

# SCOTLAND STUDY VISIT SUMMARY REPORT

This study visit is part of a series of study visits for experts involved in the protection and integration of unaccompanied minor asylum seekers and refugees, as part of the project, “No Longer Alone: Advancing Reception Standards for Unaccompanied Children”

**The role of guardians in ensuring appropriate reception**  
Glasgow, Scotland, 15-16 June 2015



European Refugee  
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## ACKNOWLEDGMENTS

This study visit report was written by Graham O'Neill, Policy Officer, Scottish Refugee Council.

The Scottish Refugee Council would like to thank the eight participants from the different EU Member States' child protection and/or asylum authorities, for their interest in the role of independent guardians in the Scottish Guardianship Service and for contributing to a better model in the future through their insightful and valuable comments and feedback.

The report and the wider Scottish part of this project has relied heavily on the expertise and support provided by key individuals in the Scottish Guardianship Service, namely Catriona MacSween as Manager of the Service and Hannah Shephard as one of the most experienced Guardians in the Service; Gary Christie, Head of Policy and Communications, Scottish Refugee Council; and Isabella De Wit and Alexandra De Voy, both from The Scottish Government. The Scottish work in this project has also benefited substantially from the involvement of professionals – many of whom are named in this report – who kindly shared their time and expertise on the role of guardians in relation to unaccompanied children and young people in Scotland, seeking protection in the UK. Finally, the most important contribution has been from the children and young people, who directly and indirectly in this study process have demonstrated qualities of resilience and intelligence.

The graphic design of the report was done by Azzam Daaboul at ECRE. Special thanks are also offered to Claire Rimmer at ECRE for her valuable feedback and editing.

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## PRESENTATION OF THE STUDY VISIT

### Context

The visit was part of a series of study visits for European state officials, decisions makers and other experts involved in the protection and integration of unaccompanied minor asylum seekers and refugees, as part of the project, “No Longer Alone: Advancing Reception Standards for Unaccompanied Children”. The project was co-funded by the European Union (DG Home affairs) and aimed to contribute to the improvement of reception standards for unaccompanied children and to ensure that when designing accommodation and reception conditions the needs of UAMs are properly taken into account. This was done through creating a space for discussion and information sharing amongst policy makers, practitioners and service providers dealing with UAMs. In order to help Member States develop and implement good reception practices, it is important to provide them with the possibility to directly exchange experience and information on the application of existing practices and concrete ways to adapt them in their national contexts.

In order to attain its objectives, the project carried out the following activities in five selected countries:

- Five case studies (France, Sweden, Netherlands, Hungary, Scotland)
- Five study visits (France, Sweden, Netherlands, Hungary, Scotland)
- Two youth participation workshops in Sweden
- A roundtable, bringing together key experts in the field of child protection, held in Belgium.

The specific aims of the case studies were to conduct an in-depth study of five reception models/practices as listed below and to underline key challenges and solutions for improvement.

- Dedicated facilities for trafficked children (Netherlands)
- Dedicated reception centre with a range of integrated services (Hungary)
- Reception and durable solutions through apprenticeship (France)
- The role of guardians in ensuring appropriate reception (Scotland)
- Youth empowerment in relation to reception conditions (Sweden)

The study visits were an important output as they targeted the main beneficiaries of the project: authorities from EU Member States and others working on the reception of unaccompanied children, both at national and at local level. In addition, the study visits were an opportunity for participants to visit specific sites and directly interact with the different stakeholders involved. The study visits involved approximately 65 Member State representatives directly.

A compendium of selected practices has been put together. It includes the case studies and the reports from the study visits as well as a toolkit on empowering children and young people to take part in policy and decision-making processes, as well as evaluate them.

The project was coordinated by ECRE, in partnership with Nidos in The Netherlands, the Hungarian Helsinki Committee, Save the Children Sweden, the Scottish Refugee Council in cooperation with the Scottish government, and France terre d’asile in cooperation with the Directorate for Juvenile Justice Protection of the French Ministry of Justice and the *Groupement d’intérêt public ‘Justice Coopération Internationale’* (GIP JCI).

### Aim of this study visit

#### *Definition of a guardian in the Scottish Guardianship Service*

“A Guardian is someone who accompanies children and young people when they claim asylum or are trafficked and are cared for by health, education and welfare services. A Guardian will help a child or young person to be actively involved in decisions that affect their life and to get the help they need, when they need it. A Guardian is on the child’s side, can explain what is happening to them, will listen to their views and experiences and speak up for them when needed. A Guardian will also help a child or young person to plan their future, whether in the UK or elsewhere.”

The study visit to Scotland was from 15 to 16 June 2015. It facilitated learning for the delegation about the role of independent guardians in the Scottish Guardianship Service to ensure appropriate reception conditions for unaccompanied children and young people.

This study visit assisted the wider aim of the ECRE No Longer Alone project: to “contribute to the improvement of reception standards for unaccompanied children and for ensuring accommodation and reception are adequate to their needs”.

In particular, the study visit was designed to facilitate conversations and mutual learning between the visiting delegation and those who have policy and operational responsibilities and experiences working with unaccompanied children and young people and with the guardians too.

