



# Home Office

## **Funding to local authorities: Financial year 2016/17**

Home Office funding:

Leaving care (post 18 years of age)

UK Visas and Immigration  
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## 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 during the financial year 1 April 2016 to 31 March 2017 to assist with their costs of supporting young care leavers who were unaccompanied asylum seeking children (UASC)<sup>1</sup> and who are over the age of 18 and are “former relevant children<sup>2</sup>” within the meaning of section 23C(1) of the Children Act 1989.
- 1.2 The funding is in addition to other sources of support that may be available to the young people and is a contribution towards the costs the local authority incurs through providing care leaver support under the Children Act 1989. The document should be read in conjunction with the UASCLA funding Excel workbooks, which contain the relevant forms (Annexes A to B) and notes for their completion that are needed to make a funding claim.

## 2. Funding levels

- 2.1 Funding will be provided for each eligible person at the rates set out in the table below:

Legacy cases (25 FTE threshold)	£150.00 per week
National Rate cases	£200.00 per week
Kent Referral cases	£200.00 per week

- 2.2 A “Legacy” case is former UASC who entered the UK on or before 30 June 2016 and who has not been transferred from the care of one local authority to the care of another local authority under the UASC National Transfer Scheme launched on 1 July 2016 and who has not been transferred from Kent on or before 30 June 2016 under the Kent Referral scheme and who on turning 18 years of age is entitled to further support as a care leaver under the Children Act 1989.
- 2.3 In respect to Legacy cases, the first 25 full time equivalent (FTE) supported persons in a particular local authority who otherwise meet the conditions set out in this document are excluded from eligibility to receive funding for the duration of the financial year.
- 2.4 A “National Rate” case is a former UASC who entered the UK on or after 1 July 2016, or who has been transferred from the care of one local authority to the care of another local authority under the UASC National Transfer Scheme launched on 1 July 2016 and who on turning 18 years of age is entitled to further support as a care leaver under the Children Act 1989.
- 2.5 A “Kent Referral” case is a former UASC transferred from the care of Kent Children’s Services on or before 30 June 2016 under the Kent Referral scheme who on turning 18 is entitled to further support as a care leaver under the Children Act 1989. UASC transferred from Kent on or after 1 July 2016 will be treated as National Rate cases.
- 2.6 Payment of the funding is subject to the total funding provided for the full financial year not exceeding the local authority’s total expenditure on supporting all eligible cases over the same period (inclusive of direct and indirect costs less any mainstream benefits claimed to offset against this expenditure). The Home Office must be notified if the local authority expects that its expenditure will be less than the maximum funding available under the terms set out in this document.

### 3. Eligibility to funding

3.1 Subject to paragraphs 2.3 and 4.1 a person 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 are a “former relevant child” within the meaning of section 23C(1) of the Children Act 1989; and
- (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. exceptional leave to remain
  - v. an outstanding application to extend leave to remain, provided the application was submitted before the expiry of that leave
  - vi. an outstanding appeal against refusal to extend their leave, provided the appeal was submitted in time
  - vii. 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 3 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. However, 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 2002<sup>3</sup>.

3.3 The local authority will receive notification of the ARE date on form “ASL 1950” sent by the Home Office team with responsibility for resolving the person’s immigration status. Additionally, the ARE date will be confirmed through the Home Office’s response to the local authority’s monthly application for payment on Annex A (see section 6). After receiving notice of the ARE date the local authority must conduct the human rights assessment and inform the Home Office that this has been completed on their next monthly Annex A. If the local authority receives 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 UASCLA Funding team by 15 June 2017 and must not be carried over into the submission for the next financial year. If these actions are not completed within these timescales, 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 arrived in the UK in the care of a parent or other adult (such as a relative or family friend) who by law or custom, had, or had accepted, responsibility for the child.
- (b) they arrived in the UK alone but were subsequently living with a parent or other adult (such as a relative or family friend) who by law or custom had, or had accepted, responsibility for the child.
- (c) they have been granted British Citizenship or who have the nationality of an EEA state.
- (d) they are the child of a “former relevant child”.

