



Home Office

# Funding to Local Authorities Financial Year 2019/20

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

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## 1. Scope and Definition

1.1 The Home Office’s review of the funding arrangements for local authorities caring for unaccompanied asylum-seeking children (UASC) has been concluded. A separate review of former UASC who are eligible for Home Office leaving care support is underway. Whilst the outcome of this review is awaited, the arrangements set out in this instruction remain in place. Once the review is concluded an updated version will be issued, if needed.

1.2 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 2019 to 31 March 2020 to assist with their costs of supporting young care leavers who were unaccompanied asylum seeking children (UASC) and who are over the age of 18 and are eligible to receive funding from the Home Office.

1.3 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.

1.4 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.

1.5 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.

## 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

2.2 A “Legacy” case relates to a former UASC care leaver:

- who entered the UK on or before 30 June 2016
- who has not been transferred from one local authority to another local authority through the National Transfer Scheme (NTS) launched on 1 July 2016
- who has not been transferred from Kent to another local authority on or before 30 June 2016 under the Kent referral scheme

For the Legacy cases claim, the first 25 Full Time Equivalent (FTE) supported young people 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. The 25 FTE threshold for the financial year is 9,125 agreed eligible days.

2.3 A “National Rate” case relates to a former UASC care leaver:

- who entered the UK on or after 1 July 2016

Or

- who has been transferred from one local authority to another local authority through the NTS

Or

- who has been transferred from Kent to another local authority on or before 30 June 2016 under the Kent referral scheme

### **3. Eligibility for funding**

3.1 Subject to paragraphs 2.2 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
  - 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. 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 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 2002<sup>1</sup>.

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 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 (Unaccompanied Asylum-Seeking Children Local Authority) Funding team by 15<sup>th</sup> of June 2020 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 or have the nationality of an EEA state.
- (b) the person becomes eligible to support or funding by the Home Office under other arrangements.
- (c) the person reaches the age of 25.
- (d) 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 casework team and ensure this is updated on the Annex A application for payment when it is submitted for the relevant period. If support resumes for the person, the casework team should be informed, and the next Annex A should be updated to enable 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.

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<sup>1</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 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.

(e) the person is detained in a Young Offenders Institute or prison. In these circumstances the local authority should promptly inform the relevant Home Office casework team and update the next Annex A application for payment. If support resumes for the person when they are released the relevant team 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 recommence. 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.

## **5. Data reconciliation and payments**

5.1 Local authorities are required to complete a bi-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. There is a drop down to choose for each Annex A of the two case types described in Section 2 (Legacy and National Rate). 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 2019/20 must be a new submission and not simply a continuation of the last submission in the 2018/19 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 bi-monthly against Home Office records.

5.4 The bi-monthly Annex A application for payment must be received by the Home Office by no later than the 15th of the month following the period to which the application relates; late returns will result in payment being delayed. The application must contain the data for the latest period, e.g. the application due on 15 December 2018 must contain data for October and November 2018. Payments will be withheld if Annex As are not submitted on a bi-monthly basis.

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 For legacy cases payments for each period will reflect the number of agreed eligible days for the young people being supported during that time over the first 25 Full time equivalent (FTE) threshold, plus any adjustments necessary as a result of the resolution of cases previously under review.

5.7 In the event that at the end of year the total number of agreed eligible days is below the 25 FTE threshold (9125 days), any monies paid on account will need to be repaid by 28 July 2019 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.

5.8 For National Rate cases 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.

5.10 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](mailto:UASCLAFundingTeam@homeoffice.gov.uk)

5.11 Payments will be referenced separately for the two types of funding:

- Legacy Cases - 2019/20 Leaving Care POA up to Mth
- National Rate cases - 2019/20 leaving care POA (National Transfer) up to Mth

Each reference will be followed by the monthly number in the financial year. For example, the Legacy claim payment made for the period 1 April 2019 to the 30 of November 2019 will be referenced as '2019/20 leaving care POA up to Mth 8'. Cashiers department should be advised accordingly.

5.12 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

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.

For queries relating to this Funding Instruction or the submission of applications please email [UASCLAFundingTeam@homeoffice.gov.uk](mailto:UASCLAFundingTeam@homeoffice.gov.uk) or Tel 0208 196 4165 / 4156

## 9. 2019/2020 Timetable

For the 2019/2020\* financial year the following timetable will apply:

Claim Period	Annex A Submission Deadline	Payment Date
April & May 2019	15 June 2019	31 July 2019
June & July 2019	15 August 2019	31 September 2019
August & September 2019	15 October 2019	31 November 2019
October & November 2019	15 December 2019	28 January 2020
December & January 2019	15 February 2020	30 March 2020
February & March 2020	15 April 2020	31 July 2020*

\*To allow for final claim to be submitted.

## Supporting documents

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

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