



A re-inspection of the use of hotels for housing unaccompanied asylum-seeking children

September – October 2023

David Neal

Independent Chief Inspector of
Borders and Immigration

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ISBN 978-1-5286-4577-5

E03026035 02/24

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office.

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Foreword

This re-inspection took place at a pivotal time, a matter of weeks after the High Court determined that the Home Secretary's use of hotels to accommodate unaccompanied asylum-seeking children was unlawful.

The Home Office has been running unregistered children's homes for two years now, when these children should be in the immediate care of Kent County Council. When I first inspected this area last year, I recommended the Home Office develop an exit strategy from hotels. Sadly, little progress was made on this until the Home Office was subject to litigation, when the Home Office acknowledged in court it had no exit strategy for hotels.

Ensuring DBS clearances for all staff are in place and up to date is essential for any work involving children, particularly children this vulnerable. While a year ago hotel staff were living onsite without DBS clearance, this time inspectors found insufficient assurance, with a reliance on private contractors to self-report that DBS checks were in place, and with periodic spot checks by the Home Office. This is really not good enough. This is basic building block stuff, which is not being done well, in an area where I have made a clear recommendation before, under ministerial scrutiny and with significant public interest. It points to lack of grip and poor leadership in a critical area of business. The Home Office must do better. There are several areas in this report where basic bread-and-butter checks are not being done.

Progress with my other recommendations, aimed at ensuring work was centred on the needs of the child and subject to challenge and scrutiny has also been hampered by insufficient focus. Although a recent Social Worker Team Manager appointment has increased the focus on identifying the needs and wishes of individual children, there has been no assessment of the collective needs of the children. My inspectors found governance and assurance structures had been improved but more work is required to ensure concerning practices are challenged, safety plans are reviewed frequently, and health and safety hazards are addressed.

Considering the journeys and life experiences some of these children have had, I am not surprised they said they felt safe and happy in the hotels. They spoke well of the staff caring for them but wanted access to education and a family, basic needs for any child. Team leaders and support workers in the hotels are working hard to fill this gap, providing informal English lessons and a range of activities, but it is no substitute for formal education. Children also wanted to know what was happening to them next, and more work needs to be done to prepare them for this.

Overall, the inspection found that while some progress has been made, improvements have not been delivered that could make a significant difference to the experience of children in hotels, such as the provision of written materials in their first language, and provision of advocacy services.

The Home Office cited the current court proceedings as a reason for some of these improvements being delayed. It is wrong to hide behind this as an excuse for lack of progress. I am sure the court would not wish to have worse outcomes for children because of ongoing hearings. In any case, this should not be allowed to obscure the fact that these improvements should already be in place.

I have made five recommendations and this report was sent to the Home Secretary on 7 November 2023.

A handwritten signature in black ink, appearing to read 'D. Neal', with a horizontal line underneath the signature.

David Neal
Independent Chief Inspector of Borders and Immigration

1. Key findings

Introduction

- 1.1** The key findings of this re-inspection represent the judgements of ICIBI inspectors, informed by specific advice and assistance provided by an Ofsted inspector during the onsite phase of the inspection and subsequently in writing. This advice was in relation to the welfare and safeguarding of unaccompanied asylum-seeking (UAS) children.
- 1.2** The ICIBI's first inspection of this area 'An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022', published by the Home Office on 19 October 2022, set out four recommendations relating to:
- Disclosure and Barring Service (DBS) checks
 - an assessment of the collective needs of children
 - a challenge and scrutiny mechanism
 - an exit strategy from hotels¹
- 1.3** The Home Office accepted the recommendation relating to DBS checks, and partially accepted the remaining three.
- 1.4** In April 2022, as part of that first inspection, inspectors visited the four hotels being used to accommodate children. For this re-inspection, inspectors visited the remaining two hotels in use in September 2023, both of which are in Kent. Inspectors did not visit the other five hotels which are held in reserve, should additional bed capacity be required.
- 1.5** Inspectors found that two years on from when the Home Office first moved children into hotels, it was still grappling with the challenges of managing an operation that was only ever envisaged to provide a short-term solution. It is having to manage an operation that has been deemed unlawful by the courts, while standing hotels up and down at short notice to meet the fluctuating numbers of UAS children arriving.

Disclosure and Barring Service checks

- 1.6** The 2022 inspection established that the Home Office had not only failed to ensure that staff working in the hotels had the required DBS checks, but it also found three staff without DBS checks residing in a hotel. This was attributed, in part, to senior operational staff not having "the full picture as to which hotel staff, located in which hotel, had been DBS checked". While staff are no longer residing in hotels, the Home Office still does not have a complete picture of the DBS clearances of all staff in hotels in 2023.

¹ Independent Chief Inspector of Borders and Immigration, 'An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022' (published 19 October 2022), p.11, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

- 1.7** A DBS check is one of the first actions an employer should take in order to satisfy itself that it is not employing potentially dangerous staff to work among children. UAS children residing in hotels are particularly vulnerable and the Home Office must, as a minimum, fulfil those obligations.
- 1.8** Since the 2022 inspection, the Home Office has introduced random onsite spot checks and a desk-based exercise that involves reviewing how the providers of staff are monitoring DBS checks in an attempt to identify staff who do not hold the relevant DBS check. While these checks provide some assurance that anyone who ‘slips through the net’ is identified, they continue to fall short of effective oversight. The Home Office is reliant on the providers adhering to their contractual obligations and cannot categorically confirm that every staff member employed in the hotels has the required DBS clearance at any one time.
- 1.9** Furthermore, as DBS clearance only relates to a check on a specific date, it is the responsibility of employers to choose how often these should be renewed. Currently, the Home Office has no established policy guidance for the frequency of DBS checks on staff working in the hotels.

Assessment of the collective needs of children

- 1.10** The 2022 inspection found that a failure to effectively identify and assess the needs of children, in order to ensure the operation to house them could meet those needs, led to inconsistent safeguarding and welfare outcomes.² The ICIBI recommended that the Home Office undertake a robust assessment of the collective needs of the children in hotels.³ The Home Office has not undertaken such an assessment and progress against this recommendation has been limited.⁴
- 1.11** An equality impact assessment of the use of hotels to accommodate UAS children has not been undertaken, despite hotels being in operation for more than two years. Additionally, a fundamental gap still exists in terms of defining who is ultimately responsible for the children and for safeguarding decisions in hotels, given there is no corporate parent or designated safeguarding lead.
- 1.12** This re-inspection found the Home Office had taken steps since the 2022 inspection to improve the safeguarding and health of children in hotels, by strengthening operational structure and processes. A Social Work Team Manager and Nursing Manager had been recruited to provide professional supervision of contracted agency staff, and professional expertise was used to improve the range and content of standard operating procedures (SOPs). Of particular note, the Home Office developed the ‘Missing Children’ SOP, taking account of advice from the National Police Chiefs’ Council, while healthcare protocols were agreed with the UK Health Security Agency.
- 1.13** There was little evidence as to how the ‘voice of the child’ had informed improvements to the operation of the hotels. While a lot of information was collected in respect of individual children, much of this was gathered on the child’s arrival at the hotel. The feedback collected from children was basic and often only obtained when they first arrived at the hotel, despite some children staying for more than a month. Following a ‘deep dive’ audit by the Social Work Team Manager, a process was initiated from September 2023 to obtain children’s updated

2 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.14, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

3 ICIBI, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.11.

4 ICIBI, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.11.

wishes and feelings once they are more settled in the hotel. However, given its only recent introduction, inspectors were not able to draw conclusions as to its impact.

- 1.14** While children told inspectors they felt happy and safe, this was often in the context of the trauma they had experienced where they were from, or on their journey to the UK. Children understood their stay in the hotel would be temporary, and their key concerns were around next steps, where they would go to and when. Children in hotels had limited access to advocacy, and there remained no written information, in the child's own language, to help them understand the next steps in the transfer and asylum process, nor how it worked.⁵ Contracted agency workers in the hotels did their best to answer children's questions, with Home Office staff escalating issues, for example in terms of identified vulnerabilities. However, the question of where and when children would be transferred was dependent on the National Transfer Scheme and the local authority to which the child was allocated.

Challenge and scrutiny mechanism

- 1.15** The 2022 inspection recommended the development of a challenge and scrutiny mechanism to better monitor delivery of operations and safeguard children's welfare. In response, the Home Office committed to implementing such a mechanism, which was to be informed by the collective needs assessment, but neither of these have been progressed. Instead, the Home Office has focused on strengthening management oversight of operations and developed its operational support and compliance and assurance functions. However, inspectors found inconsistent practices, and welfare and safety concerns were not always identified and therefore addressed.
- 1.16** The Home Office has been open to external scrutiny and invited organisations into hotels to challenge the safeguarding arrangements and to promote the welfare of children. However, the department has often been slow to implement the recommendations made arising from visits by these organisations.
- 1.17** The Home Office still relies on multiple contracts put in place two years ago at short notice, which lack clear standards to hold providers to account for performance. Staff use tools such as the 'service delivery issue tracker' which is not a robust method for ensuring quality of service delivery. Efforts have been made to ensure those staff working in hotels have appropriate training in safeguarding and the particular vulnerabilities of UAS children, but as with DBS checks, the Home Office does not have a complete picture of all the training staff have completed.
- 1.18** Assurance mechanisms, including checks on the individual records of children and site visits to hotels, as well as professional contributions from experienced social workers, have resulted in some improvements, such as increased engagement with children, but challenges remain. Inspectors found instances of safety plans not being reviewed as frequently as they should and reliance on paper copies of the daily register of children in the hotel, printed several times a day, to keep staff informed of the safeguards in place for children.
- 1.19** Team leaders play a crucial role as de facto children's home managers but without the requisite training or qualifications in childcare, and without professional supervision and support. This has resulted in a concerning practice regarding engagement with the children being identified by inspectors which had previously gone unchallenged.

⁵ Only children identified as a potential victim of modern slavery, who had been referred to the Nation Referral Mechanism would receive support from Barnardo's Independent Children's Trafficking Guardian Service.

Exit strategy

- 1.20** The Home Office did not have an exit strategy from the use of hotels, as recommended by the 2022 inspection, until litigation was brought to challenge its practices. Since the High Court judgement in ‘ECPAT UK, R (On the Application of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023)’, under the supervision of the court, progress has been made to end the use of hotels and occupancy has reduced.⁶ However, more than two months on from the judgement finding that the accommodation of UAS children in hotels was unlawful, the hotels were still in use.
- 1.21** In September 2021, when Kent County Council refused to take newly arrived UAS children into their care due to a lack of care placement capacity, part of the Home Office response was focused on making improvements to the National Transfer Scheme. These changes had some impact, particularly the increased funding to local authorities transferring UAS children into their care. The use of hotels stopped temporarily in March 2023 for four days but when the funding pilot ended around the same time, within three months the hotels returned to previous occupancy levels.
- 1.22** As the Home Office looks to end its involvement in the hotels and hand over responsibility for accommodating UAS children to Kent County Council, senior leaders said they were capturing the learning and experience of operating the hotels for the past two years in a procedural guide. This guide was described by a senior manager as an “op in a box” and would be used to set up the operation again, should the Home Office find itself in a similar position in the future.⁷

⁶ ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023), https://assets.caselaw.nationalarchives.gov.uk/ewhc/admin/2023/1953/ewhc_admin_2023_1953.pdf

⁷ In its factual accuracy response, the Home Office clarified that “they were capturing the learning and framework of standing up an operation (specifically an accommodation operation) in a short time, creating a toolkit. This is not intended for UASC hotels but there is value in having a process to refer to.”

2. Recommendations

The Home Office should:

Recommendation 1

Strengthen assurance and monitoring mechanisms to ensure it is satisfied that contractors are meeting safeguarding and other requirements, including, but not limited to:

- a. Disclosure and Barring Services (DBS) clearances of all staff working in hotels
- b. training of all staff working in hotels
- c. raising a concern (including whistleblowing) in hotels
- d. health and safety hazards and fire safety works in hotels

Recommendation 2

Review the role of team leaders and introduce professional supervision and support to ensure they are able to meet the challenges of managing operations to safeguard the safety and welfare of the children accommodated.

Recommendation 3

Work with partners to provide advocacy support for children, to act on their behalf, for example in terms of challenging their length of stay in the hotel, or ensuring the needs of the child are met.

Recommendation 4

Work with partners to provide written information for children, as necessary in their own first language, including:

- a. what will happen to them next, in terms of their transfer and placement, to better prepare them for this move
- b. how to raise a concern or provide feedback
- c. how to make a formal complaint
- d. safety plans and other measures put in place to support them

Recommendation 5

Set out a clear strategy for exiting hotels used for UAS children in partnership with Kent County Council, taking account of the High Court's directions.

3. Background

Previous ICIBI inspection

- 3.1** This re-inspection follows the previous ICIBI inspection ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC)’ conducted between March and May 2022. Stemming from Kent County Council’s (KCC) announcement on 14 June 2021 not to accept newly arriving UAS children into their care, the Home Office took the decision to temporarily accommodate UAS children in hotels. Four hotels out of the six contracted by the Home Office were in operation at the time of that inspection. The report found that while children felt happy and safe, gaps in their protection existed, including staff residing in a hotel without DBS clearance. The operation of running the hotels lacked coherent design, meaning oversight and assurance practices were missing, and the short timeframe in which the hotels were stood up was used by the Home Office to justify gaps in the provision.
- 3.2** The 2022 inspection report made four recommendations, aimed at ensuring the operation was fully centred on the UAS children accommodated in the hotels. The Home Office fully or partially accepted all four recommendations. Progress on each of these recommendations forms a chapter in this report.

