearsed in previous work in this field both within Northern Ireland and other jurisdictions within the UK (Webb and Toner, 2011; Law Centre, 2012 & 2013; O’Kelly and Bokhari 2012). These include a historical lack of monitoring and data collection, inadequate awareness of the issue, cross-sector inconsistency of definitions and the fluid and hidden nature of many of these children’s lives. Some attempts at quantification are therefore anecdotal, better conceptualised as ‘best estimates’ rather than a reliable evidence-based empirical count (Webb and Toner, 2011). All that said, in the absence of the latter they do at least offer some insight into the previous ‘known’ scale of the issue within Northern Ireland:

- A VOYPIC survey of the five Health and Social Care Trusts reported that 13 separated children (aged 9 to 17 and from a range of nationalities) presented to social services between July 2009 and November 2010 (Law Centre, 2012).
- NSPCC and Barnardo’s found less than ten separated children presenting to social services in 2009-2010. A UK Borders Agency Freedom of Information request also revealed less than ten applicants (aged 15-17 years inclusive) claiming to be unaccompanied children in 2009-2010; two were subsequently established to be adults (Webb and Toner, 2011).
- Data presented to the Northern Ireland Assembly reports 12 unaccompanied minors referred to social services between January 2009 and June 2012 (Law Centre 2013).

- UKBA reported that six referrals of child trafficking (related to children subject to immigration control) were received between 2009 and November 2012 (Law Centre, 2013).

- In November 2012, according to one report (Law Centre 2013) three unaccompanied asylum seeking children lodged applications in Northern Ireland during 2012. Although as indicated below, Home Office statistics reveal higher numbers.

- Home Office statistics on unaccompanied asylum seeking children indicate a total of 17 claims in Northern Ireland between 2009 and 2012. In the same period Scotland received 125 claims, Wales received 253, and England 7062. In all, therefore the figures suggest that Northern Ireland received 0.28% of all asylum applications by children in the UK between 2009 and 2012.

Table 3:1 Comparing asylum applications by children

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>Total numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Northern Ireland</strong></td>
<td>0(^{16})</td>
<td>5</td>
<td>4</td>
<td>8</td>
<td>17</td>
</tr>
<tr>
<td><strong>Scotland</strong></td>
<td>48</td>
<td>42</td>
<td>10</td>
<td>25</td>
<td>125</td>
</tr>
<tr>
<td><strong>Wales</strong></td>
<td>115</td>
<td>53</td>
<td>40</td>
<td>45</td>
<td>253</td>
</tr>
<tr>
<td><strong>England(^{17})</strong></td>
<td>3011</td>
<td>1617</td>
<td>1344</td>
<td>1090</td>
<td>7062</td>
</tr>
<tr>
<td><strong>UK as a whole(^{18})</strong></td>
<td>3174</td>
<td>1717</td>
<td>1398</td>
<td>1168</td>
<td>7457</td>
</tr>
<tr>
<td><strong>Republic of Ireland(^{19})</strong></td>
<td>56</td>
<td>37</td>
<td>26</td>
<td>23</td>
<td>142</td>
</tr>
</tbody>
</table>

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15 As part of our review, we obtained this information through contact with the Scotland and NI casework team of the Asylum Casework Directorate based in Glasgow. Data was also supplied in relation to decisions. Because of such small numbers we have not cited decisions in this report, in order to preserve confidentiality for individual separated children.

16 The Home Office SNI casework team was set up in June 2009. Their records indicate that no asylum applications by children in NI between July to December 2009.

17 Based on the known numbers in NI, Scotland and Wales as above.

18 Source, Refugee Council [http://www.refugeecouncil.org.uk/policy_research/policy_work/briefings](http://www.refugeecouncil.org.uk/policy_research/policy_work/briefings)

Outside the UK, the Republic of Ireland received 142 asylum claims by children between 2009 and 2012, as indicated in the data available through the Office of the Refugee Applications Commissioner (ORAC). It is very difficult to draw any concrete conclusions as to the extent of the issue from the variable sources in Northern Ireland, given the different terminology employed and the different and overlapping time-periods covered by the data. What they do, however, confirm is that the numbers of separated children known to authorities within Northern Ireland are relatively low compared to England, Scotland and, to some extent, Wales.

It is anticipated that more comprehensive data will be available from 2013 onwards, since a commitment was made in 2012 to collate data on all separated children presenting to social services across all five Health and Social Care (HSC) Trusts. Guidance issued in August 2012 specifies that a Notification Report on Separated Children should be completed for all separated children who come to the attention of a HSC Trust, within five working days from initial contact (copy of notification report included in Appendix 1). The guidance defines separated children as those who are “outside of their country of origin and separated from both parents, or from their previous legal or customary primary care giver”, identifying three sub-categories within this:

- Unaccompanied asylum seeking children;
- Separated Trafficked children; and

The first release of data gathered under this Guidance, and presented in the 2013 Overview Delegated Statutory Functions Report, reveals that HSC Trusts\(^\text{20}\) received a total of 12 referrals for separated children between 1 April 2012 and 31 March 2013. The total number of looked after separated children as of 31 March 2013 was ten, as two young people in Belfast HSC Trust had aged out of the looked after system by that point (HSC Board, 2013).

**Legislative and policy context**

Although most issues relating to children and young people’s lives are devolved matters within Northern Ireland, responsibility for issues of immigration and asylum remain with Westminster (JCHR, 2013).

\(^{20}\) Western and South Eastern HSC Trusts had a nil return.
This presents an inevitable tension as to the effective realisation of the rights of separated children, with multiple authorities and bodies, in different jurisdictions, having responsibility for and/or control of, different aspects of their lives.

The Children (Northern Ireland) Order 1995 is the main piece of legislation governing the care, protection and upbringing of children in Northern Ireland. The welfare of the child is given primacy within this Order, which covers both public and private law, addressing a wide range of issues including child protection, looked after children and services to ‘children in need’. Article 17 of the Order defines a ‘child in need’ as a child who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of services by a HSC Trust or whose health or development is likely to be significantly impaired by the absence of such provision. Article 18 places a statutory duty on HSC Trusts to safeguard and promote the welfare of all such children within their area.

The Gateway team of the relevant HSC Trust initially deals with separated children. This team is responsible for undertaking the initial assessment of the presenting child, liaising with the Home Office (formerly UKBA) and facilitating access to legal representation. Separated children are recognised as ‘children in need’ under Article 17 of the Children (Northern Ireland) Order 1995. In the absence of suitable adult care, most will also qualify for provision of accommodation under Article 21 and potentially become ‘looked after’ under Article 25 of the Order.

All children who are subject to care proceedings, including those separated children who are cared for under this route, should statutorily be appointed a Guardian Ad Litem (GAL) for the duration of the proceedings. The role of the GAL is to advise the courts of the

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21 We note the existence of Schedule 3 of the Nationality, Immigration & Asylum Act 2002, Paragraph 1 (1) (h). On the face of it certain classes of children ('failed asylum seekers' & those 'unlawfully in the UK') could be ineligible for support under Article 18, 35 or 36 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) (welfare and other powers which can be exercised in relation to adults). We understand that where a separated child falls within Schedule 3 the local authority would undertake a human rights assessment and can only provide assistance, following this assessment, to the extent necessary to prevent a breach of ECHR or EU law. In conducting this research, we are not aware of any instance where Social Services have withdrawn or withheld services under the Children Order 1995 by relying on Schedule 3.

22 Gateway operational guidance notes that “In a very small number of cases, if the young person has expressed the view that they do not want to be looked after and is judged competent to look after him/herself, provision of any accommodation and support can be made under Article 18, Children (Northern Ireland) Order 1995” (Belfast HSC Trust, 2012).
child’s wishes and feelings and to independently represent and safeguard their interests. We understand from correspondence during our evaluation that during the period 01.4.12 to 31.3.13 care proceedings were initiated in respect of two separated children.23

If accorded the status of looked after child, separated children are entitled to the full receipt of services provided to the looked after population and the range of commitments outlined within Care Matters, the Children (Leaving Care) Act Northern Ireland 2002, the Children (Leaving Care) Regulations (Northern Ireland) 2005 and the 2012 Standards for Leaving Care Service). As children in state care, separated children are also due all the services and standards outlined within more generic children’s policies and frameworks in Northern Ireland. The 2006 Ten Year Strategy for Children and Young People (‘Our Children and Young People – Our Pledge’), for example, establishes six high-level outcomes that all children and young people in Northern Ireland should be able to enjoy: being healthy; enjoying, learning and achieving; living in safety and with stability; experiencing economic and environmental wellbeing; contributing positively to community and society; and living in a society which respects their rights (Office of the First Minister and Deputy First Minister 2006).24

More recently, the Health and Social Care Board/Public Health Agency Commissioning Plan 2012/13 highlighted as one of its six specified areas of improvement that of “ensur[ing] that the most vulnerable in our society, including children and adults at risk of harm, are looked after effectively across all our services” (HSCB/PHA 2012:3). Specific commitments within this, of relevance to the experiences of separated children, include a focus on support for Gateway services, an early intervention framework for supporting children and families, the development of an inter-agency information sharing policy and a training strategy for children’s services staff (HSCB/PHA 2012).

Whilst access to these protections and provisions is to be welcomed, there remains a clear need to concurrently consider the particular needs and experiences of separated children (as distinct from those of other children in need/looked after children) within published policy documents.

The one route through which this has currently been addressed is the DHSSPSNI/PSNI (2011) ‘Working Arrangements for the Welfare and Safeguarding of Child Victims of

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23 Email correspondence between the research team and the HSC Board, 14th October 2013
Trafficking’, however, as the title suggests this document applies only to one sub-set of separated children; those who are trafficked.

The child trafficking working arrangements outline the respective duties of different statutory bodies in relation to the identification and care of trafficked children, establishing a multi-agency framework for their support and rehabilitation upon entry into Northern Ireland. Whilst acknowledging that their needs are covered within mainstream safeguarding and welfare structures, the document acknowledges the need to give particular consideration to “the special circumstances of children who are trafficked” (DHSSPSNI/PSNI 2011:2) – a consideration that is not yet extended to other categories of separated children.

Previously identified concerns about the Northern Ireland situation
As with many areas of children’s lives in Northern Ireland, there has been a clear disparity between the admirable commitments articulated in documents such as those outlined above and the reality of separated children’s lives. Previous papers published on the issue of separated children in Northern Ireland have identified a number of key concerns about the experiences of, and responses to, separated children within Northern Ireland. Beyond the difficulties with data collection outlined above, these include:

- Lack of recognition of different groups of separated children;
- Concern about identification processes – access to interpreters; inconsistent use of appropriate adults and queries about the degree to which the child’s informed consent is being sought;
- Lack of understanding of, and participation in, immigration and welfare processes;
- Delays in accessing specialist immigration advice;
- Decision-making delays in the immigration process;
- Age-assessment processes;
- Inadequate training of professionals as to the needs of separated children;
- Difficulties accessing educational support;
- Inadequate recognition of, and responses to, potential trauma of experiences pre-arrival in Northern Ireland (in home country and/or during transit process);
- Challenge of transition between child and adult services;
- The number of different professionals that separated children are having to engage with;
- Inadequate inter-disciplinary working to ensure a holistic response to the needs of the child;
• Specific concerns about parental responsibility in the absence of a Care Order;
• Inadequate suitable accommodation options;
• Separated children going missing from the care of social services;
• The potential for cross-border movement and inadequate integrated working in relation to this (Geraghty et al, 2010; Webb and Toner, 2011; Law Centre, 2012 & 2013).

Whilst some of these concerns reflect wider concerns about the looked after population, or indeed other marginalised groups of children within Northern Ireland, it is clear that there are additional concerns that are particular to this population – most notably those relating to prior experiences in their country of origin, the transit and immigration processes, and arrival in a new country – and thus require a more nuanced response.

