



Home Office

# Funding to Local Authorities Financial Year 2020/21

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 review of the funding arrangements for local authorities supporting former unaccompanied asylum-seeking children (UASC) who are now care leavers has now been concluded.

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 2020 to 31 March 2021 to assist with their costs of supporting young care leavers who were formerly UASC and who are over the age of 18, and otherwise eligible.

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 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 There are no longer variable rates. Funding will be provided for each eligible person at the rate set out in the table below:

|           |                  |
|-----------|------------------|
| All cases | £240.00 per week |
|-----------|------------------|

## 3. Eligibility for funding

3.1 Subject to paragraphs 2.2 and 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 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 Funding team by 15 of May 2021 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.

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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.

- (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.
- (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 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 2020/21 must be a new submission and not simply a continuation of the last submission in the 2019/20 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 2020/21 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](mailto: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 2020 to the 30 of November 2020 will be referenced as '2020/21 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](mailto:UASCLAFundingTeam@homeoffice.gov.uk)

## 9. 2020/20221 Timetable

For the 2020/2021\* financial year the following timetable will apply:

| Period         | Annex A Submission Deadline | Payment Received by LA |
|----------------|-----------------------------|------------------------|
| April 2020     | 15 May 2020                 | 31 June 2020           |
| May 2020       | 15 June 2020                | 31 July 2020           |
| June 2020      | 15 July 2020                | 31 August 2020         |
| July 2020      | 15 August 2020              | 30 September 2020      |
| August 2020    | 15 September 2020           | 31 October 2020        |
| September 2020 | 15 October 2020             | 30 November 2020       |
| October 2020   | 15 November 2020            | 31 December 2020       |
| November 2020  | 15 December 2020            | 31 January 2021        |
| December 2020  | 15 January 2021             | 28 February 2021       |
| January 2021   | 15 February 2021            | 31 March 2021          |
| February 2021  | 15 March 2021               | 30 April 2021          |
| March 2021     | 15 April 2021               | 31 May 2021*           |

\*To allow for final claim to be submitted.

## 10. Supporting documents

10.1 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