Definitions

- 3.3** The following definitions were used in the 2022 inspection and have been repeated here for consistency and clarity:⁸
- The term ‘child’ is defined in Article 1 of the UN Convention on the Rights of the Child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.⁹
 - An unaccompanied asylum-seeking child is defined by paragraph 352ZD of the Immigration Rules as a person who:
 - “is under 18 years of age when the asylum application is submitted
 - is applying for asylum in their own right and
 - is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so”.

8 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.3, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

9 The UK ratified the Convention in December 1991 but it has not been directly incorporated into domestic law. Department of Education, ‘United Nations Convention on the Rights of the Child (UNCRC): how legislation underpins implementation in England’, (published 15 March 2010), <https://www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england>

3.4 This report will not use the term UASC to refer to the children. In the High Court Judgement ‘ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023)’ Mr Justice Chamberlain wrote:

“Acronyms can be helpful, but they can also divert the reader’s attention from something important. I shall refer to these children as ‘UAS children’. All have travelled long distances. Some have been abused or mistreated in their country of origin or on their journey here. Some are victims of human trafficking. Many speak little or no English and are ill-equipped to navigate life as an asylum-seeker in the UK. As a cohort, they are especially vulnerable.”¹⁰

3.5 While recognising most of the children accommodated in hotels could be considered ‘young people’, a term used frequently onsite by staff in the hotels, this report will mirror the High Court language and refer to the children as unaccompanied asylum-seeking (UAS) children. Some references to UASC or young people may remain in evidence cited in this report.

Hotels and staffing

3.6 The Home Office has seven hotels contracted, at the time of this inspection, to provide accommodation for UAS children. During the onsite phase of this inspection only two hotels were in operation, both located in Kent. At the request of the Home Office, the hotel names have been anonymised in this report. There were no females accommodated in either hotel at the time of this inspection although both hotels were able to provide accommodation if required.

3.7 The first hotel was visited on 20 September 2023. It has 55 bedrooms, with a maximum capacity (including room sharing) of 85 children. The hotel was accommodating 38 children, approximately 45% of the maximum capacity, when inspectors visited.

3.8 The second hotel was visited on 21 September 2023. It has 40 bedrooms, with a maximum capacity (including room sharing) of 57 children. The hotel was accommodating 32 children, approximately 56% of the maximum capacity, when inspectors visited.

3.9 The Temporary UASC Accommodation Team remains responsible for the management of the hotels. This team comprises a mixture of Home Office staff and contracted agency staff who work at the hotels. Agency staff include:

- senior practitioners (senior social workers)
- social workers
- nurses
- team leaders
- support workers
- security

3.10 The number of Home Office staff involved in the operation has increased since the 2022 inspection. Within the management structure of the matrix team, a Nursing Manager (November 2022) and Social Worker Team Manager (June 2023) have been appointed.

¹⁰ ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023), https://assets.caselaw.nationalarchives.gov.uk/ewhc/admin/2023/1953/ewhc_admin_2023_1953.pdf

Cohorts – Children in hotels

3.11 In total, 3,057 UAS children were accommodated in hotels from September 2022 to August 2023 as set out in Home Office data in Figure 1. The majority of the UAS children accommodated in hotels are aged 15 and over (88.6%) and are male (97.6%), with the youngest child aged nine.

Figure 1: Age and sex of child on arrival, from 1 September 2022 to 31 August 2023¹¹

Age of child on arrival	Total	Male	Female
9	1	1	0
10	1	1	0
11	4	4	0
12	15	15	0
13	57	57	0
14	268	268	0
15	714	701	13
16	1,193	1,168	25
17	800	765	35
22	1	1	0
24	2	2	0
25	1	1	0
Total	3,057	2,984	73

3.12 Four individuals aged over 18 have been accommodated at the hotel over the course of the past 12 months. Current Home Office protocol is that individuals claiming to be children and displaying symptoms of diphtheria or other contagious diseases are isolated at the hotels. When the isolation period is over, they are returned to Kent Intake Unit (KIU) to undergo screening and, where appropriate, an age assessment. For three of the cases, the individuals were returned to KIU for screening following a period of isolation at the hotel for suspected diphtheria. There was no record of any medical intervention at the hotel for the fourth individual who was returned to the KIU.

3.13 Figure 2 sets out Home Office data on the average length of stay for young people by age and gender. The average length of stay during 2022 (24.8 days) was considerably higher than that of 2023 (13.8 days) due to the greater volume of arrivals and availability of placements. Since the Home Office first used hotels, children have stayed in them for an average of 20 days. The data shows that the average length of stay for females is less than half of that for males.

¹¹ This data was provided to inspectors by the Home Office.

Figure 2: Average length of stay, broken down by gender, from 1 September 2022 to 31 August 2023¹²

Month of arrival	Count: female	Average length of stay (days) ¹³	Count: male	Average length of stay (days) ¹⁴
2022 (Sept to Dec)	21	8.8	1,693	25.0
Sep	3	3.0	495	17.2
Oct	17	10.2	459	26.4
Nov	–	–	478	30.8
Dec	1	2.0	261	26.8
2023 (Jan to Aug)	52	5.4	1,291	14.1
Jan	–	–	144	16.7
Feb	7	7.3	152	11.8
Mar	6	3.5	28	4.1
Apr	14	4.6	106	8.8
May	5	8.0	105	6.3
Jun	6	4.3	329	17.3
Jul	13	5.5	307	16.9
Aug	1	– ¹⁵	120	10.8
Total	73	6.4	2,984	20.4

3.14 Figure 3 sets out the average length of stay in the hotels for all children in 2022–23, broken down by age, with 15-year-olds staying the longest (24.4 days).

Figure 3: Average length of stay, broken down by age, from 1 September to 31 December 2022 and from 1 January to 31 August 2023

	Age									Average length of stay (days)
	9	10	11	12	13	14	15	16	17	
2022		16.0	16.3	9.2	19.9	30.2	30.5	22.3	22.7	24.8
2023	1.0		1.0	8.7	12.4	14.8	16.9	12.5	12.9	13.8

3.15 Figure 4 shows the top five nationalities over the 12-month period ending on 31 August 2023. The make up of nationalities has changed since the 2022 inspection. While Afghan and Iranian nationals feature as they did previously, Sudanese nationals are a more recent trend. The accommodation of Albanian UAS children was particularly concentrated between September and October 2022.

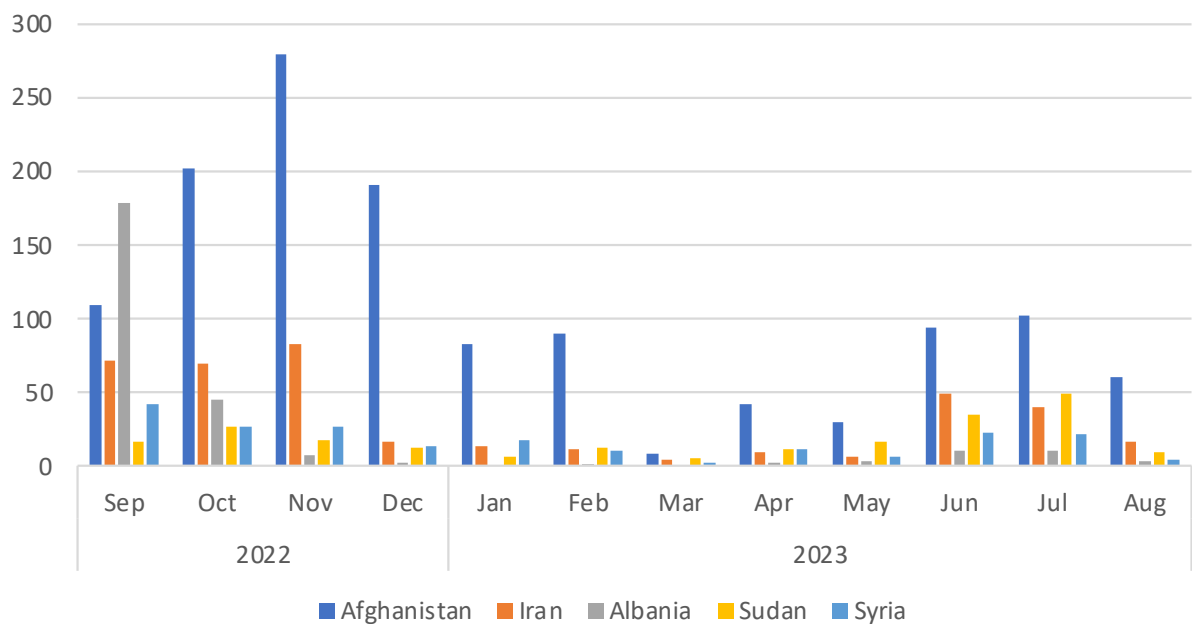
¹² Figure 2 contains internal management information provided by the Home Office. It has not been quality assured to the level of published National Statistics so should be treated as provisional and therefore subject to change.

¹³ Length of time in the hotel as of 31 August. Data may include children that were still in the hotel.

¹⁴ Length of time in the hotel as of 31 August. Data may include children that were still in the hotel.

¹⁵ Child still in hotel on 31 August 2023.

Figure 4: Top 5 nationalities of children accommodated in a hotel by month of arrival, from 1 September 2022 to 31 August 2023¹⁶



Legal status of unaccompanied asylum-seeking children

- 3.16** On 14 June 2021, KCC announced that it would not accept any newly arriving UAS children into its care.¹⁷ As a result, this meant that children accommodated in a hotel by the Home Office would not receive the protections from the local authority that must be provided under Section 20 of the Children Act 1989¹⁸ as a child in need. It also meant that the children did not have a “corporate parent”.¹⁹
- 3.17** The ‘Kent Protocol’ was an agreement between KCC and the Home Office which came into effect on 10 September 2021. Under the protocol, KCC would temporarily take into care 120 UAS children above its National Transfer Scheme (NTS) threshold of 0.07% of the local authority’s general child population.²⁰ Children over the age of 16 would receive accommodation through the KCC-managed ‘Reception and Safe Care Service’ (RSCS), set up to manage arrivals of UAS children.²¹ These children would be “looked after” with KCC acting as a corporate parent under its statutory responsibility. Any children arriving once the 120 spaces in the RSCS had been filled would, in most cases, be accommodated in Home Office hotels.

¹⁶ This data was provided to inspectors by the Home Office.

¹⁷ BBC News, ‘Concerns for child migrants as Kent County Council hits capacity’, (published 14 June 2021), <https://www.bbc.co.uk/news/uk-england-kent-57471814>

¹⁸ Children Act 1989, section 20 <https://www.legislation.gov.uk/ukpga/1989/41/section/20>

¹⁹ A corporate parent is the name given to a local authority when a child enters their care. The corporate parent has a responsibility for the welfare of the child and should ensure the approach to care is the same as if that child were their own.

²⁰ Established in 2016, the National Transfer Scheme was set up to enable the safe transfer of UAS children from one local authority to another and ensure fair distribution of UAS children across local authorities. Originally a voluntary scheme, local authorities would accept a UAS child into their care on a rota basis until a threshold percentage of 0.07% of the local authorities’ general child population. Since 15 February 2022, that threshold figure is 0.1% and local authority participation is mandatory. The scheme is jointly owned by the Home Office and Department for Education.

Home Office, National Transfer Scheme protocol for unaccompanied asylum-seeking children (published 1 July 2016), p.3, <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>

²¹ The ‘Reception and Safe Care Service’ is Kent County Council managed accommodation for UAS children aged 16 to 18 entering Kent. The service is split into two centres based in Kent and funded by a Home Office grant.

July 2023 legal challenge

- 3.18** On 27 July 2023, a High Court judgement was issued on the practice of accommodating UAS children in hotels.²² The legal action was brought by the charity Every Child Protected Against Trafficking (ECPAT) (claimant) against KCC (defendant) and the Home Office (defendant). Further separate actions from KCC (claimant) and Brighton City Council (claimant) against the Home Office (defendant) were also heard at the hearings on 20 and 21 July 2023. The legal issue brought by the claimants was the lawfulness of the provisions in place to accommodate UAS children.
- 3.19** In his ruling on 27 July, Mr Justice Chamberlain said that while children could be accommodated in a hotel in “true emergency situations”, they could not be accommodated there “systematically or routinely”. KCC’s decision not to accept UAS children into its care, first actioned in June 2021, was unlawful. The Kent Protocol was also deemed unlawful. As NTS arrangements were being made between the Home Office and the receiving local authority, with no part being played by the first (receiving) authority,²³ in this case KCC, this was also ruled unlawful.
- 3.20** As at 3 October 2023, the High Court has retained oversight of the case and suspended the quashing order made following the High Court judgement on 27 July to allow all parties to work towards removing all UAS children from Home Office run hotels and into local authority care. The court has held subsequent hearings to assess progress on 17 August, 15 September, and 10 October 2023.