Recent developments
As noted above recent months have seen early signs of progress as to better identifying and responding to the specific needs of separated children within Northern Ireland. Key developments in this regard, highlighted in existing literature, include:

• The establishment of regional forums to address statutory service provision and service standards for Separated Children. It is possible that these forums could be asked to extend their function to consider recommendations coming for this report, although terms of reference, membership and plan of work would need to be agreed;
• The commencement of collating quarterly data on separated children within the HSCB Corporate Parenting report;
• The development of a Service Framework for Children and Young People and the commitment to include separated children within the remit of the ‘children and young people in special circumstances’ service standard – it should be noted, however, that this is still to be finalised and implemented;
• The provision of preliminary regional data on separated children by the UKBA;
• The resolution of the Northern Ireland Assembly in December 2012 to welcome the report from the ‘Group of Experts on Action Against Trafficking in Human Beings’ (GRETA) and the accompanying call for the Minister of Justice and Executive colleagues to implement the recommendations in the report which relate to Northern Ireland;
• The implementation of a pilot protocol between Belfast Gateway Social Services Team and VOYPIC to ensure that all separated children in Belfast Trust are referred to VOYPICs independent advocacy service within 72 hours.
The role of the advocate is defined as:

- Safeguarding children and young people, particularly when they are in situations where they are vulnerable;
- Speaking up for children and young people who are not being heard, helping them express their own views, provide choices and make decisions;
- Providing information on rights and ensure these rights are adhered to; and
- Ensuring that children and young people receive the services that they are entitled to (VOYPIC, 2012).

In the midst of these encouraging developments in Northern Ireland, the findings from the groups and the survey are discussed in the next section.
Section 4: Results from the survey and focus group

Respondents across the focus groups and the survey expressed a large range of opinions to the questions about what is happening and could happen in consolidating existing good practices, policies and structures and developing them into a more visible, tangible reality for the child-rights compliant protection and care of separated children. This section provides a detailed consideration of the results. Together the group responses and survey results provide a fuller picture that, when linked to the literature in Section 2 and the review of the legal and policy frameworks in Section 3, leads to recommendations and conclusions in Section 5 of this report.

Focus group participants confirmed that from their perspectives the issue of separated children is now receiving increasing attention in policy and practice discourse. However they noted that this is a relatively recent development and many gaps in knowledge consequently remain. In general, the efforts of the ‘Working Group on Separated Children’ and its members were seen as central to the increased recognition of the issue. There were concerns that only children who had come to the attention of statutory authorities were known and counted, and that they were likely to be the tip of a larger group of separated children, some invisible and others only intermittently visible. Two Trusts, namely Belfast and Northern HSC Trusts had comparatively more experience of working with separated children, and that there were currently 10 unaccompanied asylum seeking children within the Belfast Trust and three further children within the Northern Trust. They came from a range of countries, and most were aged 16 or 17 years – an age group that raises particular difficulties in terms of considering care proceedings, for example (see below). Group members felt that they only really understood them in terms of immediate and short-term needs and challenges and had not been dealing with the issue long enough to comment on longer-term outcomes of separated children, nor their histories of departure from their countries of origin, or their experiences in transit countries. Group members referred to young people going missing after arriving in Northern Ireland, and disappearing across the porous land border between Northern Ireland and Republic of Ireland. Respondents identified tensions on the ground between different agencies, generated in part through different ‘care’ and ‘control’ responsibilities of professionals, the historical absence of guidance and structures in dealing with separated children, and lack of facts and figures. In this gap, anecdotes were amplified, and patterns of responses over time were less discernible. These views confirmed the situation on the ground as described in Section 3 of this report, and as described in earlier reports (Webb and Toner...
Respondents in groups also noted, in line with our observations in Section 3:

- The relatively small size of Northern Ireland and the current small scale nature of the issue, potentially lend themselves to the development of a comprehensive and consistent response.
- The integration of health and social care in Northern Ireland, and the nature of governance arrangements, offer a unique context within which to address the multi-layered nature of separated children’s needs.
- The development of a Regional Group on Separated Children, chaired by the HSC Board – however, whilst the existence of this group was welcomed, some participants did express concern that, at present, it did not integrate voluntary sector representation.
- The UK-wide NSPCC Child Trafficking Advice Centre includes Northern Ireland – there is an MOU with the police and HSCB as to its operation in Northern Ireland.
- The establishment of a health-based Practitioner Special Interest Group on asylum.
- Cross-border information exchange on separated children with the Republic of Ireland.
- The development of a Separated Children Protocol between VOYPIC and Belfast HSC Trust.

A consistent thread running throughout the focus groups was that despite this type of scaffolding to support coherent practice there was a dissonance between policies and rules on the one hand and the reality of young people’s experiences. Respondents in the groups offered conflicting perspectives on the degree to which stated arrangements were translated into lived realities for individual separated children. The opinions as stated by focus group members in relation to our three main questions re-emerged in responses to our survey questions. We now report on these primarily in reference to the Core Standards of Guardianship Practice (Goeman et al, 2011), blending respondents’ views across groups and the survey25.

25 Note that quotes are not attributed to individuals, agencies, or services in order to preserve anonymity. However, in cases where the respondents themselves have identified their agency perspective, quotes are unaltered.
As Table 4:1 shows, the majority of respondents to the survey identified themselves as belonging to social care agencies, at operational and strategic levels. There was no response by the Home Office to the survey. This range of contributions probably influenced the pattern of responses made in the survey as a whole. Clearly, unevenness of responses carries risk of bias, and of important and perhaps influential views remaining unrepresented. So the results as laid out below should be treated with caution, as they may or may not faithfully represent the views of major stakeholders who determine the lives and trajectories of separated children, locally, regionally, and nationally.

**Average time spent annually working with separated children**

In beginning to scope the extent of existing commitments by established service providers, the survey asked respondents to nominate the amount of time annually their agency spent in working with children subject to immigration controls. Table 4:2 illustrates their estimates.
Table 4:2 Average time spent by agency in working with separated children

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core: more than 50%</td>
<td>4%</td>
</tr>
<tr>
<td>Minor: 10-49%</td>
<td>7%</td>
</tr>
<tr>
<td>Residual: 0-9%</td>
<td>29%</td>
</tr>
<tr>
<td>None: no contact</td>
<td>61%</td>
</tr>
</tbody>
</table>

Base Sample N=28

As Table 4:2 illustrates, 61% of respondents to the survey indicated that working with separated children formed, at best, only a residual aspect of their agency’s day to day work, with a further 29% indicating that for their agency, it remained a minor engagement with a further 7% having no contact at all with separated children. Together these form 97% of all survey responses\(^{26}\). Only one specialist agency, running a one stop service for asylum seekers more generally, appeared to spend more that 50% of its time in such work, including work with separated children. Comprehensively, respondents were clear that the very low numbers of such children in Northern Ireland meant that very few used their services. In the focus group and survey, we gave a definition to respondents of Guardianship. Overall, respondents considered, despite the lack of exposure to separated children, they had a relatively clear grasp of Guardianship in terms of its potential contribution in Northern Ireland. Table 4:3 illustrates this.

In general, participants’ understanding of the role helped them to shape their choices about the emergence of a specialist Guardianship Service in Northern Ireland. Some, based on their clear understanding, felt that ‘The Guardian would be the one focal point in a sea of agencies and professionals involved with the child’. Others also considered it an ‘unnecessary duplication’ of existing services and practices. As one respondent noted, distilling the views of many:

\(^{26}\) Note that percentage figures are rounded throughout this report to the nearest whole number
I don’t believe that we have numbers of relevant children to justify the implementation of a Guardianship service in Northern Ireland - I also think that there are additional benefits in resourcing social work to fully support the child within the immigration context, to ensure that this aspect of their experience is fully incorporated in terms of support planning. The advocacy role of the Guardian is also critical, but in Northern Ireland this is met through VOYPIC.

Table 4:3 Are you clear about what a Guardian could contribute to the Northern Ireland context?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitely yes</td>
<td>50%</td>
</tr>
<tr>
<td>Probably yes</td>
<td>32%</td>
</tr>
<tr>
<td>Maybe</td>
<td>0%</td>
</tr>
<tr>
<td>Probably not</td>
<td>5%</td>
</tr>
<tr>
<td>Definitely not</td>
<td>18%</td>
</tr>
</tbody>
</table>

Base Sample N=22

These views show a broad pattern of responses that was consistent across all of the 10 Core Standards of Guardianship as delineated by Goeman et al (2011). We discuss this below in relation to each Standard.

Guardianship Core Standards: how they are seen to be met, or could be met in Northern Ireland

Standard 1: ‘Best interests’ (UNCRC Article 3 and others)
We asked survey respondents to consider Standard 1, and particularly its established links to the UNCRC and Article 3. On that basis, we wanted to assess the ways respondents felt that ‘best interests’ were being met within existing arrangements for separated children, within the precept that making a case for the emergence of a new service – if such a service is to exist at all - must always be made through a precise understanding of the foundations upon which it is to be built.
Here respondents clearly articulate a pattern that was also visible within the focus groups – namely that in their view agencies on the ground routinely, and in the majority of times effectively, considered the best interests of separated children. The greatest confidence was expressed by social care agencies, positing their opinion on existing laws, policies and practices of caring for vulnerable children as a whole. As one respondent noted:

*I believe the standard is being met as statutory agencies have invested considerable time and effort in working together to ensure that 'safeguarding' is THE primary consideration in respect of all agencies work with separated children. HSCT Children’s Services staff are the agency with key responsibility for separated children and prioritise the welfare of such children under the provisions of the Children (Northern Ireland) Order 1995. The responsible social worker performs the 'Guardian' role in respect of separated children who become known to services and co-ordinates the efforts of other partner agencies to ensure such children's needs are met holistically.*

Table 4:4 Percentage of times 'best interests' of separated children met within existing service arrangements

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>none of the time</td>
<td>0%</td>
</tr>
<tr>
<td>minority of times</td>
<td>30%</td>
</tr>
<tr>
<td>about 50/50</td>
<td>15%</td>
</tr>
<tr>
<td>majority of times</td>
<td>55%</td>
</tr>
</tbody>
</table>

Base Sample N=20

Around this affirmation there were some hesitations, based on how confident social workers might be in understanding two key matters that separated children bring with them – firstly, in terms of the complex legal and procedural aspects of being subject to immigration control, and all the associated bureaucratic aspects of a case, and secondly, in a more diffused way, of understanding the child as a ‘stranger in a strange land’ devoid of familiarity, and isolated from their roots.
So, some respondents were hesitant around the edges of the claim that existing services could understand and respond to ‘best interest’ in a holistic way. Typically, responses dwelt on cascades of uncertainty surrounding the separated child, as in this respondent’s views:

I think that … we do not take sufficient account of the child’s involvement in immigration processes, in terms of actively supporting them with this process, considering the impact of uncertainty.

Another noted that there were difficulties of building up sufficient breadth and depth of experience in a context of intermittent involvement with separated children, stating that:

Some social workers are aware of issues affecting children subject to immigration control, including trafficked children - but I would say the vast majority have no knowledge/experience of working with these children.

This straightforward exposition illuminates a recurrent theme – that in the context of few numbers, grasping all facets of the work with separated children is a slippery, sometimes accidental process. People struggle to know what do for the best, who to approach, and how to resolve the difficulties separated children face, not just in the present, but in looking back to their past and facing up to their futures. ‘Best interests’ therefore feels more liquid than solid, more haphazard than systematic, no matter how faithfully service providers try to calibrate and apply existing understandings and duties of care. Sometimes it works, other times it does not. The following response captures this liquidity:

‘Best interests’ are] met largely by social services but although it appears there is a process, in practice the system we have cannot address the complex emotional, cultural needs of these children [for a] mix of reasons.

This raises the broader question of how reliably and consistently the best interests of separated children are determined in practice, and applied in ways that are spliced into local frameworks and commitments to the well being of vulnerable children. The respondents appeared to want some form of hybridisation that takes what is good from existing generic practices in Northern Ireland and adds specialist foci to enhance effective practice.
There was also recognition among respondents that the current climate of cuts in public services generates ‘heroic’ practitioners rather than collaborative, coherent and consistent cultures of high professional standards. Instead, there was a noted tendency to push immigration matters away, rather than draw child vulnerability matters closer to practice.

