

Local Government Finance (Wales) Special Grant Report (No 14) Wales 2002

Special Grant for Unaccompanied Asylum-Seeking Children

Introduction

1. This Report is made by the Welsh Assembly Government (“the Assembly”) under section 88B of the Local Government Finance Act 1988 (“the 1988 Act”) as substituted by section 104 of and paragraph 18 of Schedule 10 to the Local Government Finance Act 1992. It specifies a determination concerning special grants which the Assembly proposes to pay certain county and county borough councils in Wales.
2. This Report specifies the Assembly’s determination of the purpose for which the grants are to be paid, the authorities to which the grants are to be paid and the manner in which the amounts of the grants are to be calculated. It also sets out such explanation as the Assembly considers desirable of the main features of this determination and specifies the conditions which the Assembly intends to impose on the payment of the grants to which the Report relates.

The Purpose

3. Pursuant to section 88B(3)(b) of the 1988 Act, the Assembly hereby determines the following purpose for which special grants are to be paid: -

To provide support to receiving authorities in Wales towards expenditure incurred and expenditure likely to be incurred in the period 1 April – 7 November 2002 in connection with

- (a) the provision of accommodation for unaccompanied asylum-seeking children (as defined in paragraph 4)where such children were :-
 - (i) accommodated under section 20(1) of the Children Act 1989 (c.41) (“the Act”); or
 - (ii) accommodated and maintained under section 23 of the Act by placing them with a family or other suitable person (but not with a relative) under section 23(2)(a) of the Act, or by maintaining them in a community home, a voluntary home, or a registered children's home under section 23(2)(b), (c) or (d) of the Act, or in the case of children

aged 16 or 17, by maintaining them in suitable supported lodgings under 23(2)(f) of the Act.

- (b) the giving of assistance to unaccompanied asylum-seeking children aged 16 or 17 by way of, or in relation to the costs of, accommodation under section 17(6) of the Act.

Amounts Payable to Authorities

4. Pursuant to section 88B(3)(a) and (c) of the 1988 Act, the Assembly hereby determines the manner in which the amounts of the grants are to be calculated as follows: -

- (1) the grant is to be paid to any authority which falls within the following classes of receiving authority:-

County or county borough councils in Wales,

Referred to in this Report as an “authority”.

- (2) In this Report :-

“relevant expenditure” means expenditure lawfully incurred by an authority in connection with: -

- (a) the provision of accommodation for an unaccompanied asylum-seeking child where:-

- (i) the child is accommodated under section 20(1) of the Children Act 1989¹ (“the Act”); or
- (ii) the child is accommodated and maintained under section 23 of the Act by placing him/her with a family or other suitable person (but not with a relative) under section 23(2)(a) of the Act, or maintaining the child in a community home, a voluntary home, or a registered children’s home under section 23(2)(b), (c) or (d) of the Act, or in the case of a child aged 16 or 17, maintaining the child in suitable supported lodgings under section 23(2)(f) of the Act; or

- (b) the giving of assistance to an unaccompanied asylum-seeking child aged 16 or 17 by way of, or in relation to the costs of, accommodation under section 17(6) of the Act;

“relevant period” means the period from 1 April - 7 November 2002;

“total relevant expenditure” is the amount referred to in paragraph 3(1)(a);

¹ 1989 c.41

“unaccompanied asylum-seeking child” means a person who: -

- (a) is under the age of 18; and
- (b) is not living with his/her parent or guardian; and
- (c) is awaiting final determination of a claim for asylum in the United Kingdom, has been granted such asylum, or has been granted exceptional leave to remain in the United Kingdom ;

“cost ceiling for children who are now 16 or 17, but applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act”, in relation to each week during the relevant period, means the number of unaccompanied asylum-seeking children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, provided or assisted with accommodation by the authority on the Friday of that week, multiplied by the weekly rate calculated in accordance with sub-paragraph (4) of paragraph 5;

“cost ceiling for children aged 16 and 17 who applied for asylum after reaching the age of 16”, in relation to each week during the relevant period, means the number of unaccompanied asylum-seeking children aged 16 and 17 who applied for asylum after reaching the age of 16 provided or assisted with by the authority on the Friday of that week, multiplied by the weekly rate calculated in accordance with sub paragraph (4) of paragraph 5;

“cost ceiling for children under the age of 16”, in relation to each week during the relevant period, means the number of unaccompanied asylum-seeking children under the age of 16 provided or assisted with accommodation by the authority on the Friday of that week, multiplied by the weekly rate calculated in accordance with sub-paragraph (4) of paragraph 5;

“transferable surplus for children who are now aged 16 and 17 but applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act”, in relation to each week during the relevant period, means the difference between the amount of relevant expenditure in respect of unaccompanied asylum-seeking children aged 16 and 17 who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, and the cost ceiling for children aged 16 and 17 who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week.