Illegal Migration Act 2023

- 3.21** On 20 July 2023, the Illegal Migration Bill received royal assent.²⁴ While most of the provisions in the Act are not yet active, and will require secondary legislation to commence them, there are specific clauses relating to UAS children. In particular, the Act gives the Home Office power to:
- accommodate or arrange accommodation for a UAS child
 - transfer a UAS child to local authority accommodation
 - transfer that child back to Home Office accommodation from the local authority
 - remove any child who enters the UK illegally, “if they did not come directly from a country where their life or liberty were threatened”²⁵

²² ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023), https://assets.caselaw.nationalarchives.gov.uk/ewhc/admin/2023/1953/ewhc_admin_2023_1953.pdf

²³ The entry authority is the local authority where the UAS child first presents and responsible for referring the child into the NTS. The receiving authority is the local authority identified through the NTS to accept that child into its care. Home Office, National Transfer Scheme protocol for unaccompanied asylum-seeking children (published 1 July 2016), p.3 <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>

²⁴ Illegal Migration Act 2023, <https://www.legislation.gov.uk/ukpga/2023/37/contents/enacted>

²⁵ Home Office, Illegal Migration Bill: children’s factsheet, updated 20 July 2023 <https://www.gov.uk/government/publications/illegal-migration-bill-factsheets/illegal-migration-bill-children-factsheet>

4. Scope and methodology

- 4.1** This re-inspection of the use of hotels for housing unaccompanied asylum-seeking (UAS) children had a particular focus on the implementation of the recommendations from the previous 2022 ICIBI inspection. The recommendations and the Home Office’s formal response to them are set out at the start of each inspection findings chapter.
- 4.2** Inspectors undertook the following activities for this re-inspection:
- reviewed open-source material, including published reports
 - held a familiarisation meeting with the Home Office on 4 September 2023
 - requested documentary evidence and data from the Home Office and analysed the returns
 - on 21 and 22 September 2023, visited the two hotels being used to accommodate UAS children, and spoke to 17 children being housed there, with an Ofsted inspector in attendance in an advisory capacity
 - held in-person interviews with nurses, social workers, support workers, security staff, and team leaders
 - conducted stakeholder engagement through interviews with non-governmental organisations (NGOs) involved in the operation
 - undertook virtual interviews with Home Office staff
 - undertook virtual interviews with a range of stakeholders, including NGOs, Kent County Council and the Department for Education
 - held a verbal feedback session on 27 September 2023 with Home Office senior management, sharing initial thoughts and indicative findings from onsite activity

5. Inspection findings: Disclosure and Barring

- 5.1 The ICIBI’s ‘Inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC), March – May 2022’, published in October 2022, found that not all staff in hotels were required by the Home Office to have Disclosure and Barring Service (DBS) clearance, and that the Home Office “did not have the full picture as to which hotel staff, located in which hotel, had been DBS checked.”²⁶ Furthermore, inspectors identified three cases of staff members residing in a hotel without DBS clearance.
- 5.2 Figure 5 below includes the recommendation that resulted from these findings, the Home Office response at the time, and the latest update on progress provided by the Home Office for this re-inspection.

Figure 5: Recommendation 1 – Disclosure and Barring Service checks

Recommendation from the 2022 inspection
“With immediate effect, prevent individuals without a clear enhanced Disclosure and Barring Service check from residing and working within the hotels currently being used to house young people, and for any hotels used by the Home Office in the future. This should be checked routinely by team leaders, and the relevant Home Office operational manager.”
Home Office response to the 2022 inspection
Accepted. “No individuals, apart from the UASC, are residing at any of the hotels and commercial partners have been reminded of the ‘sole occupancy’ requirement of the contractual arrangements which precludes anyone residing or sleeping on site. “All individuals working directly with the young people accommodated at the hotels have Enhanced Disclosure and Barring Service, and all those working/ operating on the hotel sites have DBS clearance. Commercial partners are aware that this is a requirement for everyone working on these sites.” ²⁷
Home Office update, on 4 September 2023, in response to ICIBI evidence request
“Contracted staff working in the hotels will have direct or indirect contact with accommodated UASC and therefore, require DBS clearance. Dependent on the staff role (level of interaction with UASC) determines what level DBS clearance is required. As a general principle; anyone working directly with the young people will be required to hold enhanced DBS and those working onsite but not directly with young people will be required to hold DBS.

26 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.40, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

27 Home Office, ‘Response to a report on hotels for housing unaccompanied asylum-seeking children’ (published 19 October 2022), <https://www.gov.uk/government/publications/response-to-a-report-on-hotels-for-housing-unaccompanied-asylum-seeking-children>

“DBS Assurance checks – Assurance checks are conducted to ensure that all staff have been DBS checked. These checks are conducted in the following manner:

1. Contractual stipulations. The contracts held with the various staffing and accommodation providers state what DBS clearance employees must hold dependent on their role. It is the responsibility of the providers to ensure that the relevant checks have been carried out prior to employment. It is also the providers’ responsibility to ensure that clearances are kept up to date.

2. Provider sample checks. Providers are required to check DBS clearance for sample groups of staff when requested periodically. Samples are requested from across the different sites and staff roles.

3. Onsite snap checks. Periodically, site Team Leaders are requested to conduct a snap check on DBS clearances. Providers will be asked to ensure staff working on site over a particular period have in possession (can be electronically) a copy of their clearance.

“Reporting. If a member of staff is to be found working on site without the requisite clearance, they are requested to finish their shift then and are escorted off site. Any failings in this area are reported to the provider immediately. Providers will be requested to conduct an investigation and the UASC Team will be sent the investigation’s findings.”

5.3 Since the 2022 inspection, the Home Office has introduced a DBS Assurance Checks Standard Operating Procedure (SOP), last updated on 1 August 2023, which details the DBS requirements for staff working in hotels, and lists “the routine checks conducted to ensure that contracted staff working at the temporary accommodation sites (hotels) for unaccompanied asylum-seeking children (UASC) have the requisite level of DBS clearance.” The SOP sets out the following assurance checks:

- contractual obligations
- provider sample checks
- onsite spot checks

Contractual obligations

5.4 The DBS requirements for staff are set out in contracts and the statement of requirements between the Home Office and providers of staff. If staff members are found onsite without valid and up-to-date DBS clearance, it is reported to the provider, recorded on the ‘service delivery issues tracker’, and used to inform monthly assurance reports.

5.5 The role and the level of interaction staff have with children within the hotel determines the level of DBS clearance required. Team leaders, support workers, nurses, and social workers are required to have an enhanced DBS check.²⁸ Security guards, drivers, and staff directly employed by the hotel are required to have a standard DBS check.²⁹

5.6 The risk register for ‘UASC Hotels’ provided to inspectors, dated August 2023, includes the following risk: “Inability to assure DBS certification is held by all agency staff (including third party agency staff)”. To mitigate this risk, the Home Office indicates it is taking the following action:

²⁸ An enhanced DBS check is suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care. An enhanced DBS check is also suitable for a small number of other roles such as taxi licence applications.

²⁹ A standard DBS check is suitable for certain roles, such as a security guard. The certificate will contain details of both spent and unspent convictions, cautions, reprimands, and warnings that are held on the Police National Computer, which are not subject to filtering.

“Staff cannot operate on site without confirmed DBS or Enhanced DBS (dependent on role). This is the providers’ responsibility to check this and provide evidence if requested by the HO [Home Office].

“DBS samples and ‘spot checks’ are being introduced. Every agency worker operating at a hotel will be required to provide proof that they hold DBS (by presenting a physical or electronic copy) when requested to by a Team Leader or by a member of HO staff.”

- 5.7** Inspectors reviewed the ‘serious incidents tracker’³⁰ and service delivery issues tracker for incidents relating to failure by the provider to meet DBS requirements. The serious incidents tracker included a single incident relating to DBS checks. This indicated that, in June 2023, a security guard was in a hotel without the correct DBS certificate, and within the hour he was identified by staff and removed from the site. The Home Office operational team, and the provider’s senior leadership team were alerted. Subsequently, the Home Office requested that the practices that allowed this lapse to take place be tightened up. However, there are no further details on the tracker of the action taken as a result.

Provider sample checks

- 5.8** The Home Office does not have a reliable record of the current DBS clearance status of all staff working in the hotels. Instead, the Compliance and Assurance team requests samples of DBS clearances of staff from providers. This process involves reviewing the DBS status of staff who had worked at a hotel in the previous week or were about to come on shift. The sample size could be 30 staff or all staff.
- 5.9** DBS checks provide a snapshot of an individual’s criminal record on the date of issue, and for this reason, most employers choose to, or are required to, for example if there is a contract, request that employees renew their DBS certificate at set intervals.
- 5.10** Inspectors requested a copy of DBS records for all staff in hotels and were provided with a spreadsheet which contained varying levels of detail on the DBS status depending on the provider. Though the spreadsheet listed dates, it was not always clear what the dates referred to.
- 5.11** One provider’s list included the employee’s name, a DBS reference number, an expiry date, and their DBS status. However, as DBS checks do not have an expiry date it was unclear what the expiry date referred to. Another provider listed the employee’s name, a date (again it was not clear what this date referred to), and whether the employee subscribed to the update service check.³¹ The list provided for hotel staff included the employee’s name, and a DBS reference number but it did not record when the check was last made.
- 5.12** Of the 56 named support workers on one provider’s list, records for two employees had ‘DBS expired’ despite them working at the hotel four and five months later.

Onsite spot checks

- 5.13** In the hotels, security managers line manage security staff and team leaders line manage support workers. Line managers informed inspectors that they were confident that their

³⁰ Serious incidents are logged on a “serious incident tracker”. This document details the date, location, incident type, actions, and owner.

³¹ The Disclosure and Barring Service (DBS) Update Service allows applicants to keep their DBS certificates up to date and employers to check a DBS certificate. Disclosure and Barring Service, DBS Update Service, <https://www.gov.uk/dbs-update-service>

employers only assign staff to the hotels with the correct level of clearance. Security managers and team leaders carry out their own checks for new starters by asking for proof of DBS when they first arrive at the hotel.

- 5.14** Team leaders and security managers also carry out random spot checks of DBS certificates on existing staff members. Staff in hotels confirmed they are required to keep proof of DBS on their person and are regularly asked to produce it during spot checks. If someone is found to be on shift with an expired DBS, they are removed and cannot return until it is renewed. Team leaders record the details of the spot checks on a spreadsheet which is available for the Home Office to monitor.

Oversight

- 5.15** It remains the case that, as inspectors found during the 2022 inspection, the Home Office does not have the full picture of which staff in hotels have had a DBS check. During this inspection, inspectors were told that the introduction of sample and spot checks has provided additional assurance that staff working in the hotel have the required DBS checks. Spot checks are managed and executed by team leaders and the security managers and the Home Office's Compliance and Assurance team review sample checks from providers. Members of the Home Office's Operational Team informed inspectors that they recently began carrying out their own spot checks to supplement this. The Home Office's continued reliance on contracted staff to provide assurance about DBS clearances falls short of effective oversight.
- 5.16** Team leaders and the security managers were clear on their responsibilities for checking the DBS clearance of their staff (support workers and security guards).
- 5.17** The assurance process for DBS clearance of staff employed by the hotel directly was of particular concern given the 2022 inspection finding that three such staff residing in the hotel had not been DBS cleared. Inspectors were told by a team leader that the hotel manager was responsible for carrying out spot checks for the hotel's staff, which includes a receptionist, cleaner, and maintenance staff. While the hotel manager provided inspectors with photocopies of valid DBS certificates for the hotel staff, some were poor copies and had dates of issue missing. The manager also demonstrated a concerning lack of general safeguarding awareness, stating that as the certificates did not expire, they didn't consider it necessary for further renewal as, "I know them, and I think they are okay."
- 5.18** The Home Office has not provided any guidance to providers on when a DBS check should be renewed, nor is there any time period specified in the SOP. A member of the Home Office's Operational Team informed inspectors that some providers have a policy of renewing all their staff's DBS checks annually, but there is no evidence that this is happening or that it is monitored by the Home Office.

Conclusions

- 5.19** The introduction of sample and spot checks provides some assurance that anyone working in the hotel without DBS clearance could be identified, which is a development from the 2022 inspection. Staff who inspectors spoke to were clear on their responsibilities to ensure their clearance is valid and up to date and knew that they could be required to produce evidence of their DBS check while working in the hotel.

- 5.20** However, those checks are limited to only identifying those who form part of the random samples that are carried out on a particular day and are mainly outsourced to team leaders. As such, the Home Office still cannot be assured that every person working in the hotel has the correct up-to-date DBS check. Instead, it is largely reliant on providers adhering to the contractual obligation for all staff to have a DBS check.
- 5.21** A hotel manager, who holds responsibility for ensuring staff have the correct DBS clearance, demonstrated a lack of understanding of safeguarding requirements. They assumed that a DBS check would not require renewal if they knew the individual and had no concerns about them. This highlighted a need for better oversight and accountability by the Home Office that every person working in the hotels has the appropriate DBS check which is regularly renewed.

6. Inspection findings: Assessment of the collective needs of children

- 6.1 The ICIBI ‘Inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC), March – May 2022’, published in October 2022, found that Home Office staff were clear that housing children was not a role or activity that they felt comfortable delivering due to a lack of skills, expertise, and authority. Furthermore, “the failure to effectively identify and assess the needs of these young people, and to ensure that the operation to house them could meet these needs, led to inconsistent safeguarding and welfare outcomes.”³²
- 6.2 Figure 6 below includes the recommendation that resulted from these findings, the Home Office response at the time, and the latest update on progress provided by the Home Office for this re-inspection.

Figure 6: Recommendation 2 – Assessment of the collective needs of children

Recommendation from the 2022 inspection

“Within one month, using external expertise if required, undertake a robust assessment of the collective needs of the young people housed in hotels, with due regard to Section 55 of the Borders, Citizenship and Immigration Act 2009, and the United Nations Convention on the Rights of the Child (UNCRC) ‘best interests’ principle, to inform the development of standards, service design and operational delivery, to include the views, feedback and data from:

- children and young people housed in hotels
- contractor and Home Office staff, particularly Safeguarding advice and Children’s Champion and the Safeguarding hub
- management information collected by the operation
- external agencies (local authorities, NGOs and any other relevant experts)”^{33,34}

32 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.14, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

33 Borders, Citizenship and Immigration Act 2009, section 55, <https://www.legislation.gov.uk/ukpga/2009/11/notes/division/5/4/3>

34 Article 3 (1) of the UN Convention on the Rights of the Child states: 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Home Office response to the 2022 inspection

Partially accepted.