*If [best interests] is being met to any degree it is only because of individual professionals choosing to undertake work to such a standard. There is little political will in government to address such matters because (we are told) "immigration is not a devolved matter." Significantly more effort is currently being put into how to legally exclude non-EU nationals from accessing medical care in Northern Ireland.*

Within this push and pull, with few numbers of children, and only developing clarity about protocols that would work comprehensively for separated children, the respondents were, understandably, hesitant about always claiming that they worked in the ‘best interests’ of children subject to immigration control.

We further questioned respondents in the survey, given their grasp of such problems, whether Guardians could be the answer. **Table 4:5** illustrates their opinion.

**Table 4:5 Is a Guardian needed in Northern Ireland to meet a child’s ‘best interests’?**

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td>In a minority of cases</td>
<td>16%</td>
</tr>
<tr>
<td>Half the time</td>
<td>8%</td>
</tr>
<tr>
<td>In the majority of cases</td>
<td>38%</td>
</tr>
<tr>
<td>Yes in all instances</td>
<td>38%</td>
</tr>
</tbody>
</table>

Base Sample N=13
We should note that Table 4.5 requires some cautious interpretations, because only half the respondents answered the question. Some encountered technical difficulties because they were asked to use a sliding scale, and were thwarted in giving a response, as they could not see how the scale worked. Others considered our question to be a leading question and said so, and may have skipped giving an answer. For those that did, both by using the scale and in giving reasons for their choice, the dominant answers were in favour of having a Guardian for a separated child. Social care respondents had the most divergent views, from not wanting a Guardian at all, to wanting one in all instances, and respondents from legal, health, NGO and police backgrounds were comfortable with the view that a Guardian should be engaged in most, if not all cases.

The range of views is entirely to be expected, and we hypothesise that the distribution may have been more even across the range had more respondents been able to use the scale. We say this for three reasons. Firstly, in our experience of evaluating Guardianship in Scotland (see Crawley and Kohli, 2013), there is caution among social care providers particularly, but in asylum arenas as well, about endorsing a service that appears to replicate what your own service offers, and generates another relationship for a separated child to stick to. Secondly, service providers tend to want to work in the least complex, most elegant system of protection and care, and the prospect of generating another new set of relationships, protocols, memoranda of understanding, and policy documentation, on top of finding money and political will to do so, can seem perverse in economically tough times. So a precept emerges that ‘few is better than more’, for the child as well as the systems around the child. Thirdly, with clear statutory responsibilities already delineated for many services, the prospect of redistribution of legal and procedural authority makes stakeholders cautious. They say they are used to the grid references they already deploy in navigating their ways in working with vulnerable children, and view further changes as unhelpful. Facets of these three reasons were shown by a respondent who said:

_I do not think it is necessary to introduce another system as I believe that the Trust Social Worker is able to carry out this role. He/she can also use existing supports for independent advice and advocacy._

Several counterpoints to this view emerge, at strategic and operational levels. These propose an independent Guardian to be on the child’s side, and by their side as they negotiate their places in new territories, in line with the explicit UNCRC expectations.
Firstly, there is the argument that a Guardian should be there for a separated child precisely because there are too many people that the child needs to negotiate relationships with (and repeat their stories to), and that someone at the hub of their lives will reduce bewilderment and repetition, and ensure from that position that the child fully understands each piece of their jigsaw lives. This ‘reliable conduit’ aspect of a Guardian’s role is well evidenced in the research literature (Smith 2003; Save the Children, 2008; UNHCR, 2009; ENGI, 2009; Council of Europe, 2011). Secondly, there is a view that enduring companionship by a Guardian eases their lives, where continuity of helping relationships matters in contexts of limited time availability. Workers in the statutory sector come and go, they sometimes work exceptionally well, but not always, and may not have time or make time, given intensely demanding caseloads. Discontinuity and variability of practice may hinder the quality of care. Thirdly, advocacy for a separated child may be more difficult to exercise by statutory providers, and may need to happen from an independent service assuring quality of care and legal advice offered to children. These facets –containing continuity, clarity, independence and coherence over time – were reflected in some of the respondents’ comment in relation to the need for a Guardian in Northern Ireland. For example:

A Guardian would be trained in all aspects of the child’s needs and might be better placed to co-ordinate action quickly in relation to meeting all the child’s needs. As it stands it very much depends on the knowledge and skills of the first professional that comes into contact with an unaccompanied child as to the speed of the process that follows in identifying the issues and then access the appropriate levels of support.

And

I believe that Northern Ireland can deliver a specialist service for these children and given the ad-hoc service available to them within Social Services, it is important that there is an independent advocate working on the child’s behalf...

**Standard 2: Participation (UNCRC Article 12 and others)**

In relation to Standard 2, we were mindful that separated children face many challenges about whom to speak to safely, in ways that will maximise their chances of telling a story that is credible in relation to their asylum claim, and more broadly one that will allow them fair access to services that help them to integrate their lives. ‘Participation’ therefore is a core standard that permits children to be lifted up from being objects of concern, to
subjects and authors of their own lives. Table 4:6 illustrates the survey response made to this issue.

Table 4:6 Does Northern Ireland need a Guardian to ensure a separated child's participation in every decision that affects them?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know, or don't have a view</td>
<td>12%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency of practice, so maybe a Guardian can help us all to do this</td>
<td>23%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there is no need for a Guardian in NI</td>
<td>38%</td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>27%</td>
</tr>
</tbody>
</table>

Base Sample N=26

Firstly, there is a majority view, primarily from social care agencies, that the situation is broadly satisfactory in Northern Ireland, and that people on the ground already make some effort to include children’s voices in their work:

Northern Ireland has a sixth High Level Outcome for Children & Young People 'Living in a society which respects their rights', the only nation to have this outcome within its high level strategy for children. The primary legislation, and its associated guidance documents, all promote the child’s participation in every decision which affects the child. The NIGALA has the fundamental responsibility of representing to the court the child's expressed wishes and feelings as well as professional opinions in relation to the best interests of the child. HSCTs, in their exercise of their delegated Statutory Functions, have a duty to ensure that children’s voices are heard in the context of engagement and service provision and that their rights are respected. HSCTs use many methods/tools to ensure children’s participation in decisions that affect them. HSCB and HSCTs also engage with a number of representative bodies to ensure children’s participation is encouraged as fully as possible (e.g.; Participation Network, VOYPIC etc.)
The proposition, reflected across several respondents, is that any child deserves high standards that services have a duty to provide, and that separated children have, as children, a right to expect those high standards in relation to participation. For many, there was experience of this working well in Northern Ireland:

*It is a fundamental part of the social work role to ensure the child's participation - additionally the advocate attends meetings with the child, can represent the child's views, and advocate on their behalf*

For a very small minority, our question appeared biased, as if Guardians were the only way of ensuring participation, which was not our intention. For the majority, the question was about whether the standard is met in practice, and if it is not, whether a Guardian should ensure that it is. In this respect there were divergent views, confirming the gaps that can naturally arise in complex organisations between strategic intentions and practice outcomes. One respondent put this well, as follows:

*A child's participation will only be meaningful in the context of a relationship with a person they trust, understand and who understands what they say. This must be more than a "tick box" exercise (we all may take time to come to a big decision and may change our minds before settling on the final outcome). A child processing their experiences may be confused, take time to process information, etc. and there needs to be a "specialist" who has the child's best interest at heart. It is not possible for every social worker etc. to have the necessary level of skill and time to give*

Here again, two important restrictions are identified. One is simply of having sufficient time. The other is about being sufficiently informed and skilled. Together these can result in variable standards of practice, as noted by some respondents:

*There is regional variation across Northern Ireland in service provision and support for the child. Their voice is often not heard*

*In my experience of representing these children through the immigration process in Northern Ireland, the child is not informed by social services and the voice of the child is therefore not necessarily heard*
Standard 3: Protecting safety (UNCRC Article 6 and others)
As we have confirmed throughout the report, separated children subject to immigration control are particularly vulnerable for a number of reasons linked to their histories, their immigration status, and their uncertain futures. So safety is a paramount consideration in their lives. In relation to Standard 3, we received responses as shown in Table 4.7, below. As is evident from the discussions above, a pattern began to emerge across the survey results, echoing the views in focus groups. A majority view was that safety was a public duty that existing services discharged satisfactorily. Unsurprisingly perhaps, the most unequivocal views were expressed by social care respondents, confirming with regular certainty that their own ministrations to vulnerable children were of a high standard, based on a secure set of laws, policies, guidelines, and cultures of practice.

Table 4.7 Does Northern Ireland need a Guardian to protect the safety of separated children?

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>21%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency of practice, so maybe a Guardian can help us all to do this</td>
<td>17%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there is no need for a Guardian in NI</td>
<td>42%</td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>21%</td>
</tr>
</tbody>
</table>

Base Sample N=24

This is a Delegated Statutory Function fulfilled by HSCT Children’s Services. HSCTs have legal obligations to ensure the protection of children from abuse, ensure their safety and promote their welfare. HSCTs have numerous checks and balances in place to support their fulfilment of these duties. HSCTs are obliged to report to the HSCB in respect of their exercise of Delegated Statutory Functions and Corporate Parenting. DHSSPS also maintains oversight of HSCTs and HSCB performance in respect of Delegated Statutory functions and Delegated Statutory Functions is part of the DHSSPS’s Assurance and Accountability arrangements with HSCTs and HSCB…
Around the edges of this clear view, were some doubts about practice in relation to separated children, based on a perceived gap between regulations and reality. As one respondent from a non social work agency noted:

*Children have been placed in B&Bs, appropriate foster carers aren’t identified and they have gone missing from care homes. I have had social work managers on the phone asking me about their duties to a suspected trafficked child despite Department of Health specific guidance on this. I have little confidence that social workers have the training or support to identify VOTs [Victims of Trafficking] or the time to builds up a relationship to ensure the child knows s/he can voice concerns.*

Another respondent to the survey observed,

*NIGALA believes that all separated children and young people should be considered the subject of Care proceedings as specified by the Children (Northern Ireland) Order 1995. Such an order would ensure that the Trust in which the young person resides would act as a corporate parent and therefore advocate for the children and young person in line with the standards mentioned above. The initiation of care proceedings would also involve a Guardian Ad Litem and a Solicitor in the life of the separated child or young person and as in all care proceedings the Guardian and Solicitor would be charged with advising the courts of the child’s wishes and feelings and to independently represent and safeguard the interests of the child. Whilst the Agency acknowledges that in the past the Trusts have not always sought a Care Order in respect of separated children, our understanding from the Department of Health, Social Services and Public Safety (DHSSPS) is that the DHSSPS expects all Trusts to do so, including in the case of 17 year olds (and despite any debate over the actual age of the young person) and that such children and young people will also be eligible for after care services post 18. The Agency is also aware that the Health and Social Care Board have worked closely with HSC Trusts to improve the consistency of service response in relation to separated children.*

Based on such views, possible models of Guardianship in Northern Ireland began to emerge. We discuss these in our conclusions and recommendations in Section 5.
Standard 4: Advocacy for separated children (UNCRC Article 12 and others)
This standard defines those aspects of a Guardian’s role that place them firmly on the child’s side within the terms of Article 12 of the UNCRC. Among respondents, there was some clarity that this aspect of the role was satisfactorily fulfilled in most instances already, as evidenced by the following comment:

*Each separated child is allocated to a Social Worker whose duties include advocating on the child’s behalf. HSCTs and HSCB have standing arrangements in place to ensure children’s rights are advocated (eg; VOYPIC, Independent Visitors appointed to LAC who have no family contact, GAL in Court proceedings, Helplines etc.). HSCTs operate a representations and complaints procedure in respect of services the HSCT is obliged to provide under the Children (Northern Ireland) Order 1995 as well as a general Complaints procedure.*

Table 4:8 Does Northern Ireland need a Guardian to act as an advocate for the rights of separated children?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>17%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency of practice, so maybe a Guardian can help us all to do this</td>
<td>22%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there is no need for a Guardian in NI</td>
<td>39%</td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>22%</td>
</tr>
</tbody>
</table>

Base Sample N=23

Yet once again, there were notes of caution about making social care the receptacle for meeting all standards, including for advocacy. These views came from NGO’s and legal advisers particularly, but were echoed by health and education colleagues:

*There may be a few social workers in Northern Ireland who are committed to, and understand the issues affecting these children but in my experience these are few and far between*
This is vital. My experience now is that frontline personnel are actively seeking guidance on law with regard to UAM\textsuperscript{27} and that it is relatively recently that senior professionals have taken a close look at the situation.

