

PRESENTING THE RESEARCH

Professor Ravi KS Kohli

University of Bedfordshire



'Separated' children in Northern Ireland

HSCB Definition:

Unaccompanied Asylum Seeking Children:

A child who is:

- Applying for asylum in his / her own right;
- Separated from both parents and is not being cared for by an adult who by law has responsibility.

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.

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.

Numbers of child asylum applicants 2009-2012

Comparing NI to the rest of the UK, alongside ROI

	2009	2010	2011	2012	Total
NI	0	5	4	8	17
Scotland	48	42	10	25	125
Wales	115	53	40	45	253
England	3011	1617	1344	1090	7062
UK total	3714	1717	1398	1168	7457
Republic of Ireland	56	37	26	23	142

A Guardian in Northern Ireland

Definition

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.

What separated children say about Guardians

Young separated people tend to feel positive about 'their' Guardians: *friends, family members, trusted and reliable companions, trouble-shooters, connectors, diary organisers and guides. They helped reduce bewilderment and loneliness.*

Guardians offer clarity, kindness, repetition, de-briefing, constancy and companionship, elasticity and 'sense-making' in a difficult world.

My Guardian is first of all a person I can trust, to which I can tell everything.....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.

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.

Guardianship: international contexts

The 10 core standards of Guardianship (Goeman *et al*, 2011)

- | | |
|--|------------------|
| 1. 'Best interests' | UNCRC Article 3 |
| 2. Participation | UNCRC Article 12 |
| 3. Protecting safety | UNCRC Article 6 |
| 4. Advocacy for separated children | UNCRC Article 12 |
| 5. A bridge and hub | UNCRC Article 3 |
| 6. 'Durable' solutions for separated children | UNCRC Article 3 |
| 7. Ensuring respect and dignity | UNCRC Article 2 |
| 8. A relationship based on trust, openness and confidentiality | UNCRC Article 8 |
| 9. Accessibility | UNCRC Article 5 |
| 10. Relevant professional knowledge and competencies | UNCRC Article 3 |

Supported by the UNHCR, UNICEF, UN Committee on the Rights of the Child, and JCHR, with evidence of effectiveness of the standards being met in the independent Scottish Guardianship Service.

The NI policy and practice context

Balancing devolved responsibilities for welfare, with non-devolved immigration controls.

Key legal and procedural frameworks

- The Children (Northern Ireland) Order 1995, and associated laws and regulations;
- Health and Social Care Board/Public Health Agency Commissioning Plan 2012/13;
- DHSSPSNI/PSNI (2011) 'Working Arrangements for the Welfare and Safeguarding of Child Victims of Trafficking.'

Key concerns among professionals, including

- Identifying the number, type and spread of separated children in NI;
- Delays in getting and using welfare, health, education and immigration advice;
- Inadequate training of professionals, and numbers of different professionals;
- Lack of joined up working, and confusion about 'parental responsibility';
- Children going missing, including across the border.

What we did

- An extensive research and, law and policy literature review on Guardianship in an international and national framework;
- 4 focus groups with strategic and operational stakeholders in NI;
- An online stakeholder survey;
- A consultation with separated young people.

Questions we asked

- What facts participants knew about separated children in NI;
- What 'good practice' in NI looked like in terms of procedures, resources, policies, laws, and day to day practices;
- Views about Guardianship related to a stand alone service, a specialist role in existing services, designated specialists, further training for the children's workforce, and Guardians with statutory powers;
- How the 'core standards' of Guardianship were reflected in existing or future models of supporting the rights and needs of separated children.

What we found

- 61% of respondents to the survey indicated that working with separated children formed only a residual aspect of their agency's day to day work, with a further 29% indicating that 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;
- Effective practice structures and policies that support such practices are relatively nascent, though encouraging. This perception of relative newness makes people feel uncertain, and rely on anecdote and incident, rather than patterns of effective interventions over time;
- Immediate and short term needs and challenges are apparent, but longer term consequences and trajectories of separated children are less well understood;
- Some separated children are not visible, through movements across the border, or not being classified as 'separated' sufficiently clearly;
- Responses by service providers are perceived to be uneven, with 'heroic' and poor practice in some instances, and tensions about who has a duty to shepherd these children through asylum and welfare systems.

Findings

....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.

Findings...in meeting the 10 Core Standards

The **majority** of respondents in the survey thought that the following Core Standards were **already being met** by service providers:

Standard 1: 'Best interests'

Standard 3: Protection of safety

Standard 5: Bridge and hub

Standard 7: Respect and dignity

Standard 9: Accessibility

Standard 2: Participation

Standard 4: Advocacy

Standard 6: 'durable solutions' not met

Standard 8: Trust, openness & confidentiality

Standard 10: Relevant professional knowledge

Findings...considering Guardianship

No	Maybe	Yes
<ul style="list-style-type: none">• It replicates existing provisions• Too few numbers to warrant a new service• It complicates matters for children and service providers rather than makes them simpler• It adds expense in the context of resource constraints	<ul style="list-style-type: none">• Maybe have specialist posts within existing services?• Maybe provide specialist training to those interested and capable of doing this work?• Maybe someone who can work with a long term perspective towards 'durable solutions' including returns?	<ul style="list-style-type: none">• A Guardian can be at the hub of complexity, and offer a 'holistic' perspective to a child and service providers• A Guardian can be an independent advocate• A Guardian can provide continuity and companionship

Children's views in NI

Based on interviews with 4 young people:

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.

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 .

They could train the social workers to do this rather than have so many people...

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.

Recommendations: understanding the context

A stand alone Guardianship Service in NI

Not yet. Respondents thought the number of separated children should influence this on the future.

Providing specialist ‘Guardianship’ training for staff

Yes, based on an audit of existing and prospective training for working with separated children.

Creating clarity and precision about numbers

Yes, a fuller and detailed picture of separated children in NI needs to be established.

Understanding existing ‘Guardian-like’ practices

Yes, further examination is needed of how claims of meeting the 10 Core Standards fit with the facts.

Gathering children’s views over time

Yes, further consultations with separated children directly in receipt of services to further understand the details of their experiences and remedies.

Recommendations: models of Guardianship

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

- 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 future.

An independent NGO with specialist advocates acting as Guardians, such as the one in Scotland:

- 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.

Experts embedded within existing statutory services providers to act as Guardianship consultants to others:

- The **DHSSPS/HSCB** should 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 10 Core Standards.