



Home Office

Funding to Local Authorities Financial Year 2021/22

Home Office Funding: Leaving Care (Former
Unaccompanied Asylum-Seeking Children, post
18 Years age)

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Contents

1. Scope and Definition
2. Funding levels
3. Eligibility to funding
4. Exclusions
5. Data reconciliation and payments
6. Disputes
7. Audits
8. Contact details
9. 2021/2022 Timetable
10. Exceptional Costs
11. Supporting Documents

1. Scope and Definition

- 1.1 This document sets out the terms under which the Home Office will make funding available to local authorities in England, Wales, Scotland and Northern Ireland during the financial year 1 April 2021 to 31 March 2022 to assist with their costs of supporting care leavers who were formerly UASC and who are over the age of 18, and otherwise eligible.
- 1.2 The funding is in addition to other sources that may be available to the young person and is a contribution towards the costs the local authority incurs through providing care leaver support.
- 1.3 This document should be read in conjunction with the UASC & LC Funding Excel workbook which contain the relevant 'Annex As' and notes for their completion that are needed to make a claim for funding.
- 1.4 UASC is defined as a person who is under 18, has applied for asylum in his/her own right, is separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so.

2. Funding levels

- 2.1 Funding of £270 per week will be provided for each eligible person.

3. Eligibility for funding

- 3.1 Subject to paragraph 4.1 an individual receiving care leaver support will be treated as eligible to receive funding in the following circumstances:
- (a) they were a UASC, are now over 18 years old; and
 - i. have been a child who was in the care of the local authority for at least 13 weeks
 - ii. after turning 21 are in a planned programme of education or training
 - (b) the local authority making the funding claim is responsible for their support; and
 - (c) the local authority making the funding claim is actually providing support and has not lost contact; and
 - (d) their immigration status is one of the following:
 - i. indefinite leave to remain
 - ii. leave to remain on the basis of humanitarian protection
 - iii. discretionary leave to remain
 - iv. Refugee Status

- v. exceptional leave to remain
 - vi. an outstanding application to extend leave to remain, provided the application was submitted before the expiry of that leave
 - vii. an outstanding appeal against refusal to extend their leave, provided the appeal was submitted in time
 - viii. an outstanding asylum claim or an outstanding appeal against refusal of an asylum claim.
- 3.2 If a supported person who previously satisfied the conditions set out in paragraph 3.1 becomes “Appeals Rights Exhausted” (ARE) they may continue to be treated as eligible for funding for an extended period of three months from the ARE date. The ARE date is the date when all their applications and appeals to remain in the UK have been finally rejected. The extended funding after the ARE date will only be provided if the local authority conducts an assessment to decide whether it is necessary to provide further support in order to avoid a breach of the person’s human rights as required by schedule 3 of the Nationality, Immigration and Asylum Act 2002¹.
- 3.3 The ARE date will be confirmed through the Home Office’s response to the local authority’s Annex A application for payment (see section 5). After receiving notice of the ARE date via the funding claim response or the relevant Home Office team with responsibility for the case, the local authority must conduct the human rights assessment and inform the Home Office that this has been completed on the subsequent Annex A. If the local authority received notice of the ARE date after the period 12 Annex A has been submitted confirmation that the human rights assessment has been conducted must be provided to the UASC LA Funding team by 15 of May 2022 and must not be carried over into the submission for the next financial year. If these actions are not completed within this timescale funding will be ended on the ARE date.

4. Exclusions

- 4.1 A supported person will not be treated as eligible to receive funding in the following circumstances:
- a) they have been granted British Citizenship.
 - b) the person becomes eligible to support or funding by the Home Office under other arrangements.
 - c) The person reaches the age of 25.

Schedule 3 of the Nationality, Immigration and Asylum Act 2002 makes particular classes of persons from abroad ineligible to receive various types of welfare support, including Leaving Care Support, because of their immigration status. Most former unaccompanied asylum-seeking children will fall into the 4th class of “ineligible person” listed in Schedule 3 at the point they become “ARE.” The 4th class is defined as “person unlawfully in the United Kingdom.” In these circumstances, the Local Authority will only be able to continue to provide support to the extent necessary to avoid a breach a of person’s rights under the European Convention on Human Rights.

- d) When the person is absent or missing for more than 28 days consecutively. The local authority must promptly inform relevant contact(s) immediately and reflect this on the application for payment form (Annex A). If the person returns to the local authority the Annex A should be updated. When the person is absent for a short period of time, that is for 28 days or less, the funding may be payable during the absence period. If the person is absent for a consecutive period of 28 days funding will automatically cease.