Perhaps a question to consider further is the way in which these ‘inside out’ and ‘outside in’ views on advocacy differ according to place and perspectives, and the tensions that can emerge between those holding such perspectives. The lessons from Scotland in establishing a Guardianship Service show that it took time for statutory providers to understand and accept the independent advocacy aspect of a Guardian’s role. This was partly based on three main hesitations:

- A DATA (Do All This Already) experience of advocacy by social workers for separated children;
- Having children’s rights officers already on the ground when the Service began; and
- Wanting to resist encroachment by a new Service that was initially poorly understood, and that appeared to replicate existing provisions.

(See Crawley and Kohli, 2012)

In the survey responses and in the focus groups, social care respondents made a sustained case for being effective advocates for separated children. However we note that in the copious literature on advocacy, independence is considered to be a core principle, and refers to the capacity of advocacy services and advocates, to speak freely and effectively, without conflict of interest, in opposition to other public services including those who may commission the advocacy service (Comhairle, 2003; Dalrymple, 2003; Elsley, 2010). So we asked the survey respondents to give us their views on whether a Guardianship Service should be independent of statutory service providers: They responded as shown in Table 4:9.

While a minority were clear that independence from statutory providers was essential, 64% were neutral, did not have a view, or considered it unimportant. Of those that expressed reasons for the choice they made in response to the question, some remained worried that the question itself pre-supposed an answer in favour of Guardianship. For example, one respondent reflected the views of several others in noting that it was not so much a matter of independence, as of making existing systems better:

\textsuperscript{27} UAM- Unaccompanied Minors
The services should be directed to acting in the child's best interests and I believe they are. Agencies have to work together and are cognisant of this. I do not consider a Guardian should be the facilitator or conduit for this joint working. The question assumes that agencies somehow need some kind of independent arbitrator to act in a child's best interests. I disagree with this.

**Table 4:9 Should a Guardianship Service be independent of statutory services?**

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>18%</td>
</tr>
<tr>
<td>Not at all important</td>
<td>23%</td>
</tr>
<tr>
<td>I feel neutral about this</td>
<td>23%</td>
</tr>
<tr>
<td>Essential</td>
<td>36%</td>
</tr>
</tbody>
</table>

Base Sample N=22

Another, in a similar vein was clear that being on the inside of existing systems was better than trying to influence them from the outside:

*...there are advantages to being [in] place in one of these systems- good inter-professional working is crucial in assisting the [young people] to achieve their full potential.*

In affirmation of those already working as social workers, another respondent simply noted that:

*Social Workers can be very effective advocates.*

Of the minority who considered independent advocacy to be essential, concerns clustered on principles and their experiences of existing practices in Northern Ireland. They ranged from, for example, a simple precept that a high level of impartiality and independence is essential; to a more detailed view that independence of advocacy was:
Particularly important because the Guardianship Service should protect rights of the child without fear or favour - there may be significant pressure from any of the offices listed above to exclude children due to lack of resources. There is a special anxiety with regard to young adults and I often perceive pressure to ‘prove’ adulthood / age. Further, there is an assumption that ‘aging out’ is a given with UAMs and there is no form of follow-on care.

The worry expressed in these types of views is linked to and evidenced in other aspects of survey responses, as noted above. It is that despite efforts made by existing services, individual separated young people enter into a lottery, where at times their experiences as outsiders can be calibrated not according to their needs and entitlements, but in relation to resource protective practices. They live in the ‘swampy lowlands’ of day-to-day imperfections rather than the ‘hard, high ground’ of research, policy formulations and principles.  

Such a diversity of views is encouraging in the sense that it shows people with resolve on all sides struggling to think and act in ethical ways to ensure that separated children’s views and opinions are expressed and heard in individual cases. It also gives us a strong impression that a further, patterned picture needs to emerge of day-to-day experiences of separated children in Northern Ireland. In that context, it may be important to consider a way forward. In one instance, the existence of VOYPIC, and its willingness to independently advocate for vulnerable children, appears to provide a foundation for considering NGO based specialist independent advocates for separated children. In another, the claims of effective social work advocacy require systematic evidencing to see if existing practices are sufficiently robust, and should be developed further. Both options are part of existing provisions. One survey respondent, keen not to develop Guardianship as a new and separate entity, summarises this by saying:

The 'Guardianship' of separated children should be fully integrated into existing legislation and service provision and ensure that separated children are afforded the same services as all other children within the jurisdiction, regardless of their

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28 This phrase is borrowed from the work of Schön (1995:42), where he notes that there is a high, hard ground where practitioners can make effective use of research-based theory and technique, and there is a swampy lowland where situations are confusing “messes” incapable of technical solution. … There are those who choose the swampy lowlands. They deliberately involve themselves in messy but crucially important problems and, when asked to describe their methods of inquiry, they speak of experience, trial and error, intuition and muddling through…
immigration status. It is essential that such child are responded to within the existing framework and that services develop to meet their needs as part of the overall provision for children within Northern Ireland and not as an adjunct to such provision. It is important that the needs of such children continue to be effectively represented as they make the transition to adulthood and this should be done within existing frameworks.

On the basis of a further enquiry, if such options for advocacy are considered, they will require systematic and sustained monitoring of processes, outputs and outcomes over time to ensure that what is done adds value to existing practices and arrangements, and brings direct and discernible benefits to the lives of separated children.

**Standard 5: A specialist bridge and hub (UNCRC Article 3 and others)**

In complex and fluid cases, multi-agency, inter-professional communication about vulnerable children is difficult to manage with fluency, accuracy, and at the correct tempo (see Thompson, 2013). Workers in all agencies dealing with the twin perils of volume and velocity of information can sometimes miss the sight and sound of important things among the rubble and noise of practice. For asylum seeking and trafficked children there is strong evidence in the literature that mutual suspicion, unfamiliarity, and the demands of living and working across multiple and intricate contexts can be confounding, for workers and the children themselves (Kohli, 2009, Rigby and Whyte, 2013). Bridges of communication with and about children on the move can get broken. In the survey and in focus groups we asked participants to reflect on the situation in Northern Ireland, and in reference to Standard 5, whether a Guardian was needed to act as a bridge and a hub between services and separated children, in order to generate and sustain clarity, coherence and continuity in their lives. The survey responses are shown in Table 4:10.
Table 4:10 Does Northern Ireland need a Guardian to act as a bridge and hub for separated children and other actors?

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>17%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency of practice, so maybe a Guardian can help us all to do this</td>
<td>30%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there is no need for a Guardian in NI</td>
<td>39%</td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>13%</td>
</tr>
</tbody>
</table>

Base Sample N=23

39% of respondents said that Standard 5 was satisfactorily met in Northern Ireland at present. These respondents were exclusively from social care, with no other professional group expressing the same level of satisfaction. As one such respondent noted:

“This essentially is THE responsibility of the child’s Social Worker (and GAL if the child is involved in court proceedings). The Social Worker has responsibility for ensuring all aspects of the child’s needs are identified and plans made and actions taken to address these. It is important that this system is maintained for separated children and that the obligations of the Children (Northern Ireland) Order 1995 upon HSCTs in respect of separated children do NOT become any different than those for all children generally. Training is provided to HSCT staff to ensure they are additionally able to identify, assess and address the needs of separated children on the basis of their having no-one exercising parental responsibility on their behalf.

For respondents outside social care, views were mixed, as Table 4:10 illustrates. These, as in other instances, took the form of worrying about variability in practice:

To my knowledge, most social workers do not satisfy the requirements in standard 5. There are a few committed social workers but they are the minority.

Communication is scattered and often incomplete (that I encounter).
Currently, it very much depends on the drive, knowledge and skills of whoever first comes into contact with the child making the connections between all appropriate ‘actors’. If that individual does not have the knowledge or skills then the process will potentially be a ‘bumpy’ one for the child with more risk of ‘gaps’ in provision or effective communication.

In such circumstances, a minority view was that a Guardian could prove beneficial, as potentially their continuous involvement in all aspects of a separated child’s world could reassure others that information was accumulated and held in a single place from which multiple aspects were visible.

Although [Standard 5 may be met] to some degree, a Guardian is required as a consistent contact for the child who must interact with several professionals, voluntary sector organisations and community. Consistency is important to ensure balance and safety for the child.

Within focus groups there were further concerns about communicating across borders, not so much across Health and Social Care Trusts as with colleagues in the Republic of Ireland. As several participants noted, Northern Ireland is the only jurisdiction in the United Kingdom that shares its borders with another country, without any border crossings and checkpoints. There are plenty of seaports and places to land and disembark, to disappear and re-appear. In such circumstances, participants worried that only a few children were steadily visible to the authorities, whereas others were intermittently visible, or remained invisible. This labile group of children, particularly those for whom there were trafficking indicators, worried participants. Many of these concerns were case based, with anecdotes about poor information sharing and stories of unsolved puzzles that required attention in Northern Ireland. As far as we are aware, there is little information available between the Republic of Ireland and Northern Ireland at present about the ways in which separated children negotiate such porous borders, or what happens to them when they move, despite the cross-border information exchange mentioned in one of our focus groups. This issue may require further examination, and we are clear, following our searches for information both north and south of the border, that no independent research has yet taken place to reveal the extent and types of movements that may be happening across borders. We are however encouraged to note the views of one participant who said:
It is very important to understand the official statistics as relate to this issue in Northern Ireland and to do so in the context of those of our neighbouring nations. It is also vitally important to understand that Northern Ireland is THE ONLY area of the UK with a land border with another sovereign state AND that considerable work is undertaken through the auspices of the Child Protection Officials Group of the North South Ministerial Council to ensure such issues are addressed on a cross-jurisdictional and cross-departmental basis.

In the Scottish context, we found that Guardians were present in the three domains of asylum, well-being (covering social work, accommodation, health and education) and social networks, as illustrated earlier. They were able to maintain contact with children who had moved within and away from Scotland. They were able, through spending extensive time with such children, to develop accurate biographical information and to use this to frame asylum applications, to obtain resources, and combat isolation. Their working across these domains allowed holistic pictures to emerge. On the basis of the views expressed in the survey and in the focus groups, we have a strong impression that this happens for some separated children at some points, but on the whole is not as consistent as it ought to be. One aspect that some focus group participants noted is that in a relatively small jurisdiction, with good working relationships across professional boundaries, specialist resources could be grafted on to existing structures and processes, without it becoming an unwieldy ‘new’ service for separated children. This requires further consideration and collaboration by the DHSSPS/HSCB as discussed further in Section 5.

Standard 6: ‘Durable solutions’ (UNCRC Article 3 and others)
When considering the lives of separated children, there is a tendency among providers to focus on the child’s present life, and not so much on their past (apart from the asylum story) or their future (apart from the asylum outcome and its immediate aftermath) (Kohli, 2011). Separated young people themselves tend to focus on ‘the present first, the future next, and the past last’ (Kohli and Mather, 2003:208), and workers follow this pattern in general terms, unless there are compelling reasons to re-order the sequence. Arranging asylum processes, and access to education, healthcare, accommodation and social care become dominant pieces of the difficult jigsaw. Waiting for an asylum decision in such circumstances feels, as a young person said in a recent report, ‘like a half life, not a full life’ (Brighter Futures, 2013:16). At the very least, the future is occluded, and uncertainty is everywhere. Unlike citizen children coming into care, there are rarely family reference points for separated children, to check on their stories, and to elaborate on childhood
experiences. There is no reachable extended kinship networks or friends. Landscapes and landmarks are missing. Reunification, in the country of asylum, in the country of origin, or in a third country is very unlikely in most circumstances, due to deaths or disappearances, or restrictive asylum regulations.