“We partially accept this recommendation and are working in partnership with the Department for Education to identify when, and how best to undertake a needs assessment to inform the operational and service delivery in the temporary UASC accommodation (hotels) during the period until we are able to end their use.

“The Home Office is committed to ensuring the safety of all young people within the hotels and regularly update our operating practices in response to feedback from the young people and key stakeholders. We are partially accepting the recommendation as we are unable to deliver the assessment within the prescribed timescales.”³⁵

Home Office update, on 4 September 2023, in response to ICIBI evidence request

“Standard Operating Processes have continued to be developed and are regularly reviewed bringing in professional expertise from: National Police Chiefs’ Council for missing children, Children’s Commissioners Office regular visits, infection prevention inspections from both NHS colleagues in Warwickshire and Oxfordshire.

“Introduction of a Social Work Team Manager within the Home Office Senior Management Team for Temporary UASC Accommodation, with professional supervision provided by Safeguarding Advice and Children’s Champion in addition to their assurance role which incorporates professional supervision with care and compliance assurance, providing feedback through documentation review and quarterly visits to temporary UASC accommodation – with feedback reviewed at Matrix Governance Group.

“Introduction of a Nursing Manager within the operation to support the nursing teams in each hotel enabling robust clinical pathways to be developed ensuring appropriate GP registration and access to primary healthcare and treatment, also supporting with the introduction of revised Health Assessment[s] for each child within 24/48hrs of being accommodated in hotel.

“Each hotel, when accommodating children has a 24hr team including Team Leader, Social Workers, Nurses, Support workers and Security. Home Office Operational Team are onsite 2 days per week observing and meeting with the Team Leaders and wider onsite teams for assurance purposes.

“Social Work Team Manager present routinely in the hotels to provide direct oversight, practice guidance to the senior social workers and their social work teams – and to observe care and support the children receive. There are senior social workers on site daily working alongside social workers to provide direct supervision and assist in complex cases and ensure safeguarding procedures are adhered to.

“Social workers undertake initial assessments of all children accommodated in the hotels to capture their needs and identify any vulnerability to ensure there is a clear multi-disciplinary plan for every child as appropriate. Whilst the voice of the child is routinely sought, this practice has since August 2023 been embedded into the social worker practice to ensure that every child is given the opportunity to describe their experience in the hotel.

“Children are engaged in individual and groups [sic] sessions to provide information and support their resilience for the duration of their stay. The social work team provide/facilitate safeguarding training to both support workers and team leaders within the provision.”

35 Home Office, ‘Response to a report on hotels for housing unaccompanied asylum-seeking children’ (published 19 October 2022), <https://www.gov.uk/government/publications/response-to-a-report-on-hotels-for-housing-unaccompanied-asylum-seeking-children>

Overall needs assessment

- 6.3** When interviewed for this re-inspection, Home Office staff, contracted agency staff, and the Department for Education confirmed that there had been no assessment of the collective needs of children housed in hotels. However, they supported the statements provided in the progress update as to the efforts made to meet the individual needs of children. As one Home Office member of staff explained: “I feel really confident that on the whole we are meeting their absolute immediate needs.” The feeling among this group of interviewees was that the children in hotels were well cared for, their basic needs were met, and that in some respects, hotels were able to better meet the children’s needs than an immediate local authority placement because of the wrap-around support available and the alternative being no accommodation.

Experience of children

- 6.4** Children accommodated at the hotels who spoke with inspectors reported feeling happy and safe, and that staff were helpful. However, some children qualified this by explaining the hotels were better in comparison to their journey to the UK, or where they had travelled from – they were no longer in a war zone, being abused, or around criminals. One child explained: “It is different from where we have been; where we came from it was a war, and we lived in fear of being killed or used in the army. We feel very safe here in the UK.” During conversations with inspectors, the children were also able to identify the benefits of receiving a placement. One said, “We want to go to a family; we want to start school. Do you know when we will have a family?”
- 6.5** Children also reported that they would like more information, particularly about their situation, how long they would stay at the hotel, and where they would go next. The 2022 inspection highlighted a similar issue.³⁶ Children reported being able to speak to support workers and social workers, using telephone interpreting services where necessary. However, inspectors saw no evidence that children were provided with written information in their own language. Social workers explained to inspectors that much of the information was given to children verbally, and that there was a lot for children to absorb, particularly in their first week. “It doesn’t always sink in”, one social worker observed.
- 6.6** Inspectors observed children leaving hotels to go to local authority placements. They received limited notice of their departure and were unaware of where they were going. Additionally, the children leaving were not always informed that they were being transferred to a temporary placement or a reception centre, which seemed insensitive given their greatest hope was for a permanent family.

Engagement with children

- 6.7** The 2022 inspection reported that “no evidence was provided about the Home Office’s engagement with the young people housed in the hotels to enable them to input or shape the design or implementation of the operation. While the young people were provided with feedback forms (in English) at the end of their stay, and complaints boxes were available across

³⁶ Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.46, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

the hotels, there was no thorough or effective mechanism in place to ensure that their views were taken on board.”³⁷

- 6.8** In evidence for this re-inspection, the Home Office provided copies of the food survey, a copy of the ‘service delivery issues tracker’, copies of ten feedback forms from children, and a copy of the standard operating procedure (SOP) for receiving and handling children’s complaints.
- 6.9** The food survey is a pictorial tally chart, with pictures to represent breakfast, lunch, and dinner, and a happy, sad, or indifferent face. Children are asked to point to a face for each meal eaten. However, inspectors did not see evidence of how this was used to inform changes to menu choices or make improvements. Inspectors did note that hotels had ended the use of containers and disposable cutlery to serve food, which was an improvement since the 2022 inspection.
- 6.10** The Home Office and contracted agency staff use the service delivery issue tracker to record issues relating to contractors and accommodation. While this tracker specified actions taken to rectify the issues identified, assigned responsibility for actions, and gave dates for when the issue was raised and closed, it did not appear to be used to record issues raised by the children.
- 6.11** Inspectors were provided with ten feedback forms completed by children accommodated in hotels since the 2022 inspection. These forms related to dates between December 2022 and August 2023; however, all were completed either on, or within four days of, the child’s arrival at the hotel. Inspectors were not provided with any evidence of how feedback forms had been used to make changes or drive improvements. Furthermore, if a child’s feedback is only obtained once, within the first few days of arrival, this process would not capture the views and experience of a child who could be at a hotel for over a month.
- 6.12** Inspectors considered how easy it is for a child to make a complaint. The SOP provided by the Home Office for receiving and handling children’s complaints came into effect approximately one week prior to inspectors visiting the hotels, on 12 September 2023. In conjunction with the SOP, inspectors reviewed a flow chart providing an illustration for children resident in the hotels of how they could make a complaint. This flow chart was only available in English, and it was not prominently displayed; for example, on hotel notice boards or elsewhere.
- 6.13** During interviews, few staff demonstrated awareness of this new complaints procedure. They advised that children approached whichever member of staff they felt most comfortable with to raise issues, concerns, or complaints. Support workers reported receiving few complaints from the children. The most common issues raised were having to be accompanied when leaving the hotel; having their sleep disturbed when support workers knock on their doors or enter their rooms to perform welfare checks or encourage them to take part in activities; and most frequently, not knowing when they would be leaving the hotel for a placement.
- 6.14** Staff in hotels were unable to provide information to the children about when they would be transferred, as this was dependent on the effectiveness of the National Transfer Scheme. The date of a child’s arrival at the hotel was of little significance, with the speed of transfer out more dependent on the local authority to which they had been allocated and their individual needs. This was a cause of frustration for the children, especially when some children left within a few days. Inspectors noted that since the High Court judgement, transfers out of the

37 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.41, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

hotel were more frequent. However, on 22 September 2023, 32 children had been in hotels for more than two weeks and seven children were approaching eight weeks in a hotel.

- 6.15** Social workers told inspectors that they obtained the ‘voice of the child’ at the point of completing their initial assessment by recording the child’s wishes and feelings. However, this only enabled reflection on the child’s needs shortly after their arrival. Following the recruitment of the Social Work Team Manager, in June 2023, a “deep dive audit to examine how the voice of the child is obtained, acted upon, and strengthen[ed] to ensure children are well cared for with a focus on risks and welfare needs and what those young people may face while under our [Home Office] care” was undertaken. This audit identified issues related to food quality, education and stimulating activities for the children, staff, and placements with families.
- 6.16** As a result of the audit, several recommendations were made, including completion of an updated wishes and feelings form when the child is more settled in the hotel. Social workers highlighted that this had started to be embedded into their ways of working from the week commencing 4 September 2023.

Stakeholder views

- 6.17** Stakeholders remained concerned, however, about whether the needs of the children were being met, above and beyond their basic needs, and in line with Section 55 of the Borders, Citizenship and Immigration Act 2009, and the UK’s duties within the United Nations Convention on the Rights of the Child (UNCRC) to meet children’s best interests.^{38,39}
- 6.18** A staff member from the Children’s Commissioner for England, who visited the hotels, explained that it would be difficult for unaccompanied children to understand what ‘safe’ should look like in the UK. Their understanding would be compounded by their vulnerabilities and language barriers.
- 6.19** Staff from the Refugee Council, who had also visited hotels, stated they had explicitly found that children accommodated in them were anxious, scared, and lonely, and had highlighted this in a briefing for a parliamentary debate.⁴⁰ However, inspectors noted the Refugee Council’s last visit to hotels was in 2022.

Equality impact assessment

- 6.20** Inspectors requested a copy of the equality impact assessments and any updates relating to the placement of unaccompanied asylum-seeking (UAS) children in hotels. Equality impact assessments aim to help prevent policies and practices unlawfully discriminating against the individuals or groups impacted by the policy, and instead advance equality of opportunity and foster good relations. The Home Office did not provide evidence that an equality impact assessment had been undertaken. However, the Home Office did provide a snapshot equality impact assessment, which covered one day (17 September 2021), and was specific to the proposed policy change of mandating the National Transfer Scheme. Two years on from when the use of hotels to accommodate children began, no view on the equality impact on children

³⁸ Borders, Citizenship and Immigration Act 2009, section 55, <https://www.legislation.gov.uk/ukpga/2009/11/notes/division/5/4/3>

³⁹ Article 3 (1) of the UN Convention on the Rights of the Child states: 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

⁴⁰ Refugee Council, Briefing for the Westminster Hall debate on children in hotels (published 6 October 2023), p.5, <https://www.refugeecouncil.org.uk/information/resources/rc-whd-briefing-on-children-in-hotels-06-06-2023/>

has been arrived at. This is a missed opportunity by the Home Office to demonstrate how it is meeting its public sector equality duty in respect of this policy.

Safeguarding policy and dedicated safeguarding lead

- 6.21** Following a series of visits to the hotels, the Children’s Commissioner for England made recommendations for improving provision for children in hotels, most of which were accepted by the Home Office. One recommendation was implementation of a safeguarding policy and having a designated safeguarding lead, although this was not on the recommendation tracker provided by the Home Office in evidence for this inspection. The National Society for the Prevention of Cruelty to Children states that “every organisation that works with children should have someone that takes the lead on safeguarding and child protection... although in larger organisations, this may be a team.”⁴¹
- 6.22** While safeguarding practices have been strengthened through implementation and review of SOPs, and the introduction of the Social Work Team Manager supplementing existing teams, there is no overarching safeguarding policy that brings the SOPs together and highlights the chain of responsibility. A Home Office senior manager explained that a designated safeguarding lead “has been discussed, but we have not reached a conclusion”.

Missing children

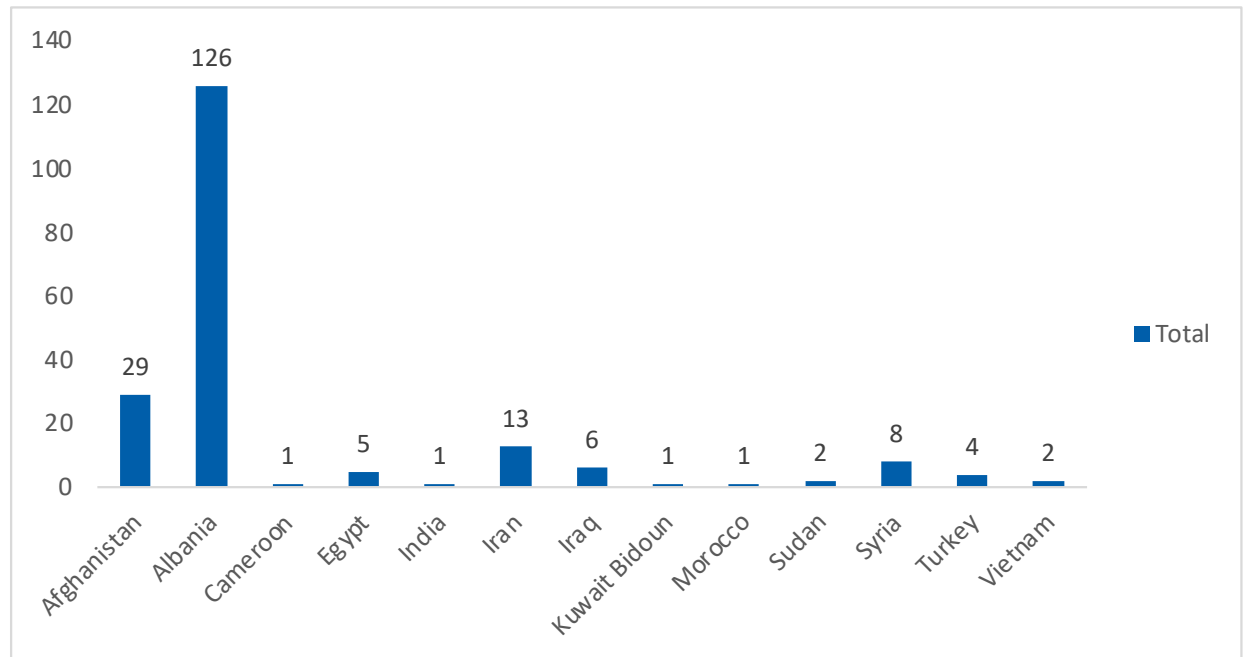
- 6.23** The 2022 inspection found that between July 2021 and February 2022, a total of 31 children had gone missing from hotels, and that six children remained missing in May 2022.⁴²
- 6.24** In evidence for this re-inspection, the Home Office reported that for the whole period that UAS children have been housed in hotels (between July 2021 and 8 September 2023), there have been 467 episodes,⁴³ of children going missing from hotels. In 320 of these episodes, the child has been found, but 147 children remained unaccounted for.
- 6.25** Home Office staff attributed the increase in missing children to greater numbers of Albanian children entering the hotels since the 2022 inspection, who are at much greater risk of going missing. Senior managers in the Home Office told inspectors that in response they have developed their missing children standard operating procedure by seeking input from partners such as the police, National Crime Agency, and the Department for Education.
- 6.26** Figure 7 shows the number of children missing by nationality. In evidence provided by the Home Office for this re-inspection, covering the period 1 September 2022 to 31 August 2023, Albanian children accounted for 63% of the missing episodes (126 out of 199 episodes).