## 5. Cessation of payment

5.1 The Home Office will cease to provide funding in the following circumstances:

- (a) the person becomes eligible to support or funding by the Home Office under other arrangements, for example because it is accepted that they are under 18 years of age and thus become eligible to UASC funding or they become supported under sections 95, 98 or 4 of the Immigration and Asylum Act 1999.
- (b) the person reaches the age of 25.
- (c) the person was receiving support from the local authority, but has lost contact or absconded. In these cases, the local authority should promptly inform the relevant Home Office case worker and ensure this is updated on the Annex A application for payment when it is submitted for the relevant month. If support resumes for the person, the case worker should be informed and the next Annex A should be updated to enable the funding for the person to re-commence. If 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.
- (d) the person is detained in a Young Offenders Institute or prison. In these cases the local authority should promptly inform the relevant Home Office case worker and update the next Annex A application for payment. If support resumes for the person when they are released, the case worker should again be promptly informed and this should be reflected on the Annex A when it is next submitted to enable the funding for the person to re-commence. When the person is held for a short period of time, that is for 28 days or less the funding may be payable during the absence period.

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<sup>1</sup> UASC is defined as an individual, 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.

<sup>2</sup> ‘Former relevant children’ are defined in the relevant legislation as being aged 18-21 (although in certain circumstances they can be older) and having been either ‘eligible’ or ‘relevant children’. ‘Eligible children’ are aged 16 or 17 and are looked after by a Local Authority having been looked after for a qualifying period of at least 13 weeks from their 14<sup>th</sup> birthday. ‘Relevant children’ are aged 16 or 17 and have left care, having been ‘eligible children’ but have moved from care to more independent living arrangements. Refer to The Children (Leaving Care) Act (England) Regulations 2001 for full details.

<sup>3</sup> 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 4<sup>th</sup> class of “ineligible person” listed in Schedule 3 at the point they become “ARE.” The 4<sup>th</sup> 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 of a person’s rights under the European Convention on Human Rights.

## 6. Data reconciliation and payments

- 6.1 Local authorities are required to complete a monthly application for payment in the form set out in Annex A, which includes details of each supported person and the numbers of days during the month that they received support. There is a separate Annex A for each of the 3 case types described in the table in paragraph 2.1. Local authorities must ensure funding for each supported person is claimed for on the correct Annex A.
- 6.2 Specific instructions for the completion of the Annex As are included in the UASCLA funding Excel workbooks. The Annex As should only be submitted to the UASCLA Funding team via the Home Office's secure data transfer portal "MoveIT DMZ" to ensure compliance with 1998 Data Protection Legislation.
- 6.3 The April 2016 Annex A application for payment must be a new submission and not simply a continuation of the last monthly submission in the 2015/16 financial year. Subsequent Annex A must clearly highlight any additions and updates to the previous month's application. The UASCLA Funding team will reconcile this data every month against Home Office records.
- 6.4 The monthly Annex A application for payment must be received by the Home Office by no later than the 15th of the month following the month to which the funding claim relates (for example, the Annex A submitted on 15 March should contain February data). The Annex A must be submitted each month in order for regular payments to be maintained. Late submissions will result in payments being delayed.
- 6.5 The information on the Annex A will be checked against Home Office records and local authorities advised of the eligibility and the agreed eligible days for each 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 their eligibility to receive funding over the period in question. Any evidence to resolve discrepancies, disagreements over funding eligibility or other anomalies, including Not Valid forms, must be forwarded to the UASCLA Funding team by the following month's submission deadline. Failure to return Not Valid forms could result in future payments being delayed.
- 6.6 For Legacy cases, payments for each month will reflect the number (over the 25 person threshold) of agreed FTE former relevant children being supported during the month, plus any adjustments necessary as a result of the resolution of cases previously under review.

In the event that at the end of year the total number of supported days is below 25 FTE (9125 days), any monies paid on account will need to be repaid by 28 July 2017 to the Home Office. To mitigate the need for this, if a local authority only just exceeds this threshold and forecasted numbers suggest 9125 days may not be reached, payment may be withheld during the year.