It is clearly important in such atomized times to look at sustainable futures, in the context of young people knowing that the chances of obtaining some form of enduring protection that allows them to resettle, is remote. So what does this mean in relation to ‘durable solutions’? The United Nations High Commission for Refugees (UNHCR) defines ‘durable solutions’ as:

Voluntary repatriation; local integration; or resettlement to a third country in situations where it is impossible for a person to go back home or remain in the host country

http://www.unhcr.org/pages/49c3646cf8.html

It posits a number of possible outcomes, all of which require careful planning and preparation. What to discuss about the future, and when to do so, depend largely on the individual circumstances of the young person, so there can never be a ‘one size fits all’ approach. Moreover, we are aware that when workers get to know young people’s biographies, there is a humane tendency to want them to succeed in their asylum applications, and to become tentative about considering options that remove them from the country of asylum. This generates a ‘corridor of uncertainty’ in practice, manifested by a shared reluctance to plan alternatives. Given these considerations, as Table 4:11 shows, there was only tentative confidence in the existing workforce meeting Standard 6.
Table 4:11 Does Northern Ireland need a Guardian to ensure 'durable solutions' for separated children?

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>22%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency of practice, so maybe a Guardian can help us all to do this</td>
<td>26%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there is no need for a Guardian in NI</td>
<td>26%</td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>26%</td>
</tr>
</tbody>
</table>

Base Sample N=23

Respondents generally agreed that their relative lack of experience of work with separated children also meant that focusing on a future durable solution was not done, or not done to sufficiently high standards at present. A number of survey respondents considered that in Northern Ireland:

*We have no experience as yet of working with a young person who is returned. This is an area we would need further training on.*

*In my experience, it is hit or miss in terms of the dedication and support that social workers are able to give to ensure timely identification and implementation of a durable solution.*

*I don't think, presently, that social workers do afford enough consideration to the immigration aspects of the child's experience or that they are necessarily actively supporting the child in this context. I think that this represents a training issue. Of course, it's not just about training, but about resources too.*
A Guardian is required as a person with overview of all the factors (local and global), people (professional, voluntary, community), and legal processes affecting the child who maintains the best interest of the child as their core objective. This takes diligence, time, and forward planning (with a view to the child turning 18).

It should be also noted that strong opinions were expressed about social workers, rather than Guardians undertaking the ‘durable solutions’ work, as with other Looked After Children, within existing legal and procedural terms, no matter what the variability, or worries about variability of standards. There was no foregone conclusion in this instance, as with others, that the answer lies in Guardianship.

Trust Social Workers undertakes this role with all other children for whom they are responsible so it is unnecessary to duplicate this.

Skilled family and Child Care social workers at Senior practitioner level could undertake these tasks.

However, with ‘durable solutions’ as a proven area of complexity in the lives of separated children, there was clear need for further expertise development via training and consultancy. It may be advisable, no mater which option is taken forward in the Northern Ireland context, to consider the ways that the Scottish Guardianship Service has developed and deployed ‘future lives’ thinking for the separated young people that it works with. The SGS Practice Framework\(^{29}\) (SRC and Aberlour Trust, 2013) delineates the following outcome and points that can be adapted in Northern Ireland:

**Intended Outcomes:**
- Young people have opportunity to discuss their future plans and aspirations;
- Young people understand the possibility of repatriation;
- Guardian is honest with young person throughout process and looks at the ramifications of enforced return with young person;
- Young person is prepared in the event of a return;
- Support the young person to constructively consider issues that may be distressing or difficult;
- Help the young person to develop plans and strategies that will assist them if returned to their country of origin;

\(^{29}\) The Practice Framework is available here: [http://www.scottishrefugeecouncil.org.uk/guardianship](http://www.scottishrefugeecouncil.org.uk/guardianship)
• Put arrangements in place within the country of origin to make return easier for a young person;
• Enable returning young people to have photographs and mementoes of UK friends and experiences and, where possible and appropriate, to maintain contacts in the UK;
• Ensure that the young person has been able to exercise their rights in relation to a return.

Key points:
• Preparation for return involves both building personal resilience and planning practical measures;
• The development of English language and other educational skills may be valuable assets for a young person returning to their country of origin;
• Literacy in a young person’s own language is as important as learning English but it is difficult to source and access this type of educational resource;
• Cultural knowledge of the UK and paid or voluntary work experience in the UK may also be a useful resource that can be used on return;
• Some of the psychological processes relating to involuntary return may be similar to those of loss and negative change. As with other experiences of ‘loss’ the effects can be mitigated; and
• The ‘parallel planning’ approach should commence from when a Guardian first starts working with a young person.

Standard 7: Ensuring respect and dignity (UNCRC Article 8 and others)
Ignatieff (1994:10) observes that it is [the existence of] solidarity among strangers…. that gives us whatever fragile basis we have for saying we live in a moral community. For separated children - wherever they get to, and whatever their individual circumstances, service providers continue to face some clear challenges about how to respond to them in ways that bring the notion of ‘solidarity among strangers’ to life, and adhere to the terms of the UN Convention on the Rights of the Child 1989. This is particularly so in reference to Article 2 and ‘non-discrimination’, Article 3 and ‘best interests’, Article 6 and the ‘right to life, survival and development’, Article 12, and ‘respect for the views of the child’, and Article 22, that requires signatory states to offer ‘protection and humanitarian assistance for refugee children, including unaccompanied minors’. Significantly, a sense of contributing to a moral community by service providers means carrying forward a relational responsibility that helps to preserve and protect the dignity of children in such circumstances.
Article 1 of the Universal Declaration of Human Rights, states that:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Dignity, as a moral, political and legal responsibility of signatory states, is embedded throughout the UN Convention on the Rights of the Child, forming a *leitmotif* in the affirmation of children’s universal rights to protection and well-being, and enacted through laws, policies, protocols and cultures of welfare provision across many signatory states. In Northern Ireland, we found the survey respondents to be largely satisfied with the ways respect and dignity showed themselves when faced with separated children, as shown in Table 4:12, with a residual call for Guardians needing to be in place.

**Table 4:12 Does Northern Ireland need a Guardian to ensure that separated children are treated with respect and dignity?**

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>22%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency of practice, so maybe a Guardian can help us all to do this</td>
<td>22%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there is no need for a Guardian in NI</td>
<td>43%</td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>13%</td>
</tr>
</tbody>
</table>

Base Sample N=23

While the views and experiences of separated young people in Northern Ireland are absent about this issue at present, respondents across many services felt that

*Social Worker in children's services are required to assure this in respect of all children they work with. Legislation, guidance policy and procedures all emphasise that children are treated with respect and dignity and consulted with in a manner that is sensitive and age appropriate.*
This is the core value of all adults working with children in Northern Ireland - you don't need to be a Guardian to share that value base. Everyone who comes in contact with a child should treat them with respect and dignity, but in practice it does not always happen; this may be unintentional due to cultural, religious, language barriers (even with those who speak good English)... There are issues of training of all staff.

The emphatic view and largely shared view was that it was the expected norm in Northern Ireland to treat separated children with dignity and respect. While further training (particularly around cultural sensitivities) across all services would enhance the ways that practitioners worked, Standard 7, like many others, did not, the majority of respondents noted, require or justify the emergence of a Guardianship service in Northern Ireland.

**Standard 8: Trust, openness and confidentiality (UNCRC Article 3 and others)**

Ní Raghallaigh (2013), in a study of young asylum seekers in the Republic of Ireland, cites five main reasons that separated children may show a sense of mistrust of people in general but of formal networks of care and protection in particular:

1. Past experiences;
2. Being accustomed to mistrust;
3. Being mistrusted by others;
4. Not knowing people well; and
5. Concerns about truth-telling.

For children living in unfamiliar and sometimes hostile environments, while curating the pictures of their lives with care, trust takes time. Stories are constructed carefully, watchfully, and purposefully at such times, embedded in experiences, as Ní Raghallaigh (2013) points out, that reach deep into the past and extend into futures that may be fearful and hopeful. Within these dimensions, practitioners who are honest, clear, precise, reliable, kind, warm, and emotionally attached (Kohli, 2007), appear to lay down some of the demarcations of trusting relationships that can be built over time.

As shown in Table 4:13, there was confidence expressed by a majority of survey respondents that they did indeed work with these multiple dimensions of trust building with separated children, taking into account their needs as children, as a specific category of children, and as individuals:
Being open, honest, attentive, supportive, empathic, accepting - these are qualities which I would want to see in the relationship between the child and their carer, social worker, advocate - I think that we have sufficient significant adults around the child within the present set of arrangements to achieve this goal, and that it is fundamental to the quality of care that we provide.

Anyone engaging with children should be doing this. Anyone not doing so I would consider may be regarded as breaching the professional code and guilty of poor or even negligent practice.

Table 4:13 Does Northern Ireland need a Guardian to form a relationship with separated children that is based on trust, openness and confidentiality?

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>18%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency</td>
<td>23%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there</td>
<td>41%</td>
</tr>
<tr>
<td>is no need for a Guardian in NI</td>
<td></td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>18%</td>
</tr>
</tbody>
</table>

Base Sample N=22

For those that were less confident about this issue, concerns were expressed about the fluid nature of some separated children’s lives, with children appearing and disappearing at times:

Having somebody trained especially in this area might be better in terms of understanding the nature of 'disappearing and re-appearing' and by virtue of the understanding be more welcoming of the child who 'comes and goes' over time.
For others, existing heavy demands on social work practitioners generated rifts between expectations and lived realities, which training could not fill:

…I would be anxious about people that are already overworked being given you know, told that they are getting training but actually ending up getting in practice extra work for people that are already overworked.

Part of what participants in the focus groups and survey said was that in order to build trust, people needed time. Young people needed an authoritative practitioner who knew about human rights, understood the traction and momentum of asylum issues, could work across professions, and offer consultations to others who were less familiar with the separated child’s landscape of experience. Yet this did not draw out a substantive wish for a specialist service. Indeed, as with other aspects, participants pointed to the need for designated consultant/practitioners within existing services, including an NGO working across the whole of Northern Ireland, who could bridge the divides, see things from several perspectives simultaneously, and gain the child’s trust and professional respect together. Their capacity to ‘see the wood and the trees’, and their location within existing services should be the focus of further deliberation in Northern Ireland.

**Standard 9: Accessibility (UNCRC Article 5 and others)**

Time has a number of facets in a refugee context for children. As noted above, dominating the understanding of refugee experiences is the notion of time spent in limbo (Brighter Futures, 2013). Time is also taken to stitch together episodes into asylum stories, as the narrative plot needs to be sufficiently convincing for decision makers. Time can be slow, or approached at great speed as a decision and its consequences roll out. While waiting, integration and disintegration happen together, while children balance the need to forget, with choosing to remember past times. As time passes and they grow up and get older, they sometimes run out of time.

Time is also a precious commodity - an expensive investment of welfare and asylum provisions. It is constantly measured, accounted for, regulated, segmented and apportioned in balancing needs and resources, particularly, as we observed above, when the volume and velocity of working demands are high, and resources are low. It is in such circumstances that Standard 9’s issue of accessibility emerges. As we have noted above, Standard 9 lays out a number of dimensions of effectiveness in relation to accessibility that separated children should experience with those that are working with them. Firstly, that proximity matters, and that the worker should not be based far from where the child
normally lives. Secondly that prompt and timely interventions matter. Thirdly that a regular tempo of meetings is established. Fourthly that the pace of communication is measured according to the child’s development, taking into account their age, time spent in the local context, and capacity to absorb information in digestible forms, via interpreters where necessary. Fifthly, it emphasises that time should be spent, not just on ‘business matters, but on spontaneous ‘fun’ activities, that may take the edge off feelings about being in limbo and waiting for your fate to be determined.

The evaluation of the Scottish Guardianship Service (Crawley and Kohli, 2013) reported that accessibility by Guardians was shown in all those five ways across the three domains of asylum, well-being and social networks. We were clear that Guardians would take time and make time for children, moving between orienteering, companionship, advocacy and social provision, depending on the needs. Partly, this was the case because they had fewer referrals than anticipated (averaging about three per month over the two year evaluation period), so had more time to deepen and extend their work. But substantially it was because the Guardians invested time, and went out of their way to provide companionship-based practice.

In testing the water in Northern Ireland in relation to accessibility, respondents maintained that broadly, accessible assistance does not require a Guardianship Service. They were largely satisfied that current practices were satisfactory, as shown in Table 4:14.