41 National Society for the Prevention of Cruelty to Children, Nominated child protection lead or designated safeguarding officer (last updated 6 February 2020), <https://learning.nspcc.org.uk/research-resources/templates/nominated-child-protection-lead-role>

42 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.28, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

43 Referred to as episodes as the same child could go missing more than once.

Figure 7: Number of children missing by nationality, 1 September 2022 to 31 August 2023⁴⁴



- 6.27** On arrival at the hotel, children who are identified as high risk of going missing, which is generally based on nationality, immediately undergo a best interest assessment and are placed on a safety plan. The plan will include practical measures to reduce the risk to the child and should be regularly reviewed and shared with relevant agencies. Social workers carry out preventative work with the child by discussing trafficking, exploitation, and working illegally in the country. Staff collate information that might support enquiries by the police in the event a child were to go missing. Information regarding children at risk of going missing is shared with partner agencies, such as the National Crime Agency, and discussions held with safeguarding partners, such as the local authority and independent child trafficking guardians.
- 6.28** The ‘Missing UASC’ SOP provides instructions for staff to take when a child goes missing from a hotel. This includes immediate tasks and reporting, the role and responsibilities of other safeguarding agencies, and action to be taken once the child is found. Data provided by the Home Office indicates that August was the first month of 2023 when no UAS children were reported as missing from hotels.

Healthcare

- 6.29** The 2022 inspection found that the primary role of nurses in hotels was to undertake a health screening, although they operated an ‘open-door policy’, and children were able to see nurses without appointment. Nurses were also responsible for GP registration and monitoring of eating habits, and they shared concerns with social workers as necessary. Inspectors found inconsistencies in the ability of young people to access healthcare outside the hotels. Additionally, contractor staff were not clear on whether children could consent to medical treatment, and if not, who could consent on their behalf. Nurses were clear on the process for obtaining consent in relation to vaccines.

⁴⁴ Average length of time missing includes children who were still missing on 31 August 2023.

- 6.30** Nurses were unable to provide children with basic pain relief medication such as paracetamol, as the setting was not Care Quality Commission regulated, and so nurses did not have indemnity insurance. However, they worked around this by using local pharmacies and GP surgeries. At interview, some nurses were aware of ‘a basic emergency bag’ being available, although others reported they still did not have access to epi-pens.
- 6.31** Since the 2022 inspection, the nursing team had been strengthened by the recruitment of a Nursing Manager, who supports the nurses working in hotels to ensure consistency and improve the relationship with stakeholders. Additionally, the Nursing Manager provides clinical supervision to the nurses. Much like the recruitment of the Social Work Team Manager, Home Office and contracted agency staff viewed this increased support as a positive change, which had allowed increased input into healthcare related SOPs and protocols.
- 6.32** The diphtheria treatment protocol was given as an example of where nurses at the hotels had input into its design.⁴⁵ Nurses at the hotels began to see an emergence of diphtheria, as a result of children arriving who had not received a vaccine. The Nursing Manager consulted the local trust, the UK Health Security Agency (UKHSA), and nurses in the hotels to agree a treatment protocol for diphtheria cases which incorporated updated UKHSA guidance for cases and outbreaks in asylum-seeker accommodation settings.⁴⁶ Nursing staff at the hotels considered their success in managing diphtheria within hotels housing UAS children and in obtaining a good uptake of the vaccine to be a valuable achievement, both for the children and the wider community.
- 6.33** Inspectors found that the process for registering children with GP surgeries, now administered in partnership with Kent County Council (KCC), was much smoother than previously. All children were registered with one of four GP surgeries, with KCC allocating children across these four surgeries to spread patient numbers evenly. Nurses reported excellent relationships with the nominated surgeries and stated that access to medical care outside the hotel mirrored community pathways.
- 6.34** However, access to mental health support remained a concern across the contracted agency staff who spoke with inspectors, given the backgrounds of the children accommodated in hotels. Once a mental health concern is identified, the child is referred to their GP, who will offer suggestions on how best to manage the concern until transfer. The GP may also refer the child on for a mental health assessment; however, treatment can be difficult to access and may therefore be delayed until a local authority placement is found. In these instances, Home Office and contracted agency staff, for their part, would refer the child to the asylum safeguarding hub and highlight the case to the National Transfer Team.
- 6.35** Nurses were clear on the process of obtaining consent from children to undertake a health assessment or for vaccinations, and a Home Office senior manager explained that children in the hotels had on the whole been ‘Gillick’ competent.⁴⁷ However, the Home Office had “been lucky not to have to go to court for approval for surgery on a child”, as the lack of clarity over legal responsibility for, and the legal status of, the children would have made such a situation quite complex.

45 Diphtheria, an acute infectious disease that affects the upper respiratory tract, was rarely seen in the UK due to vaccination programmes that virtually eradicated it.

46 UK Health Security Agency, Public health control and management of diphtheria in England: 2023 guidelines (published 16 August 2023), <https://www.gov.uk/government/publications/diphtheria-public-health-control-and-management-in-england-and-wales>

47 Gillick competence is a legal concept that determines whether a child under 16 can consent to their own medical treatment. It is based on the child’s ability to understand, and weigh, the risks and benefits of treatment, although it varies depending on the complexity of decision. Gillick competence means that parental permission or knowledge for treatment is not required.

Access to advocacy and legal advice

- 6.36** The 2022 inspection found that children were not provided with access to legal advice, as their claims were paused for the duration of their stay in the hotels. This remains the case, although following visits by her staff, the Children’s Commissioner for England recommended that access to legal advice be provided. The Home Office responded to this recommendation, stating that “access to legal advice is not facilitated...for a number of reasons”. These reasons included legal advisers being unable to maintain effective representation once a child is transferred, and it not being feasible for the Home Office to provide an ‘appropriate adult’ for each child to support access to legal advice.
- 6.37** The Refugee Council had been providing some support to children, but withdrew this service in January 2022, when it became clear the use of hotels would not be a temporary measure. In early April 2022, while the Refugee Council did not return to providing this support, it did begin to deliver rights and entitlement briefings to children at the hotels under its wider ‘Independent Unaccompanied asylum-seeking child Support Service’ (IUSS) contract with the Home Office.⁴⁸ Due to capacity issues, the IUSS in hotels ceased in November 2022. Since then, the Refugee Council had re-negotiated the contract with the Home Office, secured funding, and was in the process of recruiting staff, to once again provide this service to the UAS children in hotels. However, the Refugee Council is now unsure whether the contract stands, following the Illegal Migration Act receiving royal assent, and the High Court judgement in respect of the UAS children in hotels. The Refugee Council explained they had been told “the funding had not been denied”, but that if there were no hotels used, it would have to be agreed whether that funding could be mapped across to whatever replaced them. As a result, the Refugee Council did not know if it would “be able to access funding, and so all recruitment has been paused”.
- 6.38** The Children’s Commissioner for England has made regular visits to hotels since the 2022 inspection. It offers an advice and assistance service (‘Help at Hand’) for children in care, children who have a social worker or are working with social services, children living away from home (which would include UAS children), and care leavers. However, it is a small team, with a remit to cover vulnerable children across England. Following the visits to the hotel, the Children’s Commissioner for England made a number of recommendations, three of which related to the provision of information to children, advocacy provision by an outside agency, and access to legal advice.
- 6.39** While the Home Office noted in response to these recommendations that access to advocacy and legal advice remained to be discussed, it reported a stakeholder mapping exercise had been completed, to identify additional organisations which could offer appropriate support to children in the hotels. The Home Office hoped to have the support in the hotels by mid-June 2023, and said it had identified information materials from a range of sources, including information leaflets on the National Transfer Scheme, and information around trafficking and exploitation in different languages. Inspectors did not see evidence of this information during their visits to the hotels, and children who spoke with inspectors did not mention it.
- 6.40** In respect of advocacy provision in particular, a Home Office senior manager explained that it was “a particular issue we have been wrestling with for the best part of the last year”. They explained that following the High Court judgement, advocacy provision in the hotels was on pause, and it would need to be distinguished from immigration advice.

⁴⁸ Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.16, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

- 6.41** Barnardo’s staff also visit the hotels to speak with children specifically referred to them, in their role as Independent Child Trafficking Guardians, which is a service contracted by the Home Office to provide an additional source of advice and support for potentially trafficked children, and who can advocate on their behalf.⁴⁹ Barnardo’s contract only permits them to visit the hotels in specified areas; however, this does include the hotels currently in use in Kent. Barnardo’s confirmed to inspectors that they were looking to facilitate group sessions for all children in hotels, having been approached a week prior to the inspection, but explained they were only commissioned for trafficking questions.
- 6.42** Inspectors concluded that despite the efforts of Home Office and contracted agency staff, it remained the case that children in the hotels had little access to information about what was happening to them, little access to advocacy advice, and no access to legal advice.

Conclusions

- 6.43** The Home Office has always stated that accommodating UAS children in hotels was a temporary, emergency measure. However, given the length of time the hotels have been in use, inspectors concluded that continuing to focus only on children’s immediate and basic needs was not in the spirit of Section 55 or UNCRC duties, where the best interests of the child should be of primary consideration.^{50,51} The progress made against this recommendation is disappointing, given the Home Office had over a year to make changes and improvements.
- 6.44** Since June 2023, some progress has been made in relation to obtaining a better understanding of the needs of children in hotels. Inspectors found that the introduction of SOPs and the recruitment of a Social Work Team Manager and Nursing Manager were positive steps forward to meet children’s needs. The recent introduction of new processes for children to raise issues and complaints should also facilitate analysis going forward, allowing the Home Office to identify needs and areas for improvement.
- 6.45** While detailed assessments are undertaken in relation to each individual child, there has been no collective assessment of the needs of children accommodated in the hotels. In relation to obtaining and understanding the ‘voice of the child’, much of the action taken occurred just prior to this re-inspection, and inspectors were therefore unable to draw conclusions as to its impact.
- 6.46** The 2022 inspection report highlighted that children persistently asked about when they would be moved from the hotel, that uncertainty about what would happen to them was a source of ongoing anxiety, and that written information was not available to children in their own languages.⁵² Inspectors found this situation remained unchanged, although both contracted agency and Home Office staff agreed written information for the children would be useful.

49 Home Office, ‘Interim Guidance for Independent Child Trafficking Guardians’ (published 27 January 2018), <https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites>

50 Borders, Citizenship and Immigration Act 2009, section 55, <https://www.legislation.gov.uk/ukpga/2009/11/notes/division/5/4/3>

51 Article 3 (1) of the UN Convention on the Rights of the Child states: 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration

52 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.46, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

7. Inspection findings: Challenge and scrutiny mechanism

- 7.1 During the last inspection of the use of hotels for housing unaccompanied asylum-seeking (UAS) children, carried out between March and May 2022,⁵³ inspectors found that some guidance, processes, and procedures were still evolving, and that contractor staff were not always clear about their role and responsibilities. This resulted in inconsistent practice across the four hotels used at that time. Training did not account for the transient nature of the workforce. There was an absence of defined standards and no mechanism for assessing the quality of care. Finally, there was no management accountability framework to promote and safeguard young people’s welfare. Figure 8 below includes the recommendation that resulted from these findings, the Home Office response at the time, and the latest update on progress provided by the Home Office for this re-inspection:

Figure 8: Recommendation 3 – Challenge and scrutiny mechanism

Recommendation from the 2022 inspection
“Within 3 months, develop a challenge and scrutiny mechanism, drawing on internal and external expertise and the resources outlined in Recommendation 2, to monitor the delivery of the operation with a specific focus on safeguarding children’s welfare.”
Home Office response to the 2022 inspection
Partially accepted. “Assurance and governance structures for the UASC hotel operation are in place but still being developed. The needs assessment as recommended in ‘Recommendation 2’ (see above) will inform these arrangements and once it is completed will be able to inform how a challenge and scrutiny mechanism is best delivered. We are partially accepting the recommendation as we are unable to deliver the assessment within the prescribed timescales.” ⁵⁴

53 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022’ (published 19 October 2022), p.11, <https://www.gov.uk/government/publications/an-inspection-of-the-use-of-hotels-for-housing-unaccompanied-asylum-seeking-children-uasc-march-may-2022>

54 Home Office, ‘Response to a report on hotels for housing unaccompanied asylum-seeking children’ (published 19 October 2022), <https://www.gov.uk/government/publications/response-to-a-report-on-hotels-for-housing-unaccompanied-asylum-seeking-children>

Home Office update, on 4 September 2023, in response to ICIBI evidence request

“Operational structure in place led by a Grade 6, three Grade 7 leads, the Social Work Team Manager, the operational lead and the operational support function. Four Senior Executive Officers – 2 Operational and 2 Operational support. 1 Higher Executive Officer and 2 Executive Officers supporting the operation with assurance checks and daily capacity figures.”