“transferable surplus for children aged 16 and 17, who applied for asylum after reaching the age of 16” in relation to each week during the relevant

period, means the difference between the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17, who applied for asylum after reaching the age of 16 and the cost ceiling for children aged 16 and 17 who applied for asylum after reaching the age of 16, for that week.

“transferable surplus for children under the age of 16” in relation to each week during the relevant period, means the difference between the amount of relevant expenditure in respect of unaccompanied asylum seeking children under the age of 16 and the cost ceiling for children under the age of 16 for that week.

Amount of grant

5. (1) Subject to sub-paragraphs (2) and paragraph 6, the amounts of grant payable to an authority shall be the lesser of the following amounts: -
 - (a) the amount of the relevant expenditure incurred by that authority in the relevant period; or
 - (b) the maximum amount calculated in accordance with sub-paragraphs (3), (4), (5), (6), (7), (8), (9) and (10).
- (2) Each of the amounts referred to in sub-paragraph (1) shall be reduced by an amount equal to the total amount of housing benefit in payment in the relevant period in respect of any accommodation provided to an unaccompanied asylum-seeking child.
- (3) Subject to sub-paragraphs (5), (6), (7), (8), (9) and (10) the maximum amount referred to in sub-paragraph (1) (b) is the aggregate of the weekly amount for each week during the relevant period, where the weekly amount is a sum equal to:-
 - (a) the relevant weekly rate multiplied by the number of unaccompanied asylum-seeking children aged 16 and 17 who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, and
 - (b) the relevant weekly rate multiplied by the number of unaccompanied asylum-seeking children aged 16 and 17, who applied for asylum after reaching the age of 16, and
 - (c) the relevant weekly rate multiplied by the number of unaccompanied asylum seeking children under the age of 16, and

Provided or assisted with accommodation by the authority on the Friday of that week

(4) For the purposes of this paragraph, the relevant weekly rate in respect of unaccompanied asylum-seeking children aged 16 and 17 who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act shall be £420. The relevant weekly rate for children aged 16 and 17 who applied for asylum after reaching the age of 16 shall be £220 and the relevant weekly rate in respect of unaccompanied asylum-seeking children under the age of 16 shall be £420.

(5) Where:-

- (a) the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17 who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under section 20 or Section 23 of the Act for any week within the relevant period is less than the cost ceiling for children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week; and
- (b) the amount of relevant expenditure in respect of unaccompanied asylum-seeking children aged 16 and 17, who applied for asylum after reaching the age of 16, for that week exceeds the cost ceiling for children the aged 16 and 17, who applied for asylum after reaching the age of 16, for that week.

The weekly amount referred to in sub-paragraph (3), in relation to that week, shall be the aggregate of the amount calculated in accordance with sub-paragraph (3)(a) and the amount of the transferable surplus for children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, and the cost ceiling for children under the aged 16 and 17, who applied for asylum after reaching the age of 16, as calculated for that week.

(6) Where:-

- (a) the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for any week within the relevant period, is less than the cost ceiling for children aged 16 and 17, who applied for

asylum before the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week; and

- (b) the amount of relevant expenditure in respect of unaccompanied asylum-seeking children aged under 16, for that week, exceeds the cost ceiling for children aged under 16 for that week.

the weekly amount referred to in sub-paragraph (3), in relation to that week, shall be the aggregate of the amount calculated in accordance with sub-paragraph (3)(b) and the amount of the transferable surplus for children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, and the cost ceiling for children aged under 16 as calculated for that week.

(7) Where: -

- (a) the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17, who applied for asylum after reaching the age of 16, for any week within the relevant period, is less than the cost ceiling for children aged 16 and 17, who applied for asylum after reaching the age of 16, for that week; and
- (b) the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week, exceeds the cost ceiling for children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week.

the weekly amount referred to in sub-paragraph (3), in relation to that week, shall be the aggregate of the amount calculated in accordance with sub-paragraph (3)(b) and the amount of the transferable surplus for children aged 16 and 17 who applied for asylum after reaching the age of 16, and the cost ceiling for children aged 16 and 17, who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week.