**Table 4:14 Does Northern Ireland need a Guardian to ensure that separated children have access to assistance when they need it?**

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't know or don't have a view</td>
<td>18%</td>
</tr>
<tr>
<td>While this is done, there is inconsistency of practice, so maybe a Guardian can help us all to do this</td>
<td>27%</td>
</tr>
<tr>
<td>No, this is done satisfactorily, and there is no need for a Guardian in NI</td>
<td>32%</td>
</tr>
<tr>
<td>Yes we need a Guardian to do this</td>
<td>23%</td>
</tr>
</tbody>
</table>

Base Sample N=22
As with other aspects, respondents who said that they were satisfied about current arrangements noted that:

This is key to the role of a child's social worker. When Court proceedings are enacted this role is also undertaken by the GAL.

And that:

There are mandatory contact requirements under regulations and guidance. LAC children are a priority and the Guardian's role as described duplicates the role that others have which won't change even if the service was to be created.

For those who considered that there was further scope for improvements, the reality of everyday pressures was highlighted as a starting point in considering what, where and how improvements needed to happen. One respondent, recognising the possibilities and constraints around accessibility commented that:

These needs are currently met by the social worker, advocate and other significant adults in the child's life e.g. carers - it is probably true though that because the social worker has a statutory role and a busy caseload, they are not as available, and they may not be perceived by the child to be an accessible adult who is consistently there for them and on their side, - advocacy service will also meet these needs.

Building on the picture of current practices and constraints, no one in the focus groups or in the survey considered that good practice was not happening in Northern Ireland. Rather, there was a more nuanced picture of good people in bad situations, doing their best within resources limitations and the constraints of responsibility.

There are a lot of terrific professionals working on the ground now and they just don't have either the time or the resources.

In such situations, some respondents considered that:

A Guardian would be better positioned to respond more immediately. Although several individuals go above and beyond their "job descriptions" a Guardian has this as part of their job description. Contact with the child when there is no specific need to do so is important in the building of a meaningful relationship…
Despite some reassurances being offered by participants, the overall picture in relation to Standard 9 showed much contextual worry about how best to make time for separated children, and the strong impression was of a set of strategic and operational concerns about time being eroded, not so much by a lack of perceived need, so much as by a lack of available resources.

**Standard 10: Relevant professional knowledge and competencies (UNCRC Article 3(3) and others)**

As we have noted, Guardians’ role and tasks appear to encompass elements of social work, asylum law, and youth work that bridge the three domains we have described above. The broad span of their knowledge and competencies joins these together, and when it works seamlessly, should not encroach on expertise in any of those professions, nor their legal or procedural duties. Rather it should complement them within the specialist territory of working with separated children, raising the overall quality of support provided to such children. We use the word ‘should’ deliberately. Finding complementarity is not an easy endeavour, because in each instance there are difficulties of negotiating co-working space that is best for children. Borders of professional responsibilities are crossed, sometimes raising challenges, misunderstandings, and conflict. A key feature, in our experience at least, is that territorialism sometimes leads to wariness, and wariness to ‘border guard’ behaviours, particularly in the asylum domain where the heavy and hard work of making decisions is taking place, or in the well-being domain where resources need to be carefully allocated. So the skills of a diplomat, the knowledge of a therapeutically informed social worker, and the embrace of a quasi-family member, appear in effective Guardianship practice with separated children. It is not an easy requirement. Perhaps because it is not easy, it is intellectually and emotionally compelling, offering workers who commit to it opportunities to move in and out of each segment of a separated child’s life in a companionable way. Training manuals are now available for Guardianship practice (Corcoran and Salcher, 2012), though these require local interpretation and application. In any case, the Practice Framework of knowledge and skills as developed in the Scottish Guardianship Service provides a template for this type of cross-pollinating work (see footnote 28). Among other aspects, it identifies the following:
Asylum and Trafficking:
- Immigration law;
- Immigration policy (particularly relating to asylum and trafficking);
- Immigration processes and procedures (from point of arrival to resolution or exhaustion of options);
- Assessment of age (law, policy, procedure and practice);
- Resources;
- Rights and expected standards (particularly relating to UNCRC, and national child care laws);
- Life experiences of refugees;
- The political context of refugee matters;
- The obstacles associated with language and cultural barriers and the absence of supportive networks;
- Examples of success (process and outcome).

Well-being:
- Child development;
- Communication with children;
- General adversity and resilience matters;
- Refugee-specific adversity and resilience matters;
- Welfare related law;
- Welfare related policy;
- Welfare related processes and procedures (particularly with regard to the relationship between reserved and devolved matters);
- Resources; and
- Rights and expected standards (particularly relating to education, health and welfare processes and procedures).

Social networks:
- Protective value of social networks;
- Social capital as a model for understanding identity, connections and networks;
- Importance of networks in developing independence;
- Value of integration to refugees and to host communities;
- Resources that help separated children feel ‘at home’; and
- Rights and expected standards.
Crawley and Kohli (2013) noted in the in-depth evaluation in Scotland that during Year 1 the Guardians undertook training in a range of issues including ‘Working with separated children’, ‘Working with interpreters’, ‘Child protection training’, ‘Child trafficking’, ‘Mental health/victims of torture’ and ‘Age assessment awareness training’. Year 2 training topics included ‘Roles and responsibilities in the child protection process’, ‘Procedures for joint investigations’, ‘Trauma’, ‘Sexual exploitation’, ‘Promoting positive Behaviours’ and ‘Resilience’. The majority of Guardians were Regulated Immigration Advisers OISC Level 2, giving them the skills and competence to undertake casework with young people and a good working knowledge of current law, policy and practice.\(^{30}\) (Crawley and Kohli, 2013:33-34). They also established regular consultations with a therapist skilled in working with traumatised asylum seeking and trafficked children. They commissioned or provided ample opportunities for social and cultural activities for children, enhancing their skills in building up informal networks of care and protection. In all, as they moved the Service towards coherence, there was evidence of a commitment to deepening and broadening existing knowledge and skills, hybridising aspects of law, social work and youth work in their wake. In examining the ways Standard 10 was being met or could be met in Northern Ireland, respondents were mainly confident that there was a breadth and depth of existing experience that could be deployed in Guardian-like manner for separated children. As with other responses, the majority view remained that a Guardianship Service was not required as shown in Table 4:15.

**Table 4:15** Does Northern Ireland need a Guardian equipped with professional knowledge competencies that are relevant to the needs and rights of separated children?

<table>
<thead>
<tr>
<th></th>
<th>0%</th>
<th>10%</th>
<th>20%</th>
<th>30%</th>
<th>40%</th>
<th>50%</th>
<th>60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don't have a view</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23%</td>
<td></td>
</tr>
<tr>
<td>No, we already many professions that have these attributes, and do not need a…</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Yes we need a Guardian to be equipped like this</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>27%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Base Sample N=22

\(^{30}\) The requirements to practice at OISC Level 2 are set out at [http://oisc.homeoffice.gov.uk/how_to_become_a_regulated_immigration_adviser/guidance_on_competence/oisc_level_2/](http://oisc.homeoffice.gov.uk/how_to_become_a_regulated_immigration_adviser/guidance_on_competence/oisc_level_2/)
Some respondents were confident that, at a strategic level at least, there was good reason to suppose that workers were able to meet the challenges of knowing and doing the right thing by separated children, as evidenced by the following observations:

*There has been considerable emphasis on ensuring that social workers have the relevant knowledge, research, learning and skills to support separated children and actions are currently being led by HSCB to ensure inter-agency and cross-professional learning and cooperation to ensure effective practice with separated children. SBNI have been engaged in these processes as SBNI will contribute to the on-going and future development of inter-agency practice in these areas.*

*Given that this is a developing area of practice arrangements are being put in place to ensure that Trust staff have the requisite skills and knowledge.*

While we accept these views, we are not entirely clear, from the information supplied to us, who has delivered and received what type of training, when it was done, how it has been appraised in terms of its usefulness to practitioners, and whether there are known benefits to separated young people linked to such training. In addition, training that is supplemented by on-going mentoring, coaching and expert advice may help workers to gauge what they require in terms of developing their own expertise over time. Single issue training events, particularly in a context of intermittent contact with separated children, may not be sufficiently robust in terms of embedding and building changes in knowledge and skills development. To some extent this was reflected in the views of many focus group and survey participants who held the view that further specialist training on immigration law should continue to be provided. The quote below illustrates some of the range of aspirations for training:

*Training needed all around with regard to immigration matters in Northern Ireland - not just legal training, but further uptake in matters held under the broad term "culture".*

It should be noted that for some participants, ‘culture’ was a problematic term, used somewhat loosely to exoticise some cultural practices. What was not required, according to these participants, was a recipe about how to be an amateur anthropologist, picking at cultural artefacts. This ‘soft’ approach to getting to know individuals in generalised terms was confounding for them. Instead, they wished for sustained and sustaining contact with.
Someone who is conversant with both Social policy and Immigration Law.

And stated that they

need additional training to assist staff in working with these children, to ensure that plans are in place which will ensure the child's needs are met and best interests promoted, within the context of their experience both past and present, and within the immigration context with all its uncertainties.

In further meeting Standard 10 therefore, the re-established Regional Group on Separated children (recommendation 2) may wish to consider conducting an audit of the efficacy of training that has been provided in Northern Ireland, and to plan, taking the requisite knowledge and skills as defined in the Scottish context, to construct a modularised programme for trainees wanting to specialise in working with separated children in Guardian-like roles. Importantly, due consideration should also be given to embedding expertise, in ways that allows workers ready access to advice, assistance and information that is relevant to the lives and circumstances of individual separated children. The more diffused aspects of ‘culture’ focussing on the regeneration of social networks, are not to be dismissed, but should be treated lightly, in comparison to robust knowledge development in heavier areas of asylum and child welfare.

Statutory powers

As we have noted in our review of the existing literature, the question of whether a Guardianship Service should have statutory powers is answered differently in various European States. In the UK context, the Joint Committee on Human Rights deliberately kept an open mind about the matter (JCHR, 2013:46-49), while supporting the developments of further pilots in England and Wales based on the successes of the non-statutory Scottish Guardianship Service. Despite oral and written evidence submitted to the inquiry by the Children and Young People’s Commissioner for Northern Ireland and the Law Centre (Northern Ireland), the JCHR did not mention Northern Ireland as a site for a Guardianship pilot. While mindful of this omission, we nonetheless asked survey respondents to reflect on whether they considered it important for a Guardian to have statutory powers, taking local and national need and requirements into account.

Numerically, respondents considered that they should, as illustrated in Table 4:16, based on a precept that ‘It is the only way for the office to have any teeth’.

Someone who is conversant with both Social policy and Immigration Law.

And stated that they

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Numerically, respondents considered that they should, as illustrated in Table 4:16, based on a precept that ‘It is the only way for the office to have any teeth’.
Table 4:16 If there was a Guardianship Service in Northern Ireland, should it have statutory powers?

However, many comments cautioned against the assumption that a Guardianship Service was required at all in Northern Ireland. In line with responses to other aspects of the survey, they thought that:

*There is already a statutory Service to provide for children's social care needs. This should not be duplicated.*

For those prepared to entertain the possibility of a statutory Guardianship Service, there was measured caution about the remit of such a service – as one respondent noted, there was still a great need to clarify and specify the extent and limitations of such powers, and of power sharing in a Northern Ireland context:

*I have no idea what this would look like in practice and how this power would interface.*

Tentatively, we would suggest, that it is too early for the question of statutory powers to be considered while substantive uncertainty remains about Guardianship roles, tasks and models of delivery in Northern Ireland.
Consultation with separated children and young people
Following the completion of the evaluation we canvassed widely among stakeholders to find separated young people who could give us their opinions framed within our evaluation, and prospective views about Guardianship based on the 10 Core Standards. Finding young people was an arduous task, and we were eventually able to secure four participants, whom we met through the assistance of various trusted intermediaries. The consultation dwelt on three matters primarily:

1. What they thought separated young people experienced in Northern Ireland;
2. What they thought could improve standards of welfare for separated children; and
3. What they thought of Guardianship as a way forward.