“The Matrix governance team consisting of: Temporary UASC Accommodation Team – Chaired by [the Grade 6], Asylum Safeguarding Hub, Safeguarding Advice & Children’s Champion, National Transfer Scheme, Commercial and Home Office Legal Advisers. The purpose and objective of the Matrix Governance group:

- Provide strategic direction and oversight of, and challenge to, operational plans and performance, including assuring the feasibility of plans, and identifying actions and recommendations as appropriate.
- Identify relevant lessons or learning points and provide guidance and direction on themed issues or topics identified for discussion from past or current operational delivery to future improvement.
- Routinely consider information from reporting provided on operations, assurance, compliance and performance to identify risks, issues or decisions for resolution and escalation.
- Consider and identify risks, issues or decisions for resolution and escalation, from operational referrals of high-risk cases and incidents.”

Scrutiny and challenge

- 7.2** In its response to this recommendation the Home Office stated that it would use the collective needs assessment (outlined in recommendation 2 from the 2022 inspection) to inform how a challenge and scrutiny mechanism is best delivered. As outlined in chapter 6, there has been no such needs assessment since the 2022 inspection. Moreover, the Home Office’s evidence for this inspection on scrutiny and challenge principally focuses on the assurance and governance arrangements now in place.

External scrutiny

- 7.3** The 2022 inspection concluded that external oversight of the operation of the hotels for UAS children was absent and the Home Office justified this lack of scrutiny by referring to the temporary nature of the operation. Arguably, this was exacerbated by the fact there was no clear regulatory and enforcement framework for the department’s accommodation of UAS children in hotels.
- 7.4** Inspectors spoke to a number of external agencies, including non-governmental organisations, other government departments, and charities about their involvement with children in the hotels. There was a consensus that the Home Office had been open to external scrutiny in respect of these hotels. However, this position was often qualified by the view of the agencies that the department has often struggled to implement recommendations they have made and improvement initiatives they have proposed.
- 7.5** Staff from the Children’s Commissioner for England undertook a number of visits to hotels housing children, including both hotels in Kent, most recently in early spring of this year.

The Home Office undertook some work to progress the recommendations made, including commencing a procurement process for the provision of formal English language lessons, information for children in their first language on safety and their rights, and provision of advocacy services which the Children’s Commissioner for England could have provided. These initiatives have not yet been introduced.

Oversight and assurance

- 7.6** The Home Office has strengthened management oversight of operations and developed both operational support and compliance and assurance functions. The Matrix Governance Team includes all the Home Office teams and contracted agencies involved in oversight of the hotels. All actively participate in supporting and challenging operational practice in hotels to safeguard the welfare of children accommodated in hotels.
- 7.7** Inspectors asked the Home Office for details of internal and external assurance, oversight, and engagement mechanisms relating to the accommodation of UAS children in hotels, from 1 January 2023 to 31 August 2023. Inspectors were provided with a document dated June 2023, titled ‘Operational Assurance Overview’, which stated that: “Due to the nature of the operation and the significant welfare and safeguarding responsibilities the Home Office has in relation to accommodating UASC, a high level of operational assurance is necessary.”
- 7.8** The ‘Operational Assurance Overview’ listed a number of assurance mechanisms. Inspectors considered the supporting evidence provided by the Home Office for these mechanisms and questioned staff and managers about their impact.

Co-ordination and management meetings

- 7.9** Inspectors found an expanded range of routine co-ordination and management meetings compared with the 2022 inspection, with standard agendas, resulting in good engagement and information sharing across onsite teams supporting children. The Home Office’s Temporary UASC Accommodation Team has responsibility for operational oversight and assurance, coordination with other agencies, contract management and development of standard operating procedures (SOPs). A senior manager told inspectors, “I know the infrastructure is much more developed and resilient. We have assurance in place we didn’t have previously. I have more confidence that we know what the risks are and what’s going on in the hotels. It’s in a much better place.”
- 7.10** Inspectors observed meetings in both hotels, including the individual daily hotel management meetings and the daily operational calls involving all hotels. These were well attended by all teams supporting the children in the hotel and remotely and involved discussion and challenge about specific children. These discussions covered key issues, such as welfare, vulnerabilities and potential safeguarding issues and referrals, and transfers to foster care and other placements, including failed transfers.⁵⁵

Contracts

- 7.11** The 2022 inspection found that Home Office staff did not always appear to understand the details of the contract they were overseeing, and there was no mechanism for assessing if the

⁵⁵ A failed transfer is where a child is placed with a family but for various reasons it is not successful. This could be because the child does not want to transfer to the location they have been allocated.

quality of the care provided to the young people was of a suitable standard. Since that time, the accommodation contract with CTM and the security contract with Mitie (part of the wider contract covering other Home Office services) have been renewed.⁵⁶ Only the Mitie contract includes key performance indicators. The contracts for the provision of agency staff in hotels are the same as those in place when the operation was first established in the summer of 2021.⁵⁷ These contracts were to run for six months but have been rolled over each month since then. There are still no standards for care in the contracts, and they are not supported by a safeguarding framework.⁵⁸ It therefore remains challenging for Home Office staff to assess whether an appropriate standard of care is provided.

7.12 A senior manager explained that the staffing contracts “are effectively agreements rather than contracts. There’s risk involved there as they can be terminated in a very short period of time.” The risk presented by “the lack of sufficient detail in multiple commercial contracts, stood up at short notice”, is identified in the risk register. The Home Office informed inspectors that these contracts are in the process of being re-procured to improve them, including “in terms of the safeguarding space, such as training”, but progress has been impacted by the High Court proceedings.

7.13 Despite the limitations of the agency staff contracts, inspectors noted that this had not stopped improvements being made in the level of professional support provided. The nurses are now led by a Nursing Manager, and a Social Worker Team Manager, and senior social workers provided enhanced professional supervision and support. Social workers were originally contracted to work from 9:00am to 5:00pm, but since July 2023 they had agreed to the introduction of a shift pattern of working which extended the hours they were available to 10:00pm, in order to provide “a safeguarding pair of eyes for longer”.

7.14 In the absence of clear standards for contracts, the Home Office informed inspectors that it held all contractors to account for performance using a ‘service delivery issue tracker’ spreadsheet. Team leaders and Home Office staff used this tracker to highlight, assign, and update any issues requiring action, and it was discussed in weekly meetings with service providers. Service delivery issues reported in previous months related to issues with support workers’ conduct and attendance, the quality of a social worker assessment, and maintenance and housekeeping issues, which were all reported to have been resolved.

Record keeping

7.15 During the 2022 inspection, concerns were raised about inconsistencies and inaccuracies in records held for children in hotels. In this re-inspection, inspectors found that assurance processes had been introduced to regularly check individual children’s records. These processes had identified where further improvements are required, but challenges remained in ensuring consistency in the quality of records.

7.16 The electronic records for each child are held in a separate folder on SharePoint with a clear and logical structure of subfolders, enabling ready access. Since the High Court judgement in July 2023, each child’s record now includes assessments completed by Kent County Council

⁵⁶ The CTM contract for the provision of the hotels held by CTM was renewed in February 2023 and runs to 2025, with a one-year extension available. CTM also has a separate contract for transport services for transfer of children from hotels, which runs from February 2023 to February 2025, and this has service levels specified.

⁵⁷ Tripod Partners provide Team Leads, social workers and support workers; Connect2Kent (C2K) provide Team Leads and social workers; and Sanctuary Personnel provide nurses.

⁵⁸ Contractors engaged as part of the Asylum accommodation and Support Contracts for adults and families in contingency accommodation also have signed up to a safeguarding framework which sets out safeguarding standards that are to be met in addition to the general terms of the contract.

social workers based at the Kent Intake Unit (KIU), where the initial processing of newly arrived UAS children takes place. This is in addition to assessments by social workers and nurses in the hotels.

- 7.17** An important recent initiative by a senior social worker was the introduction of a chronology for listing all significant events in the form of case notes, with the date and the location of the relevant document. This had made it easier to check and locate documents on SharePoint, and a weekly check was undertaken by the Operations Team to ensure all necessary documents were in the folders.
- 7.18** Following an initial assessment by a social worker, safety plans are prepared for children with specific vulnerabilities or those at risk of going missing. These safety plans set out actions the social worker considers are necessary to safeguard their health and wellbeing or protect them from harm. In the 2022 inspection, inspectors found it was not always clear how safety plans were monitored or where responsibility for the required actions lay. During a visit to one of the hotels for this re-inspection, inspectors were informed that safety plans are reviewed at least every seven days, but a number of safety plans had not been reviewed within this time period. A social worker told inspectors: “it was an oversight; we are meeting today because some reviews haven’t been written up on the system.”
- 7.19** Each hotel uses a hotel register, a spreadsheet, known as the ‘young person’s room list’, as the primary record of all children accommodated. This document provides the data used in all reports and returns.⁵⁹ This spreadsheet includes the child’s name, gender, KIU number, date of birth, length of time at the hotel, whether the child was in isolation due to an infectious disease, room number, nationality, whether a social worker assessment had been completed and medical screening, and finally a column for ‘allergies/ safeguarding/ departing’ which included whether they had a safety plan.
- 7.20** Only team leaders have permission to edit the spreadsheet, which is held on SharePoint. A team leader told inspectors that this restriction was in place because “it crashed if there were multiple people using it, and there were also concerns that all data could be lost, which had happened previously in June”. Nurses do not use SharePoint and social workers have read-only access, and so their records are held on their own separate systems. Key documents, such as medical assessments, have to be scanned into a child’s folder on SharePoint.
- 7.21** The ‘young person’s room list’ is updated each time a child arrives or leaves for a placement and then printed and distributed to staff, as some of them do not have easy access to a computer. If there are a lot of movements of children during the day, the document has to be printed multiple times a day. This practice of relying on printed copies of the list presented a risk that a member of staff would not be working from the most up-to-date version which could have essential information about a child, such as whether they should be accompanied when leaving the hotel. The Home Office’s Operations Team undertook checks of the numbers of children in hotels twice a day based on figures submitted by team leaders from the list, but this would not fully mitigate the risk of out-of-date essential information being used.
- 7.22** The Home Office’s Safeguarding Advice and Children’s Champion (SACC) team is responsible for promoting the department’s section 55 children’s duty and has provided safeguarding advice to managers on the operation of hotels for UAS children. A member of the team undertook a review of initial assessments by social workers across all seven hotels in the first few months of 2023. This review identified improvements that had been made, including the move from paper

⁵⁹ The ‘young person’s room list’ also informs the UASC daily report.

records, which could be difficult to read due to poor handwriting, to electronic templates as computers became available. The initial assessments were considered to be well written and detailed, incorporating children's experiences, feelings, and expectations. However, it also highlighted inconsistencies in records management and file naming. A follow-up 'deep dive' review had been recommended to check progress, but this had not taken place by September 2023.

Use of data

- 7.23** The Home Office's Asylum Safeguarding Hub (ASH) has responsibility for data management of the children in hotels. It does this by maintaining a tracker document which includes details of every child who has been through the hotels. This information is obtained from the individual hotel registers (young person's room lists) and ASH checks that vulnerabilities are recorded and appropriately shared with local and other relevant stakeholders. ASH also maintains separate trackers for children who have gone missing from hotels and those referred to the National Referral Mechanism (NRM).
- 7.24** Inspectors asked the Home Office for the number of safeguarding referrals made to ASH or external agencies (and the outcome) for the year to 31 August 2023. The Home Office response was: "We don't maintain a record of referrals that are made to the Asylum Safeguarding Hub, this is because it wouldn't capture all the issues that are identified as some are identified from reviewing welfare forms/social worker assessments/medical assessments etc. However, the issues are noted on [another] spreadsheet under the known vulnerability details." It also stated: "We also don't maintain a centralised record of referrals that are made to external agencies, this is because we would update the records for the individual child and have all the details on there." Inspectors considered that, by not analysing safeguarding referrals data, the Home Office was missing an opportunity to identify trends and any learning that might be applied to supporting children in hotels.
- 7.25** ASH also has oversight of the 'serious incident tracker', another spreadsheet which is used to record serious incidents, including safeguarding and missing incidents. This tracker includes the date and details of the incident, a very brief summary of actions taken, and the date closed. However, the tracker does not include the details of children involved in the incident and so it cannot be cross-referenced with other data sources.