Exception: If the person is in hospital for more than 28 days and the local authority continues to be responsible, they will still be eligible for funding.

- e) If the person is placed in a Young Offenders Institute (YOI) or prison, the local authority must promptly inform relevant contact(s) and reflect this on the application for payment form (Annex A). If the person returns to the local authority the Annex A should be updated. When the person is in a YOI or prison for a short period of time, that is for 28 days or less, the funding may be payable during the absence period.

5 Data reconciliation and payments

- 5.1 Local authorities are required to complete a monthly application for payment in the form set out in the Annex A, which includes details of each supported young person and the numbers of days during the period that they received support. Local authorities must ensure funding for each supported young person is claimed for on the correct Annex A.
- 5.2 Specific instructions for the completion of an Annex A are included in the UASC & LC Funding Excel workbook. The Annex A should only be submitted to the UASC LA Funding team via the Home Office's secure data transfer portal, "MoveIT DMZ" to ensure compliance with 1998 Data Protection Legislation and GDPR.
- 5.3 The first Annex A application for payment for 2021/22 must be a new submission and not simply a continuation of the last submission in the 2020/21 financial year. Subsequent Annex As must clearly highlight any additions and updates to the previous submission. The UASC LA Funding team will reconcile this data monthly against Home Office records.
- 5.4 The monthly Annex A for payment must be received by the Home Office by no later than the 15th of the month following the month to which the application relates; late returns will result in payment being delayed. The submission must contain the data for the latest period, e.g. data received on 15 June must contain May data. Payments will be withheld if Annex A applications are not submitted by the specified date within the 2021/22 payment table for that period.
- 5.5 Once the information provided in the Annex A has been reconciled local authorities will be advised of the eligibility and the agreed eligible days for each young person listed on the form. In some cases it will be necessary to seek further information from local authorities to confirm the person's eligibility or to clarify the period over which they are eligible to receive funding. Local authorities will be notified that these cases will be treated as "under review" pending determination of the eligibility to receive funding over the period in question. Any evidence to resolve discrepancies, disagreements over the funding eligibility or other anomalies, must be forwarded to the UASC LA Funding team by the following submission deadline. Failure to return evidence could result in future payments being delayed.

- 5.6 Payments for each period will reflect the number of agreed eligible days for the young people being supported during that time plus any adjustments necessary as a result of the resolution of cases previously under review.
- 5.7 Payments will be made by BACS using the account details already held by the Home Office for payments in previous years. If the local authority's bank details change it must immediately email the new details to: UASCLAFundingTeam@homeoffice.gov.uk
- 5.8 Each reference will be followed by the monthly number in the financial year. For example, the payment made for the period 1 April 2021 to the 30 of November 2021 will be referenced as '2021/22 leaving care POA up to Mth 8'. Cashiers department should be advised accordingly.
- 5.9 The Home Office will cease payments when a person becomes Appeals Rights Exhausted unless the local authority shows in accordance with section 3.2 that the human rights assessment was completed within the specified timescales and notified to the Home Office. Where this has been completed a further three months funding will be agreed starting from the actual date the person became ARE. The Home Office will also cease payments the day before the person's 25th birthday, unless they have ceased to be eligible before then.

6 Disputes

- 6.1 Local authorities have the opportunity to make representations if they believe that they have not received funding to which they are entitled to under the terms set out in this document. Any representations must be notified by the relevant local authority to the UASC LA funding team within a month of the Annex A response being sent following reconciliation against Home Office records. Back payments, where claims for funding for supported young people have not been submitted promptly, will only be agreed in exceptional circumstances.

7 Audits

- 7.1 Local authorities should record expenditure in their accounting records under generally accepted accounting standards in a way that the relevant costs can be simply extracted if required. Throughout the year, the UASC LA Funding team will work with local authorities to ensure the accuracy of claims, thereby reducing the need for audits at year-end.
- 7.2 Visits may be made from time to time by the Home Office or its appointed representatives, including National Audit Office. Whilst there is no requirement for submission of detailed costings, local authorities must be able to provide the costs for individual cases, if required, and will be expected to justify and explain costs, where necessary.

8 Contact details

- 8.1 For queries relating to the information sent out in this document, the submission of Annex A applications for payment or the use of Home Offices secure data transfer portal "MoveIT DMZ" please contact the UASC LA funding team contacts.