- 6.7 For National Rate and Kent Referral cases payments for each month will reflect the number of agreed former relevant children being supported during the month plus any adjustments necessary as a result of the resolution of cases previously under review.
- 6.8 Local authorities will have the opportunity to make representations if they believe that they have not received the 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

UASCLA Funding team within a month of the Annex A response being sent, following reconciliation against Home Office records. Back payments, where funding claims for persons have not been submitted promptly, will only be agreed where exceptional circumstances are shown.

- 6.9 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.gsi.gov.uk](mailto:UASCLAFundingTeam@homeoffice.gsi.gov.uk)
- 6.10 Payments will be referenced separately for the three types of funding:
- Legacy cases - 2016/17 Leaving Care POA up to Mth
  - National Rate cases - 2016/17 Leaving Care POA (National Transfer) up to Mth
  - Kent Referral cases - 2016/17 Leaving Care POA (Kent Referral) up to Mth

Each reference will be followed by the month number in the financial year. For example, the Legacy claim payment made for the period 1 April - 31 December will be referenced as 2016/17 Leaving Care POA up to Mth 9. Cashiers' departments should be advised accordingly.

- 6.11 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 a 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 that the person becomes ARE. The Home Office will also cease payments the day before the person's 25<sup>th</sup> birthday, unless they have ceased to be a former relevant child before then.
- 6.12 At the end of the financial year final checks will be carried out for each funding claim to ensure that the payments already made accurately reflect the number of agreed support days. For the Legacy cases claim checks will be made to ensure the 25 person FTE threshold has been met. Payments made as a result of monthly applications are to be regarded as payments on account, which will be finalised when the final claim (which shall be in the form set out in Annex B) is confirmed by the Home Office. The final claim form (Annex B) and specific instructions for its completion are included in the UASCLA funding Excel workbook. There is a separate Annex B final claim form and Excel workbook for each funding type. An electronically signed Excel version of the final claim, together with an unsigned Excel spreadsheet must be returned by 15 July 2017 by email to: [UASCLAFundingTeam@homeoffice.gsi.gov.uk](mailto:UASCLAFundingTeam@homeoffice.gsi.gov.uk) . No paper copy is necessary.
- 6.13 The final claims should be accompanied by the additional information and non fundable breakdown schedules included in the UASCLA funding Excel workbook. Only one of each schedule is required and should include the information for all three case types.

## 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 UASCLA 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 set out in this document, the submission of Annex A application for payment or the use of the Home Office’s secure data transfer portal, “MoveIT DMZ please contact your UASCLA Funding team contacts. If your query relates to the Annex B, the non fundable breakdown or additional information schedules, or to payments received please email: [UASCLAFundingTeam@homeoffice.gsi.gov.uk](mailto:UASCLAFundingTeam@homeoffice.gsi.gov.uk)

## 9. 2016/2017 timetable

9.1 For the 2016/2017 financial year the following timetable will apply:

Period	Annex A Submission Deadline	Payment Received by LA
April 2016	15 May 2016	30 June 2016
May 2016	15 June 2016	31 July 2016
June 2016	15 July 2016	31 August 2016
July 2016	15 August 2016	30 September 2016
August 2016	15 September 2016	31 October 2016
September 2016	15 October 2016	30 November 2016
October 2016	15 November 2016	31 December 2016
November 2016	15 December 2016	31 January 2017
December 2016	15 January 2017	28 February 2017
January 2017	15 February 2017	31 March 2017
February 2017	15 March 2017	30 April 2017
March 2017	15 April 2017	31 July 2017*

\*To allow for final claim to be submitted.

## Annexes

The annexes to these instructions are contained in the UASCLA funding Excel workbooks for Legacy, National Rate and Kent Referral cases with the following contents:

- Notes – Annex A
- Annex A (Monthly)
- Notes - Annex B (Final Claim)
- Annex B (Final Claim)
- Non Fundable Breakdown Schedule (Use one for all three case types)
- Additional Information Schedule (Use one for all three case types)
- Notes – Not Valid Form
- Not Valid form
- Classifications