Site visits

- 7.26** Home Office staff and managers not based at the hotels carry out regular unannounced site visits, at least weekly, to provide assurance that practices comply with agreed processes and children are appropriately safeguarded. These visits also involve discussion about issues and concerns highlighted. The feedback is then raised at co-ordination meetings and actions agreed and followed up. Inspectors found that these visits have played an important role in identifying areas for improvement in operations, but processes for ensuring that these are implemented could be strengthened, based on managers' recorded observations of the hotels and examination of records.
- 7.27** The Home Office introduced a basic checklist for staff undertaking visits in May 2023 to improve consistency in what is considered. This template covers various issues such as security, DBS checks, cleanliness, children's engagement and supervision, welfare checks, planned activities, meetings, staffing levels and isolation procedures. The Home Office stated that "at times visit reports are submitted in the form of emails highlighting key issues/ observations."

Inspectors noted that, in the evidence provided for this re-inspection, feedback from recent visits was provided in the form of an email to a senior manager only, and so use of the checklist, designed to improve consistency, is not yet embedded in practice.

- 7.28** A social worker from the SACC team undertakes periodic assurance visits to hotels to review social worker practices and provide feedback to the social worker team lead. In August 2023, the SACC undertook a 'Pre-inspection Assurance Review' of hotels used to house children. This concluded: "Overall, the social work practice in UKVI UASC hotels continues to provide a reasonable level of safeguarding assurance. To strengthen this safeguarding framework further attention to the children's complaint process, child care practice supervision and the process for raising concerns regarding support workers' practice would be beneficial." Inspectors considered that this was a fair reflection overall of the practices observed in the hotels visited.

Health and safety and fire safety

- 7.29** The 'UASC Operational Health and Safety' SOP requires team leaders to conduct a health and safety walkaround with the hotel manager every two weeks. This SOP says that health and safety issues are picked up from the service delivery issues tracker by the Home Office Commercial Team, who liaise with hotel owners to agree action required. Hotel owners are responsible for any works and for ensuring compliance with health and safety regulations. The contractor, CTM, also undertakes its own periodic inspections.
- 7.30** Inspectors observed a number of health and safety hazards in both hotels visited which had not been picked up by either health and safety walkarounds or assurance visits and were not recorded in the service delivery issues tracker. These included:
- an electric fan being used with the guard missing exposing the rotating blades
 - a loose carpet to the landing at the top of the main steep staircase presenting a significant tripping hazard
 - missing window restrictors in a ground floor bathroom
 - multiple areas of flooring and furniture in communal areas temporarily repaired with tape, rendering them difficult to clean
 - an out-of-service lift (inspectors were told that this had been misused by the children and so was taken out of service, but staff said they needed to use it to move heavy items between floors)
 - a urinal with a defective waste trap, with hazard tape across the bowl
- 7.31** During inspectors' visit to one hotel, there had been a leak into a communal passageway from the floor above, and the ceiling was being redecorated. Inspectors noted that the work area had not been effectively segregated to prevent anyone passing through the area colliding with the large step ladder being used. A contractor separately expressed concern that works undertaken in the hotel were only covered by a generic risk assessment and not specific method statements to ensure safe systems of work.
- 7.32** Inspectors also noted a defective intumescent fire door seal. Inspectors reviewed the fire risk assessment reports provided for both hotels visited and noted that these were both almost two years old, with review dates in 2022. Both reports identified a range of fire safety works required, including additional smoke detectors, fitting of intumescent/brush strips and fire-rated hinges and screws to all fire doors, and repair of damaged walls and ceilings to prevent spread of fire. The 'Incident Management – Fire and Fire Prevention' SOP states that "the Home

Office UASC Team will also receive copies of the Fire Risk Assessments and corresponding action plans and will be informed by the Hotel Management of any actions planned/ completed relating to those Action Plans.” A Home Office manager expressed concern that the contractor had not confirmed that fire safety works had been completed. Inspectors considered that the Home Office’s assurance processes had not established that important fire safety works had been undertaken.

Established staff roles and responsibilities and supervision

- 7.33** The 2022 inspection found that contractor staff were not always clear on their roles and responsibilities. The basic requirements of the role of team leaders and support workers is set out in a statement of requirements document, dated May 2023.
- 7.34** Team leaders have overall responsibility for the daily care and welfare needs of the children accommodated in the hotels on a 24/7 basis. They have a wide remit which includes leading a team of support workers, ensuring coordination of all staff in the hotel, and liaison with key partner agencies. Team leaders are not required to have any childcare qualifications or experience. Oversight and supervision arrangements for team leaders are unclear. Though they are agency workers, team leaders nominally report to a Home Office operations manager. An operations manager told inspectors, “we have a good relationship with team leaders, and question them every day, and as much as we can we hold them to account.” However, inspectors found that team leaders did not receive reflective supervision which could help to challenge and support their practice.
- 7.35** Support workers reported that team leaders were “approachable and helpful, but all of them approach things differently”, and inspectors noted inconsistencies in practices between the hotels. One team leader described the process by which they would disclose to the children who would be the next to leave for a placement. This involved “making a game of it”, asking them to guess who would be next, before revealing their name. Inspectors considered this to be insensitive in the extreme and undoubtedly upsetting to the children. While there was no evidence to suggest this practice was adopted more widely, inspectors noted that it was a practice that had not been challenged internally, through oversight and assurance processes, or the Home Office’s ‘whistleblowing policy’. Following a letter from the Chief Inspector, the Home Office has subsequently launched a full investigation into this incident and reviewed its processes to clarify expectations.
- 7.36** Inspectors also heard concerns about a lack of oversight of support workers given their important role in the care and welfare of children. Inspectors observed some positive engagement with children by support workers in one hotel, but in the other some support workers were sitting to one side rather than interacting with children. This was also an observation made by the Children’s Commissioner for England during visits and was noted in the service delivery issue tracker. Although team leaders have responsibility for leading a team of support workers, as they are not required to have qualifications or experience in childcare, they are unlikely to be familiar with professional supervision that would normally exist within such settings.
- 7.37** There are clear and established arrangements in place for professional supervision of social workers and clinical supervision nurses in hotels as covered in chapter 6.
- 7.38** The Social Worker Team Manager has brought a good appreciation of the risks and issues facing UAS children in hotels and visits the hotels regularly to observe interactions with children. She

has also introduced improved safeguarding practices in the hotels, encouraged and supported by Home Office managers who have been supportive of her challenge. As a result, initial needs assessment by social workers are now peer reviewed by a senior social worker, and a new process has been introduced to ensure social workers can carry out their assessment while a child is in isolation, with appropriate precautions in place. Previously, this assessment would have been delayed until the child was out of isolation, which could have been more than a week later, meaning their welfare needs would not be reviewed during that period.

Operational processes and procedures

- 7.39** At the time of the 2022 inspection, many of the processes in use at hotels housing UAS children were still in development, and SOPs, including a number relating to safeguarding, were in draft form. Since then, the Operational Team, in conjunction with relevant staff groups, has expanded these to cover a wide range of areas across the operation. SOPs have a review date and are updated more frequently if required following an incident or if new guidance is issued. Inspectors noted that a significant number have been reviewed in August 2023.
- 7.40** The SOPs are held on SharePoint in the team leader resource area. Support workers said they “have access to the SOPs and read through and discuss how best to implement them”. A team leader told inspectors that “everyone has to re-read the SOPs every three months, and sign. There used to be a massive folder of all the signatures, however that was becoming unwieldy, so now it is recorded on a spreadsheet when everyone has read the SOPs. At the moment, everyone is up to date.” Inspectors observed a daily operational meeting during which an Operations Support team member stated that “an additional tracker is to be sent to team leaders to confirm who had re-read the SOPs”. It was explained that this was required to ensure the Home Office had a better audit trail of what team leaders had done and to capture changes made to SOPs.

Assurance of safeguarding and referral processes

- 7.41** The Asylum Safeguarding Hub (ASH) has an oversight and assurance role in terms of the safety and welfare of children in the hotels. This role involves reviewing the initial welfare/screening interviews completed in the KIU and social worker and medical assessments in the hotels to check if there are any safeguarding concerns that have not been addressed or referred. Where welfare concerns are subsequently identified by the contracted agency staff in the hotel, a referral is made to ASH, so it can notify the local authority responsible for the child. (Prior to the High Court ruling the National Transfer Scheme (NTS) Team would be notified.)⁶⁰ If the child is a potential victim of modern slavery a referral may also be required to the National Referral Mechanism (NRM) and Barnardo’s Independent Childrens Trafficking Guardian (ICTG) service. ASH also ensures that the child’s record on Home Office systems such as ATLAS is updated as necessary.
- 7.42** If there are particular concerns about an individual child’s welfare and safety, a referral is made to the local authority where the hotel is located via their ‘front door services’.⁶¹ These referrals are usually submitted by the social workers in the hotels or ASH. Depending on the nature of the concern, the local authority may decide to convene a strategy meeting or a ‘professionals’ meeting to discuss the child’s case. Social workers and stakeholders reported recent difficulties with getting strategy meetings arranged by KCC in a short space of time for certain cases.

⁶⁰ The Asylum Safeguarding Hub SOP sets out the information and the type of referrals that need to be referred to the Hub by hotel staff.

⁶¹ ‘Front door services’ are the multi-agency hub that receives safeguarding concerns.

Safeguarding training

- 7.43** The 2022 inspection found that training did not account for the transient nature of the workforce, provide a thorough induction on the needs of young people, or include sufficiently robust assurance to mitigate the risks created by the transience of the workforce.
- 7.44** Inspectors requested details from the Home Office of the safeguarding training provided to staff in hotels and what assurance it has that they would be able to recognise and respond to safeguarding risks. The Home Office provided a document showing that 664 staff (all those listed), including Home Office employees, team leaders, support workers, social workers, and nurses had received induction training which included safeguarding training and briefings. This document, however, did not list staff employed by the hotel or security staff, and a hotel manager stated he had only received a leaflet on safeguarding. A security guard highlighted the mandatory security industry training their registration to the Security Industry Authority requires covers safeguarding.
- 7.45** The Home Office informed inspectors that since March 2023, site induction training has been expanded to include additional modules and that: “for those staff members who received induction training prior to the additional modules being added, we have conducted refresher training (focusing on SOPs) but there are gaps in our records. The next round of refresher training will capture this data and ensure records are kept up to date.” The monthly assurance report for July 2023 highlighted that “the main training gap is that we do not yet have clear records of training undertaken by the support workers.”
- 7.46** The Home Office provided a document titled, ‘UASC Hotels – Ops Management – Action Log – September 2023’, which included an action for team leaders to check that all support workers had received mandatory training and to record this in a ‘training tracker’. An update dated 11 August 2023 highlighted that some hotels were “still awaiting information from providers”. This document also confirmed refresher training was to be rolled out across all hotels.
- 7.47** Since the 2022 inspection, support workers and team leaders have received additional training in safeguarding-related matters such as de-escalation, trauma, and risks of exploitation if a child goes missing. This training has been provided by social workers, SACC, and staff visiting from Barnardo’s ICTG Service. These sessions have been on an ad hoc basis, and there is no central record of which staff have attended.
- 7.48** As regulated professionals, social workers and nurses are also required to complete more advanced safeguarding training (levels 2 or 3) provided by their agency prior to commencing their roles, as well as annual refresher training.
- 7.49** A member of the Compliance and Assurance Team told inspectors that a training spreadsheet is maintained covering all staff in hotels and that staff are sent reminders when they need to complete mandatory training. However, the Home Office acknowledges that this record is not up to date, and as the document does not include staff employed by the hotel or security staff, the department does not have a complete record of each person’s safeguarding training.

Lessons learned process

- 7.50** Inspectors requested details of how lessons are learned from the operations in hotels to improve the experience of children accommodated. The ‘Lessons Identified & Lessons Learned (L2) Process Standard Operating Procedure’ came into effect on 18 April 2022, and was

reviewed on 1 August 2023. The SOP states that “the lessons learned process is to ensure best practice is being applied across the operation and to adjust processes and procedures, where necessary, often in response to an issue being raised”.

- 7.51** The Home Office provided examples of two issues that had been dealt with through the lessons learned process in a ‘Lessons Learned Record’, both of which occurred in 2022. In the first example, a child accommodated in one of the hotels nearly drowned in the sea. Following an investigation, regular safety briefings to children were introduced, using an external provider, and support workers began escorting children to the beach. The second incident related to confrontation and assault incidents between children in the hotels. Following a review, key staff were trained in de-escalation measures and the ‘Site Access Control and Site Security SOP’ was revised.
- 7.52** There were two other issues logged in the Lessons Learned Record involving missing children and infectious disease reporting, but these were undated, and the actions were yet to be completed. Inspectors concluded that this process had led to improvements but was underused given the number of incidents reported.

Monthly assurance reviews

- 7.53** Inspectors were provided with a copy of the ‘UASC Monthly Operational Assurance Report’ for July 2023. This drew together a summary of the assurance activities of each of the Home Office teams (UASC Operations Team, Operational Support Team, Safeguarding Advice and Children’s Champion Team, the Asylum Safeguarding Hub, and the National Transfer Scheme Team) and external parties. It provided a helpful summary of issues raised, the number of children accommodated in hotels, and other figures, such as numbers who had gone missing, those who had been transferred and those whose transfer had failed. Inspectors subsequently received the next report covering August in early October, which highlighted that some issues with record keeping of children’s files persisted, but that these were “reducing week by week”.

Conclusion

- 7.54** The Home Office accepted the ICIBI recommendation to implement a challenge and scrutiny mechanism, which was to be informed by the collective needs assessment. However, neither of these have been progressed. Instead, the Home Office has expanded the senior management framework and supporting infrastructure for the accommodation of UAS children in hotels and it has developed its assurance mechanisms to oversee operations, involving the key agencies supporting the safety and wellbeing of the children. However, in a number of areas these assurance mechanisms have gaps and require strengthening, including, for example, in relation to record keeping, safeguarding standards, and health and safety issues.