Much of what young people said resonates with our results from the focus groups and survey results. They said that while there was no separate system of Guardianship for them in Northern Ireland, that the professionals involved in their lives, such as their social workers, Guardians ad litem, foster carers, key workers and VOYPIC, already did the work of a Guardian in their own ways. In particular, they spoke of the central role of the social worker in meeting many of the 10 Core Standards and of them having a Guardian-like role.

*My social worker has seen me from the beginning, maybe 2 or 3 times a week and then after a wee while it went down with time when I settled. The social worker did exactly the same (as a Guardian). They were all about my health and trying to get me into education and they did nearly all that really. Getting me to the doctors and everything. So I would say they are a Guardian really.*

*In Northern Ireland ‘Guardians’ are divided into two. Your foster carer and then most of the responsibility is with the social worker. They have the main responsibilities for you, things like medical treatment, while the foster carer makes sure that you go to school, save, feed you. The foster carer and the social worker have been like a mum or dad since they have the decisions like the mum and dad.*

Young people considered that one of positive things about having the social worker in their lives was that they trusted them and what they did for them. They thought this level of trust was important because the social worker has to introduce them to other professionals. Trusting their social workers helped them to trust other adults.
When you come to this country you have too many people around you. You feel paranoid, kind of, everybody knows about you and you won’t feel comfortable. But if you trust one person first and then later on somebody else comes along you would have had a little bit of trust to be able to trust them. The social worker at first helps you with all that stuff and then when I had my Guardian ad litem I was more confident with them because my social worker knew them.

However, they also said that the social worker was less able to help them with their asylum and immigration claims.

The social worker cannot do anything. No one can help you with your stay........No one explains the asylum process and that would be helpful.

In these instances, in the absence of a specialist Guardian for separated children they spoke of the social workers acting like connectors to get them linked in with safe and trusting professionals that could help them, such as Guardians *ad litem* and solicitors. Overall, young people spoke of feeling confident that their solicitors were there for them and working hard for them to achieve a fair decision from the Home Office.

While young people felt that the 10 Core Standards were more or less met, they also thought about things that would allow them to be better met. They thought about their own ideas about this before we asked them to consider our ideas. Young people were a little wary about having another professional involved, whose work they felt was similar to the social workers’, because they felt they already have too many professionals around them and said things such as “you only need one person.” This was considered important to them because it is very difficult to have to tell your story over and over again to different people. One of the things that was suggested by them to improve how these standards are met was that social workers are trained to meet them.

They could train the social workers to do this rather than have so many people….You already have a social worker doing this stuff, it saves a lot of money. Your social worker *is* the biggest person you will come across that will be involved with you in every area of your life. Why do you want to go and get an extra person. Why can’t they do everything. You know their face, you know them. If they are there for you why can’t they just keep it as the social worker.
While young people preferred keeping social workers as their key ‘Guardians’, they also spoke about how helpful an NGO such as VOYPIC can be when there is a clash of interests between what they want and need and what social work is doing for them.

Finally, young people thought about the option of an independent system of Guardianship, suggesting that it could be important for “simplifying the process”. However, they also said that it would only be worthwhile if it had legal power to make sure their interests were being met in the asylum and care systems and legal power to challenge decisions that would be bad for them.

Statutory footing would be good for challenging immigration, if they refuse immigration. This would make young people feel more comfortable if young people knew there could be a separate service that could legally challenge the decision of the Home Office.

They will be able to fight better for you and if they can’t do it legally then what is the point. They can’t really do their work.
Section 5: Conclusions and recommendations

We have described the situation of separated children in Northern Ireland and Guardianship within international, national, regional and local legal and policy frameworks, taking account of the facts, as they are apparent to us. We have also faithfully distilled the views of key stakeholders, via focus groups, and a survey. It is encouraging to note that since 2010, important steps have been taken to standardise the quality of care offered to separated children in Northern Ireland, as summarised in Sections 3 and 4 of this report. Ultimately, the UN Committee on the Rights of the Child will consider whether and to what degree these are child-rights compliant during the next reporting cycle. In the meantime there is every reason to maintain the momentum gained thus far, and to gather further specific evidence that leads to consolidation of good practice.

1. Should there be a stand alone Guardianship Service for separated children in Northern Ireland?

In considering a proposal for the most appropriate model of Guardianship for separated children in Northern Ireland, our wider experience shows that Guardianship works well as an independent and dedicated ‘whole’ service that does not ‘belong’ to any statutory service. Whether it has or should have statutory powers in addition to independence is a moot point, as noted by JCHR (2013). Having its own distinctive identity, framed within the UNCRC such a Service as a rights-based organisation leads to children both understanding what a Guardian is, and what they do in a distinctive way. In addition, Guardians having time to develop close and companionable working relationships with separated children, has been shown to be a key aspect of children feeling safe, feeling a sense of belonging within a Service, and being helped to be successful in their lives. In its independent form a distinctive Guardianship Service can complement, support and enhance all services that work with separated children subject to immigration control.

However, as evidenced in this report, a large proportion of our respondents thought that the number of separated children should substantially influence the model of Guardianship that develops in Northern Ireland. On the basis of accepting such views, we consider there is not yet a case for a stand-alone service such as the one developed in Scotland, or in other European countries.

Recommendation 1: Exploring the possibility of a stand-alone Service

In the future if numbers of separated children increase, the option of a stand alone Guardianship Service requires careful monitoring and review over time by DHSSPS/HSCB and other stakeholders including the Home Office, NICCY and relevant NGO’s working
with separated children. We would suggest that a threshold is established of the numbers of separated children that would be required to tip the balance in favour of a stand alone Guardianship Service, alongside a business plan that allows a Service to co-exist alongside other services for a period of time sufficient to allow a detailed evaluation of its impact and effectiveness.

2. Specialist training for staff within all services in contact with separated children, focusing on rights, needs and entitlements
We note the evident concern among the professions about their confidence and competence in dealing with the complex legal and procedural aspects of children who are subject to immigration control, as well as responding to children who may be traumatised and are isolated, far from their families and kinship networks of origin. We also heard of examples of effective responses, though these generate little islands rather than a solid landmass of good practice in working with separated children in Northern Ireland. Clearly there is room, and there is willingness for consolidation and improvement via systematic and sustained training in relation to asylum, well-being and social network regeneration. So this consideration is relevant to any of the models defined below.

**Recommendation 2: Providing specialist training for staff**
We strongly recommend that the Regional Group on Separated Children is re-established to take forward key recommendations set out in this report. This Group, which would be led through the DHSSPS/HSCB, should be made up of professionals from key statutory agencies and involve relevant NGO Groups.

The Regional Group on Separated Children should, on behalf of the DHSSPS/HSCB audit staff across all sectors that have undertaken ‘single event’ training to gauge its impact on practice. The audit should lead to considerations by DHSSPS/HSCB of how single training is supported by mentoring, coaching by specialists, and further systematic training. We have given a comprehensive account of the types of training a Guardian should undertake. This may provide a prototype for the construction of an audit, and for the emergence of a modularised programme of learning for those wanting to work with separated children.

3. Numbers and circumstances
Between 2009 and 2012 there were very few children who claimed asylum in Northern Ireland in comparison to the rest of the United Kingdom – less than one third of one percent (see Table 3.1). Consequently there appears to be only intermittent experience
across Northern Ireland of working with them, or the broader group of separated children. Record keeping via the HSC Board is relatively nascent. The known numbers claiming asylum are likely to be part of a bigger, more complex and fluid picture, within which children who are separated but not claiming asylum need to be counted, as well as those who may be only intermittently visible to the authorities, being moved across Trusts, or across the border to and from the Republic of Ireland. This raises issues of what is to be done in terms of better serving the few that appear to be present. Firstly, we consider that a fuller profile of their circumstances and needs should be built up by maintaining the use of the HSCB Notification Report template (see Appendix 1), if confidentiality and anonymity can be assured. Over time this will allow patterns of responses to be contextualised that can better explain incidents of concern. The ‘many gaps in knowledge’ that focus group participants referred to shows, in our view, a poised awareness of wanting to move from incidents to patterns of understanding.

**Recommendation 3: Creating clarity and precision about numbers**

The DHSSPS/HSCB should consider who takes responsibility for coordinating the completion of a fuller picture of the facts in relation to separated children. This should include systematic liaison with the Home Office to determine figures for those children seeking asylum in Northern Ireland, those who are trafficked, age disputed, in detention, or those who may not be directly visible through data collected via the Notification Report. Children on the radar and under the radar need to be counted. Consideration may also be given, while such a picture is developed, of how the origins and future trajectories of such children are monitored, and how these impact on the ways the Core Standards of Guardianship as stated by Goeman et al (2011) are met.

**4. Understanding existing Guardian-like practices**

We are encouraged to note that in the focus group and survey, many respondents said that they understood the concept of Guardianship for separated children (see table 4:3). So dismissing the notion of a Guardianship service did not appear to be based on misunderstanding Guardianship per se. Rather, it was based on two major factors. Firstly, that the majority of respondents clearly considered that the Core Standards of Guardianship were largely being met by existing services. Secondly, that on the basis of receiving relatively few separated children within the Northern Ireland jurisdiction, a new service was not warranted. We note however that further work needs to be undertaken to distinguish claim from fact via systematic monitoring of all service providers, to evidence good, indifferent and poor practices in working with separated children.
Claims that services are meeting, among other matters, ‘best interest’ under Article 3 of the UNCRC, participation under Article 12, and non-discrimination under Article 2 need to be evidenced systematically over time.

**Recommendation 4: Understanding existing practices further**

The Regional Group on Separated Children, on behalf of the DHSSPS/HSCB, should monitor precisely how the Core Standards, and thereby the UNCRC, are being met in practice by social workers, immigration officers and other health, education and welfare professionals in order to join up some of the disparate views that we uncovered. The Home Office should therefore be invited to take part in this monitoring process. Due consideration could also be given to independent monitoring through NICCY, within defined reporting cycles.

**Consultation with separated young people subsequent to the evaluation**

Following our exploration of stakeholder opinions, we were only able to glimpse the views of separated children in Northern Ireland via four separated young people whom we consulted. It is difficult to see patterns of children’s views while so few were available. However, we note that the children said that professionals involved in their lives, such as their social workers, foster carers and key workers or advocates did the work of Guardians. In particular, they spoke of the central role of their social worker in meeting many of the 10 Core Standards. They wanted better training for social workers. They did not want more people in the system, but hoped, if a Guardianship system was constructed, that Guardians would have legal powers to challenge decisions that were bad for them.

**Recommendation 5: Gathering children’s views over time**

We suggest that further work is undertaken by and with adults with whom separated children and young people have trusting relationships, to gather their views over time. This may reveal much greater detail and pattern about how things are for them in relation to the Core Standards, no matter who is doing the work. Further measured steps need to be taken to understand their experiences and remedies. NICCY could lead on further considerations of how to take this forward to generate a child focused picture over time.

In the context of the above recommendations we now turn to the options available through which Guardianship could be considered further. Recommendations 6 to 8 are therefore related to these options.
A model of Guardianship: the options at present

Across Europe there are different forms of Guardianship. Many, as we have noted in this report, are locally grown. Whatever their particular shape, each UNCRC signatory State needs to ensure that they are child-rights compliant in design and delivery over time. We also note that the Joint Committee on Human Rights (JCHR, 2013) did not mention Northern Ireland as a site for a Guardianship pilot. However, we saw good evidence of working papers, protocols and robust opinion about models of Guardianship grown in the Northern Ireland context. In this report, we consider a range of options, of which a stand-alone service was one, now discounted for the reasons given above. Of the ones remaining, the following options need appraising, in terms of strengths and limitations, and benefits to separated children, based on further local evidence. It would be advisable to construct and pursue not just a single option but a map of the ways Northern Ireland could provide an example to the rest of the UK by linking some of the options we discuss below. They are not presented here in any order of preference. From children’s points of view, what matters is to have a faithful champion and companion alongside them on their arduous journey, who, as we have noted in the report, will be on their side, and by their side as they arrive, stay, or leave the United Kingdom.