(8) Where: -

- (a) the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17, who applied for asylum after reaching the age of 16, for any week within the relevant period, is less than the cost ceiling for children aged 16 and 17 who applied for asylum after reaching the age of 16; and
- (b) the amount of relevant expenditure in respect of unaccompanied asylum seeking children under the age of 16, for that week, exceeds the cost ceiling for children under the age of 16 for that week.

the weekly amount referred to in sub-paragraph (3), in relation to that week, shall be the aggregate of the amount calculated in accordance with sub-paragraph (3)(b) and the amount of the transferable surplus for children aged 16 and 17, who applied for asylum after reaching the age of 16 and the cost ceiling for children under the age of 16 as calculated for that week.

(9) Where: -

- (a) the amount of relevant expenditure in respect of unaccompanied asylum seeking children under the age of 16, for any week within the relevant period, is less than the cost ceiling for children under the age of 16 for that week; and
- (b) the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17 who applied for asylum before the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week, exceeds the cost ceiling for children aged 16 and 17 who applied for asylum before reaching the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, for that week.

the weekly amount referred to in sub-paragraph (3), in relation to that week, shall be the aggregate of the amount calculated in accordance with sub-paragraph (3)(a) and the amount of the transferable surplus for children under the age of 16 and the cost ceiling for children aged 16 and 17, who applied for asylum before the age of 16 and continue to be accommodated by the local authority as eligible or relevant children under Section 20 or Section 23 of the Act, as calculated for that week.

(10) Where: -

- (a) the amount of the relevant expenditure in respect of unaccompanied asylum seeking children under the age of 16, for any week within the relevant period, is less than the

cost ceiling for children under the age of 16 for that week;
and

- (b) the amount of relevant expenditure in respect of unaccompanied asylum seeking children aged 16 and 17 who applied for asylum after reaching the age of 16, for that week, exceeds the cost ceiling for children aged 16 and 17 who applied for asylum after reaching the age of 16, for that week.

the weekly amount referred to in sub-paragraph (3), in relation to that week, shall be the aggregate of the amount calculated in accordance with sub-paragraph (3)(a) and the amount of the transferable surplus for children under the age of 16 and the cost ceiling for children aged 16 and 17 who applied for asylum after reaching the age of 16, as calculated for that week.

6. Where the total relevant expenditure for all authorities exceeds **£ 435000** the amount of grant payable to an authority shall be calculated in accordance with the following formula: -

$$G = A \times \frac{\text{£ } 435000}{T}$$

Where G is the amount of grant payable to the authority, A is the total relevant expenditure of the authority, and T is the total relevant expenditure of all of the authorities.

Main Features and Explanation

7. (1) The grant is paid to provide support to local authorities, which have incurred and are likely to incur expenditure between 1 April and 7 November 2002 in connection with the accommodation of unaccompanied asylum-seeking children.
- (2) Under part III of the Act, local authorities have a responsibility to provided services for children in need within their area. The definition of a child in need is set out in section 17(10) of the Act. If an unaccompanied asylum-seeking child falls within that definition, a local authority will have the same duties towards that child as towards any other child in its area who is in need, including a duty to provide accommodation under section 20(1) of the Act and to provide services under section 17 of the Act.
- (3) The grant is paid to provide support to qualifying authorities in respect of expenditure incurred by them in the exercise of these duties. Full details of the relevant duties and the relevant expenditure are provided in paragraph 4.
- (4) The grant is not intended to support expenditure incurred in relation to

children who had no legal right to remain in the country at the time the expenditure was incurred, e.g. children whose claims had been abandoned at that time.

Conditions for the Payments of the Grants

8. Pursuant to section 88B(7) of the 1988 Act the Assembly hereby specifies the following conditions, which it intends to impose on the payment of the Special grant for the purpose, described in paragraph 3.

Special grants to authorities made pursuant to section 88B of the 1988² Act in connection with the accommodation of unaccompanied asylum-seeking children under part III of the Act in the period from 1 April – 7 November 2002 (“grant monies”) shall be subject to the conditions set out in the following paragraphs. In this paragraph “relevant expenditure” and “relevant period” bear the same meaning as in paragraph 4.

- (1) An authority may make a claim for grant monies only in respect of relevant expenditure incurred or likely to be incurred.
- (2) Each authority shall provide information to the Assembly, on a claim form provided by the Assembly about relevant expenditure incurred during the relevant period. The information shall be provided on a form issued by the assembly and certified by an auditor appointed by the Audit Commission and shall be submitted to the Assembly by 7 March 2003.
- (3) The authority shall supply to the Assembly such further information as may be required by the Assembly for the purpose of determining entitlement to grant.

Laid before and approved by resolution of the Assembly

² 1988 c.41. Section 88b was inserted by paragraph 18 of Schedule 10 to the Local Government Finance Act 1992 (c.14).