8. Inspection findings: Exit strategy

- 8.1 The Home Office’s assumption of responsibility for housing unaccompanied asylum-seeking (UAS) children pending their placement in local authority care was originally considered to be a short-term, emergency solution. By the end of ICIBI’s last inspection in May 2022, the Home Office had been providing contingency accommodation to UAS children for more than seven months, and it was clear that the department lacked a strategy that would allow it to close the hotels and hand back responsibility for the care of these children to local authorities. Figure 9 below includes the recommendation that resulted from these findings, the Home Office response at the time, and the latest update on progress provided by the Home Office for this re-inspection:

Figure 9: Recommendation 4 – Exit strategy

Recommendation from the 2022 inspection
“Within 6 months, develop, and begin delivering, a viable and sustainable exit strategy from the use of hotels which acknowledges the Home Office’s Section 55 duty and the principle of the ‘best interests’ of the child.”
Home Office response to the 2022 inspection
Partially accepted. “We accept the recommendation and will continue to work closely with the Department for Education and Local Authorities to build capacity to avoid the ongoing need for contingency accommodation as quickly as possible.” ⁶²
Home Office update, on 4 September 2023, in response to ICIBI evidence request
“The HO [Home Office] continues to make every effort to ensure that we do not need to use temporary alternative accommodation to house UASC [unaccompanied asylum seeking children] prior to placements being found through the NTS [National Transfer Scheme]. The judgment of the High Court in relation to joined up proceedings brought by ECPAT [Every Child Protected Against Trafficking], Kent County Council [KCC] and Brighton & Hove City Council which are still ongoing before the court, is clear that the Home Office must move to a position in which we are not accommodating UASC in hotels and this is very much our aim.

62 Home Office, ‘Response to a report on hotels for housing unaccompanied asylum-seeking children’ (published 19 October 2022), <https://www.gov.uk/government/publications/response-to-a-report-on-hotels-for-housing-unaccompanied-asylum-seeking-children>

“Since the judgement and with the support of the Home Office and DfE [Department for Education] Kent County Council have taken circa 80% (anecdotal estimate based on locally managed live operational data) of arriving UASC into their care; enabling the Home Office to empty all hotels outside of Kent. In the meantime, UASC continue to arrive in small boats crossing the channel – they cannot and should not be left in facilities at port without appropriate provision or accommodation, this is unsafe and arguably unlawful. To avoid arriving UASC being left in these circumstances or destitute, where Kent County Council are unable to safely take them into their care, out of necessity the Home Office may have to provide hotel accommodation on an emergency basis.

“HO and KCC are working collaboratively, meeting daily, and in compliance with court’s direction to increase KCC’s capacity to accommodate UASC direct from port and end the use of hotels by the HO to accommodate UASC. The next court hearing is on the 15.09.23 where the HO will be bound by any further judgement made at that hearing. Whilst the HO retains 7 hotels currently, only the two hotels in Kent are being utilised.”

8.2 Although the Home Office in their response said they accepted the recommendation, inspectors were not provided with any evidence that the Home Office had developed or delivered an exit strategy from the use of hotels for UAS children. The lack of a strategy was confirmed in the Home Office evidence submission to the High Court Judicial Review, dated 27 July 2023, in the extract from the witness statement of Dr Meirav Elimelech, Deputy Director for the Asylum and Protection Unit at the Home Office, who stated: “there is not an ‘exit strategy’ from hotels as such”.⁶³

8.3 The Home Office’s position was that until the arrivals reduced considerably, there would continue to be UAS children with nowhere to go when they arrive. As Dr Elimelech’s statement explained:

“The causes which first led to the temporary use of hotels for this cohort have not gone away. Instead, the Home Office seeks to minimise the use of hotels by making the NTS work as well as it can, and by introducing and part-funding the RSCS⁶⁴ in liaison with Kent CC.”⁶⁵

8.4 A risk register provided by the Home Office did contain a reference to a ‘documented exit plan’. It was unclear whether the exit plan document was ever produced or merely an intention.

Progress up to the High Court Judicial Review on 27 July 2023

8.5 The Home Office has made efforts to improve the effectiveness of the National Transfer Scheme (NTS) with a focus on increasing the availability of local authority placements for UAS children to reduce the need for hotels. On 24 August 2022, the Home Office increased the number of UAS children a local authority must accept into their care. Since 2016, this figure has been based on 0.07% of the local authority’s general child population. The increase to 0.1% meant all local authorities would receive a higher number of UAS children. Also introduced was a reduction in the amount of time a council had to transfer a child from a hotel from ten

63 ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023), https://assets.caselaw.nationalarchives.gov.uk/ewhc/admin/2023/1953/ewhc_admin_2023_1953.pdf

64 Reception and Safe Care Service (RSCS) is a Kent County Council managed accommodation site for unaccompanied asylum-seeking children aged 16 and over.

65 ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023), https://assets.caselaw.nationalarchives.gov.uk/ewhc/admin/2023/1953/ewhc_admin_2023_1953.pdf

working days to five working days. Councils that were successful in transferring a child from a hotel within five working days would receive an additional £6,000 to support that child.⁶⁶

- 8.6** On 16 December 2022, the Home Office introduced a new funding protocol to replace the £6,000 payment mentioned above, aimed at incentivising local authorities to transfer children into their care from a hotel or the Kent Reception and Safe Care Service (RSCS). Stage One of the pilot was a £15,000 conditional lump sum payment to the local authority to accompany the transfer. In a letter to local authorities outlining the plans, Minister of State for Immigration Robert Jenrick MP stated:

“By the end of February 2023, we aim to begin closing the hotels currently accommodating unaccompanied children. We expect to withdraw this lump sum payment of £15,000 for NTS transfers from 1 March 2023.”

- 8.7** Following the withdrawal of the pilot at the end of February 2023, funding arrangements reverted back to the £6,000 payment. Towards the end of March 2023, there was a four-day period when no children were living in the hotels. Inspectors noted from internal Home Office data that, three months later, the numbers of UAS children accommodated in hotels climbed to new monthly highs for June (335) and July (320). While the funding clearly had an impact on the number of children accommodated, there may have been other factors that contributed, such as the English Channel crossing conditions (poor conditions have historically meant fewer arrivals in Kent) and capacity for foster care and other placements in Kent.
- 8.8** The NTS protocol is a joint policy between the Home Office and Department for Education (DfE), with the Home Office running the operative arm of the protocol. While the scheme is mandatory for local authorities, senior managers in both departments explained not all local authorities transfer children into their care at the same speed. Local authorities have five days to transfer a child from a hotel to their care once an NTS referral has been made.⁶⁷ A failure to adhere to this time scale has led to joint working through ‘Intervention teams’, staffed from both government departments, to work with local authorities which “are not participating as they should, or at the pace they should”. DfE also has regional support leads tasked with engaging with local authorities where children have waited too long to move.
- 8.9** Despite the funding changes and compliance work, a senior manager in DfE told inspectors that the High Court judgement was needed in making “local government recognise they need to do more”. A Home Office senior manager referred to the court case as “a reset of the system” and “a chance to get back in your corners and do what you are supposed to be doing.”

High Court Judicial Review on 27 July 2023

- 8.10** In the High Court judgement on 27 July 2023, Mr Justice Chamberlain stated:

“From December 2021 at the latest, the practice of accommodating children in hotels, outside local authority care, was both systematic and routine and had become an established part of the procedure for dealing with unaccompanied asylum-seeking children...”

⁶⁶ Local Government Association, ‘Debate on accommodation of asylum-seeking children in Hotels, House of Commons, 7 June 2023’ briefing, (published 5 June 2023), <https://www.local.gov.uk/parliament/briefings-and-responses/debate-accommodation-asylum-seeking-children-hotels-house>

⁶⁷ Home Office, National transfer scheme protocol for unaccompanied asylum-seeking children (published 1 July 2016), <https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>

From that point on, the home secretary's provision of hotel accommodation for unaccompanied asylum-seeking children exceeded the proper limits of her powers and was unlawful."⁶⁸

- 8.11** While the court found the current position to be unlawful and unsatisfactory, it in effect accepted the need for the hotels to exist and to continue to run as otherwise children would have no accommodation. A Home Office senior manager told inspectors during interviews that Mr Justice Chamberlain's original judgement was currently suspended and "keeps current arrangements lawful so parties can address the issues identified as unlawful in the judgment".

Progress following the High Court Judicial Review on 27 July 2023

- 8.12** Home Office senior managers praised the progress made by KCC in taking responsibility for UAS children since the judgement but told inspectors the "reset of the system" was "proving difficult". They stated that KCC was still taking the hotels into account in its decision making and that "the judge wants to break that".
- 8.13** A KCC senior manager explained the greatest challenge in taking UAS children into local authority care is those requiring foster care (under 16 years of age) due to a shortage of fostering placements, an issue reflected nationally.⁶⁹ Hugh Southey KC, representing KCC in the High Court, in a hearing on 15 September 2023, told the court that KCC, as at 6 September 2023, was taking almost 80% of UAS children into its care.⁷⁰ KCC was not able to take into care 15 children suspected of having diphtheria, who were instead accommodated in isolation at the hotels.
- 8.14** The increase in KCC's accommodation of UAS children has enabled the Home Office to reduce its own hotel capacity. Fortunately, the Home Office is now well versed in standing up and standing down the contracted hotels to match the volume of arrivals, which is very much dependent on English Channel crossing conditions. A deep resource pool of agency staff and established protocols mean the standing up and down of hotels can be done at relatively short notice. A Home Office senior manager told inspectors that, while focused on ending the current operation as per the court directive, they wanted to capture the experience and skills gained in this area with an 'op in a box', a ready-to-go operation order should the Home Office need to re-commence accommodating UAS children in the future. The Home Office commercial team was also undertaking work on a contract with a single staffing provider providing all staffing for the 'op in a box' rather than the current arrangement of three main providers for the different roles.
- 8.15** Senior managers from KCC and the Home Office described positive operational relationships, where both parties pull together in the best interests of the child, such as with diphtheria cases, where hotels can provide better isolation provision, despite the complication of the legal challenge and working "under a microscope". A senior manager from the Home Office stated the relationship was "much improved".
- 8.16** A senior manager from KCC explained how it had increased capacity for accommodating UAS children by nearly tripling "block booking" foster placements from 10 beds to 27 since the end

68 ECPAT UK, R (On the Application Of) v Kent County Council & Anor [2023] EWHC 1953 (Admin) (27 July 2023), https://assets.caselaw.nationalarchives.gov.uk/ewhc/admin/2023/1953/ewhc_admin_2023_1953.pdf

69 BBC News, 'Carer shortage: Government urged to 'rocket boost' fostering' (5 August 2023), <https://www.bbc.co.uk/news/uk-66416005>

70 BBC News, 'Kent council to receive £9.8m for asylum children' (16 September 2023), <https://www.bbc.com/news/uk-england-kent-66830863>

of July 2023. KCC was also exploring the expansion of its own provision to cope with demand. However, the expansion was qualified in the following terms: “we have a number of sites, but they will require huge investment and many months before they can be brought in” and that “If we had a building ready to go, we would have used it before now.”

- 8.17** In a further hearing on 15 September 2023, Home Office lawyers disclosed that KCC would receive interim funding of £9.75 million to help build capacity for placements of UAS children.⁷¹ The payment would form part of a larger funding agreement between the Home Office and KCC, which Home Office senior managers told inspectors they hoped to have in place by 27 October 2023.

Conclusions

- 8.18** There is no evidence of a Home Office strategy to end hotel use, as recommended by ICIBI in 2022. However, progress has been made from the Home Office predominantly around the NTS protocol. Increasing child in population thresholds for local authorities and incentivised funding to quicken transfers has had some impact; however, numbers of children in hotels increased in the following months once the pilot stopped.

- 8.19** Without the intervention by ECPAT, it is unlikely that the Home Office would be any closer to ending the use of hotels. The impact of the judgement on driving change was clear, as a senior manager from DfE explained:

“I think that without the High Court judgement, we’d still have five to six hotels and have 300 kids in them, rather than the 30 [UAS children] we currently have.”

- 8.20** The lack of an exit strategy meant it was difficult to ascertain when the Home Office planned to exit the operation. As a result of litigation, the High Court is now directing the exit strategy. All parties are working towards ending the unlawful practice, but it was clear this was not straightforward, and children were still in the hotels when inspectors visited almost two months on from the High Court judgement. Senior managers across departments were keen to stress the complexity and challenge of making this happen, even with High Court supervision, but spoke positively about the relationships and joint working in place. The Home Office has good experience in flexing the operation to suit the fluctuating volume of UAS children arriving, and it is sensibly putting plans in place for an ‘op in a box’ should it be in the position of needing to accommodate children in the future, after a period when this has not been necessary.

⁷¹ BBC News, ‘Kent council to receive £9.8m for asylum children’ (16 September 2023), <https://www.bbc.com/news/uk-england-kent-66830863>

Annex A: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf. The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions and in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on paragraph 17 of Schedule 3 to the Equality Act 2010 (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session.

Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Annex B: ICIBI ‘expectations’

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly ‘put right’

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office ‘owner’

- The Home Office ‘owner’ is accountable for:
 - implementation of relevant policies and processes
 - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
 - resourcing (including workforce planning and capability development, including knowledge and information management)
 - managing risks (including maintaining a Risk Register)
 - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
 - effective monitoring and management of relevant contracted out services
 - stakeholder engagement (including customers, applicants, claimants and their representatives)

Acknowledgements

The inspection team is grateful to the children, Home Office teams, contractor staff, stakeholders and Ofsted colleagues for their co-operation and assistance during this inspection.

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