8.2 For queries relating to this Funding Instruction or the submission of applications please email UASCLAFundingTeam@homeoffice.gov.uk

9 2021/2022 Timetable

For the 2021/2022* financial year the following timetable will apply:

Period	Annex A Submission Deadline	Payment Received by LA
April 2021	15 May 2021	31 June 2021
May 2021	15 June 2021	31 July 2021
June 2021	15 July 2021	31 August 2021
July 2021	15 August 2021	30 September 2021
August 2021	15 September 2021	31 October 2021
September 2021	15 October 2021	30 November 2021
October 2021	15 November 2021	31 December 2021
November 2021	15 December 2021	31 January 2022
December 2021	15 January 2022	28 February 2022
January 2022	15 February 2022	31 March 2022
February 2022	15 March 2022	30 April 2022
March 2022	15 April 2022	31 May 2022

10. Exceptional Costs

- 10.1 Bids can be made from 15 December 2021 to 15 March 2022 and payments will be made in April 2022. All local authorities supporting UASC and UASC care leavers are eligible to apply.
- 10.2 Exceptional Costs are additional expenses incurred by a local authority in supporting UASC and former UASC care leavers for which the Home Office may on a case-by-case basis, agree to reimburse. All local authorities that care for UASC and former UASC care leavers are eligible to apply for exceptions costs funding.

10.3 Payments may be made to cover additional exceptional costs incurred local authorities in the 2021/2022 financial year only, above and beyond what could reasonably be regarded as standard expenditure when caring for UASC and former UASC care leavers which are not available through other funding mechanisms. Funding from the Exceptional Costs fund may be used, amongst other things, to pay for:

a contribution towards legal costs incurred by local authorities as a result of challenges to short form Merton compliant age assessment or full Merton compliant age assessments conducted by local authority or Home Office social workers

- where the needs of a particular child carry significant additional costs
- activities or initiatives that aim to build capacity and/or make improvements for UASC and UASC care leavers

10.4 All applications for funding from the Exceptional Costs fund will be assessed, and payments made, on a case-by-case basis.

- there is no minimum or maximum amount that can be claimed
- costs must be incurred in the 2021/2022 financial year only
- claims cannot be submitted where the 'exceptional cost' can already be met by available funding, such as the funding paid to local authorities in respect to their costs of supporting UASC by the Home Office, or through other funding mechanisms
- recipients must submit evidence of Exceptional Cost expenditure incurred (e.g. copy invoices) along with an Exceptional Costs claim form (Annex B) before claims can be considered for payment

Funding for exceptional costs is only available for costs incurred during the 2021/2022 financial year and cannot be claimed for previous periods. The funding will not continue for the 2022/2023 financial year.

The process for claiming exceptional costs is further explained in Annex B.

10.5 Guide to claiming exceptional costs

- Local Authority incurs an exceptional cost for the 2021/2022 financial year (1 April 2021 to 31 March 2022) only
- Local Authority gathers the relevant information regarding the exceptional cost
- Local Authority submits Exceptional Costs claim form (Annex B) to the Home Office (UASCLAFundingTeam@homeoffice.gov.uk) with information and proof of expenditure for the exceptional cost
- Reply sent to the local authority via email with decision regarding the exceptional cost request
- Further information may be requested by the Home Office in relation to the exceptional cost where needed.

10.6 Examples of supporting information

Legal costs relating to age assessment challenges

- Prognosis on the merits of the legal challenge
- Details of associated costs incurred, for example, drafting correspondence, reviewing information and quality assurance reviews

Significant additional costs for a particular child

- Information about the specific child's needs, supported by Education, Care and Health Assessment (ECHA), Special Educational Needs Co-ordinator (SENCO) report or similar
- Details and estimated costs of any specialist equipment, providing estimates to show best value for money
- Occupational therapy and medical assessments
- UASC initiatives/activities to build capacity and/or improvements
- Details any associated costs, providing estimates/receipts/quotes to show best value for money

10.7 Processing an exceptional cost claim

- Local Authority completes "Exceptional Costs" claim form and submits it to (team email address here) including all evidence of expenditure.
- Home Office reviews the information submitted by the local authority and makes a decision. The local authority will be notified 15 April 2022.
- If payment is approved, it will be made by 30 April 2022.
- Payments will be made by BACS using the account details already held by the Home Office. If the local authority's bank details change, it must immediately email the new information to: UASCLAFundingTeam@homeoffice.gov.uk

11. Supporting Documents

The annexes to these instructions are within the UASC & LC Funding Excel workbook with the following contents:

- **Annex A** - Tab 1 Setup & Notes
- Tab 2 Annex A Claim Form
- Tab 3 Codes

- **Annex B** – Exceptional Costs Claim Form