A: NIGALA taking responsibility, if all separated children were to be subject to care proceedings

We note the claim that in Northern Ireland separated children should all be subject to care proceedings. We have cited one respondent’s view that the DHSSPS expects all Trusts to do so, but are not clear how widespread this opinion is, how well known it is among stakeholders, or how systematically it has been operationalized. Certainly having an independent GAL representing the child would reinforce child welfare principles as being the primary consideration. Secondly, issues of statutory authority for Guardians could be resolved through such an arrangement. But a GAL involvement through childcare proceedings is time limited, and may not always be appropriate for 16 and 17 year old separated children (see s50(4) of The Children (Northern Ireland) Order 1995). Also there is evidence that children benefit from enduring relationships with their Guardian throughout their lives, not just within the time limits of care proceedings.

Recommendation 6, related to the NIGALA option

The DHSSPS/HSCB should fully consider this option, on the basis of a precise understanding of the ways in which care orders and the involvement of a GAL has benefitted separated children in Northern Ireland already.
An alternative or additional way forward may be to consider NIGALA involvement in assessing the best interests of separated children via an independent report to the Home Office and Immigration and Asylum tribunals and subsequent courts. The NIGALA option requires further exploration. At this time, this model of Guardianship in the UK would be particular to Northern Ireland, as it is neither proposed nor tested in England, Wales and Scotland.

B: An independent NGO with specialist advocates acting as Guardians
The model of NGO based work is proving effective in Scotland in meeting the Core Standards of Guardianship. While it is a stand alone service given the numbers there, we have highlighted the potential for NGO’s in Northern Ireland for the development of specialist staff in Guardian-like advocacy roles, underpinned by training and by the deployment of protocols in all matters to do with separated children and their circumstances. We have noted the role played by VOYPIC as an NGO in using advocacy to ensure that children in care are safeguarded in terms of meeting requirements under Article 3 and Article 12 of the UNCRC. Its independence from statutory services is a key aspect of its existing provision.

Recommendation 7, related to an independent NGO
The DHSSPS/HSCB should fully consider this option, on the basis of a precise understanding of the ways an NGO could be funded and further developed in the Northern Ireland context to advise, assist and befriend separated children, and to work alongside statutory service providers, while monitoring the ways in which the Core Standards of Guardianship are met by all services.

C: Experts embedded within existing statutory services providers to act as Guardianship consultants to others
Apart from the NIGALA and NGO options, some respondents noted the value of a ‘consultant social worker’ role, specialising in separated children, while working within statutory services. For these respondents, independence was not a necessary precursor to effectiveness, but expertise was. It is possible, as the European evidence suggests, for a social worker to act as a Guardian. In some instances, post-qualifying training in Guardianship is a precursor to taking a Guardianship role, as there is a natural fit between understanding the world of the child as a social worker and as a Guardian. If a ‘consultant social worker’ role were developed in Northern Ireland, then the logistics of access to their expertise would also need to be considered.
In Scotland at present, the Guardianship Service is for the whole of Scotland, though located in, and mostly working within the Glasgow area, given the concentration of separated children there, and their uneven distribution across Scotland.

**Recommendation 8, related to experts embedded in statutory services**

If this option is chosen, we recommend that the DHSSPS/HSCB give careful consideration to ensuring the development of a person specification to include roles and tasks, training requirements, mentoring and coaching responsibilities, and accountability that mirror the Core Standards. We recommend the development of a prototype person specification, hybridising current person specifications for child care social work in Northern Ireland with the specialist requirements of a Guardian.
Concluding comments
The research shows that standards of good practice with separated children are currently coalescing in Northern Ireland. There is emerging evidence of taking a systematic approach to ensuring that the Core Standards can be met and further developed in practice, and therefore the ways in which a child-rights compliant model of practice may be emerging. Yet there are still a variety of concerns that there is some way to go before all stakeholders feel confident about delivering services to separated children that fulfil their duties to children under the terms of the UNCRC. The facts in relation to the number of separated children in Northern Ireland need to be established more rigorously. Similarly, effective Guardian-like practices need to be understood in further detail, including current evidence of:

- Meeting ‘best interests’;
- Ensuring participation;
- Protecting safety;
- The quality of advocacy;
- The merits and limits of an independent service;
- A specialist acting as a bridge and hub of reliable advice and assistance to separated children and their helpers;
- Working to ensure ‘durable solutions’;
- Ensuring respect and dignity;
- Enabling trust to emerge, as a foundation for openess and confidentiality;
- Accessibility, and the ease with which separated children access help; and
- The growth of relevant professional knowledge and competencies.

Creating such a map of understanding will entail obtaining further detailed evidence from all stakeholders, including separated children subject to immigration control. On such a foundation, it will be possible to create a model of Guardianship that meets NICCY’s aim, to safeguard and promote the rights and best interests of children and young people, including separate children. Our report is one waymark in the process now underway in Northern Ireland.
References


Law Centre (2012) *Joint Committee on Human Rights: inquiry into the human rights of unaccompanied migrant children and young people in the UK with a particular focus on those who are seeking asylum or who have been the victims of trafficking.* Belfast: Law Centre Northern Ireland.


NSPCC (2008) *Policy Summary – Children who are Asylum Seekers or Refugees.* London: UNICEF.


Appendix 1

NOTIFICATION REPORT
ON SEPARATED CHILDREN

August 2012
The Notification Report on Separated Children should be completed for any child or young person who comes to the attention of a Trust and who falls within the definition of a separated child. Separated children are defined as “children who are outside of their country of origin and separated from both parents, or from their previous legal or customary primary care giver”. For the purposes of reporting on this group of children / young people separated children are categorised under three broad headings and associated definitions

Separated Children Categories:

1. **Unaccompanied Asylum Seeking Children: A child who is:**
   a. Applying for asylum in his / her own right;
   b. Separated from both parents and is not being cared for by an adult who by law has responsibility.

2. **Separated Trafficked Children:** A child is a victim of trafficking if he / she has been moved to a situation where they are being exploited. DHSSPS Guidance further defines this as the recruitment, transfer, harbouring, or receipt of a child, whether by force or not, by a third party or group, for the purposes of different types of exploitation. Exploitation includes, at a minimum, sexual exploitation, forced labour, exploitative domestic servitude, enforced criminal activity, removal of organs.

3. **Separated Migrant Children:** A separated child who is travelling alone as a migrant seeking relief from situations of severe and persistent poverty, deprivation and hardship, or to seek opportunities for a better and secure future. Many of these children are without valid identity or residence documents.

The completed Notification Report must be submitted to the HSCB as soon as possible after the child / young person first comes to the attention of the Trust and **no later than 5 working days from initial contact.**

The completed form should be returned by **email to Tony Rodgers, Assistant Director, Social Care, HSCB and be copied to Shauneen Loughran and Deirdre Coyle.**

Email:  
Tony.Rodgers@hscni.net  
Shauneen.Loughran@hscni.net  
Deirdre.Coyle@hscni.net
# NOTIFICATION REPORT ON SEPARATED CHILDREN

## TRUST DETAILS

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<tbody>
<tr>
<td>1.</td>
<td>Name of Trust:</td>
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<tr>
<td>2.</td>
<td>Name of Person Completing the Notification Report:</td>
</tr>
<tr>
<td>3.</td>
<td>Contact Details: Office No: Email:</td>
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<tr>
<td>4.</td>
<td>Name of Head of Service:</td>
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<td>5.</td>
<td>Contact Details: Office No: Email:</td>
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## YOUNG PERSON’S DETAILS

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<tr>
<td>6.</td>
<td>Name:</td>
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<td>7.</td>
<td>D.O.B.:</td>
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<tr>
<td>8.</td>
<td>Gender:</td>
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<tr>
<td>9.</td>
<td>Country of Origin:</td>
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<td>10.</td>
<td>Separated Child Status: Tick as appropriate (V)</td>
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<tr>
<td></td>
<td>— Separated Asylum Seeking Child</td>
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<td></td>
<td>— Separated Migrant Child</td>
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<td></td>
<td>— Separated Trafficked Child - Confirmed</td>
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<td></td>
<td>— Separated Trafficked Child - Suspected</td>
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## REFERRAL, ASSESSMENT, CARE PATHWAY

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<td>11.</td>
<td>Source of Referral Tick as appropriate (V)</td>
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<td>— Social Services</td>
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<td></td>
<td>— UKBA</td>
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<td>— PSNI</td>
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<td>— Healthcare Teams (Hospital, GP, PC)</td>
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<td>— Voluntary / Rights Based Groups</td>
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<td></td>
<td>— Airports / Seaports</td>
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<td></td>
<td>— Other – Specify detail</td>
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<tr>
<td>12.</td>
<td>Date young person came to the attention of Trust: -- / -- / --</td>
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<tr>
<td>13.</td>
<td>Has a UNOCINI assessment commenced? YES NO</td>
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<tr>
<td>14.</td>
<td>Is due consideration being given to the possibility of the child / young person being a victim of trafficking with reference to DHSSPS Guidance on Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking? YES NO</td>
</tr>
</tbody>
</table>
15. Where trafficking concerns exist, what consideration has been given to preventing the child / young person from having contact with an external person/potential traffickers e.g. removal of mobile phone, supervision arrangements etc?

16. Has consideration been given to the appropriateness of legal intervention to safeguard the child / young person?  

<table>
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<tr>
<th>YES</th>
<th>NO</th>
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17. Specify the legal status of the child / young person at this time:  

- Child Protection
- Looked After – EPO
- Looked After – ICO
- Looked After - CO
- Looked After – Accommodated < 16
- Looked After – Accommodated > 16

18. Specify placement arrangement:  

- Residential Care
- Foster Care
- Young Adults Supported Accommodation
- Other, please specify

19. Subsequent to the placement of the child / young person, has he / she gone missing?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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20. If Yes, detail action taken  

- Notification of Missing Child to HSCB
- Notification of Missing Child to PSNI
- Notification of Missing Child to UKBA
- Other, please specify

21. Is the child / young person still missing?  

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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22. Has the child / young person returned or been recovered?  

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<tr>
<th>YES</th>
<th>NO</th>
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Any other comments:

Signed:  
Designation:  
Date:
Appendix 2: About the research team

Professor Ravi KS Kohli
Professor Ravi Kohli is a qualified social worker. In the UK he has co-evaluated the first system of Guardianship for asylum seeking children in Scotland. On behalf of the Chief Inspector of Borders and Migration, he has conducted thematic reviews of Country of Origin reports produced by the Home Office, considering the ways children are represented in such reports within the framework of the UN Convention on the Rights of the Child. In 2013 he was a specialist adviser to the Joint Committee on Human Rights on the human rights of unaccompanied migrant children in the UK. His applied research is driven by the principle of safeguarding the best interests of children experiencing forced migration. He has worked in this difficult territory over a number of years to ensure that different stakeholders – even those who may be in conflict – respect his views as being credible and informative.

Dr Helen Connolly
Dr Helen Connolly has worked in the field of child welfare and children’s rights for seven years. The main focus of her work has been on the asylum and resettlement experiences of unaccompanied asylum seeking children in the UK and Europe, with a particular focus on the ways in which the UNCRC is understood by them and used on their behalf. She is a member of the Nordic Network for Research on Refugee Children and the Nordic Network for Research Co-operation on Unaccompanied Refugee Minors. Within Europe she is a member of a knowledge exchange and generation platform based at Poitiers University called *la Plateforme d’Experts sur la Migration de Mineurs* and has consulted with the French Red Cross on the reception arrangements for unaccompanied children in Paris. Helen was a consultant to a review for the Independent Advisory Group on Country Information on the ways the context of children’s lives are represented within the Country of Origin Reports. Helen has also been a research team member in examining the lives of looked after children.

Dr Helen Beckett
Dr Helen Beckett has been conducting children’s rights research for fifteen years, with fourteen of these years spent working within Northern Ireland, including four years in the Research, Policy and Service Review Team at NICCY. She has strong knowledge of the legal and policy context within NI and strong links with professionals across the fields of social services, health, criminal justice and education.
Most of her work has been with vulnerable and disenfranchised young people, including those who are looked after, homeless, sexually exploited or going through child protection system. She was lead author of NICCY’s 2009 Children’s Rights Review ‘Rhetoric or Reality’. She has particular expertise in ethically and sensitively engaging children/young people in research/reviews and in the design of youth-friendly research materials and reports. She also has experience of ethical and governance procedures within Northern Ireland.
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