## Objectives of the study visit

The study visit was to:

- Provide delegates with an understanding of Scotland’s approach to working with unaccompanied non-EEA children and young people up to the age of 18 who may be in need of international protection and / or have survived trafficked exploitation or related forms of servitude;
- Visit the Scottish Guardianship Service, which comprises guardians - uniquely qualified independent advocates - to work with, empower, and ensure the rights of distinctively vulnerable children and young people are recognised, respected, and fulfilled, in accordance with UNCRC;
- Gain appreciation of the partnership of the Scottish Refugee Council and Aberlour Child Care Trust that is the Scottish Guardianship Service and how this sits within both Scottish Government policy on looked after children and Home Office policy on unaccompanied children and asylum;
- Visit and learn from statutory and non-governmental agencies with responsibilities for different elements of the reception and integration of unaccompanied children, particularly in the spheres of social work and care planning, accommodation, education, and health services; and
- Meet and learn from legal practitioners with responsibilities, often in concert with the independent guardians in the Scottish Guardianship Service, to identify and uphold the rights of unaccompanied children in key legal processes especially the asylum process.

## DAY 1: INTRODUCTION TO GUARDIANSHIP 15 JUNE 2016

*Roundtable with the Scottish Guardianship Service and Home Office (the UK's Ministry of the Interior) led by Gary Christie, Head of Policy and Communications, the Scottish Refugee Council, Catriona MacSween, Manager, the Scottish Guardianship Service, and Gillian Elliot, Safeguard & Risk Manager & Lead Officer for Unaccompanied Asylum Seeking Children*

This was designed as an introduction to the **key individuals, information, legal and policy frameworks** for unaccompanied children and young people in Scotland. This meant starting at the centre with an introduction to the project from the ECRE coordinator, introductions around the table, before moving to an explanation of the concept and practice of an independent guardian itself and the profile and issues for the children and young people they work with.

This part of the discussion was led by the manager of and most experienced guardian in the Scottish Guardianship Service alongside key policy staff at the Scottish Refugee Council who are responsible for the wider policy and strategic development of this service (annex 2). This roundtable discussion also benefitted from a presentation from the lead officer in the UK Home Office (Scotland and Northern Ireland Region) for policy and practice with unaccompanied children (annex 3).

Key discussion points across the group and the evening dinner were:

- The challenges stemming from the UK's constitutional arrangements whereby the legislative and policy competences impacting on unaccompanied children who are in Scotland but who are seeking international protection significantly overlap, especially in terms of asylum being a matter reserved to the competence of the UK parliament and government but the reception-oriented provisions of social work and care, health, education, housing, and legal assistance, all being devolved to the Scottish parliament and government.
- There was input that the then [Human Trafficking and Exploitation \(Scotland\) Bill](#) - now [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) - may be an appropriate way to give a statutory entitlement to an independent guardian e.g. enshrine what the guardians do in legislation and that such entitlement is most appropriately open to children that have been trafficked as well as those who are vulnerable to such by reason of their unaccompanied status. The new Act ultimately provided this entitlement to an independent guardian to separated children that are considered as potential survivors of trafficking and those considered vulnerable to trafficking which includes those who are alone but who do not have trafficking indicators yet.
- The nature of the Home Office's UK legal and policy framework relating to unaccompanied children and how it affects local implementation by lead officials (see appendix one) responsible for this group in Scotland in terms of their international protection claims. Consideration was given to the unique place of the lead officials who, practically, must in partnership seek to straddle the constitutional arrangements to minimise risks to the best interests of the child not being upheld.
- This led to further discussion around how in practice the Home Office locally often establish early relationships with guardians especially when there have been weaknesses in the social work initial responses or later in cases. Over time, relationships have improved between social workers and guardians as the former has recognised the unique role the latter play which is not in any competition to that of the social worker who remains invested with lead decision-making responsibility for the child. Gradually, the guardians have become involved in Care Planning processes, such as Vulnerable Young Person meetings, to ensure that the voice of the young person, through the guardian or from the child, is taken into consideration in decisions affecting that child.

*Evening dinner with policy, legal, and child protection experts on separated and trafficked children in Scotland*

- The dinner provided space for more reflective discussion on not only the roundtable earlier in the day but also through the involvement of key policy, legal, and academic experts on the situation for unaccompanied children and young people in Scotland. In particular, the Scottish Government representative gave an overview of its commitment to the concept of independent guardians and how this sits within its wider approach to look after children and children's rights under the UNCRC.
- This was followed by some of the legal issues pertaining to unaccompanied children and young people that were pinpointed as most acute for 16-17 year olds (background in [Legal issues in the accommodation and support of asylum seeking and trafficked children under the Children \[Scotland\] Act 1995](#)). These issues included failures to accord the right legal status and therefore support and accommodation to such separated children under the Children (Scotland) Act 1995. Another legal issue is difficulties for 16-17 year old children to access or properly instruct legal representatives and as a consequence ensure that their best interests are met within the legal processes that they are involved with (see background from [Working Group on Legal Representation of Vulnerable Children](#)).
- Then, one of Scotland's leading academics mapped out the journey of Scotland's child protection community in working with unaccompanied children seeking protection and, within that group, the significant minority (around one third) who are survivors of trafficked exploitation and / or related servitude.

## DAY 2: RECEPTION AND INTEGRATION 16 JUNE 2015

*The morning roundtable was led by Chris Perkins, Team Leader of Asylum Assessment Team, Children and Families Team, Glasgow City Council Social Work Services and Graham O'Neill, Policy Officer, Scottish Refugee Council. The visit to the Campus Project in the afternoon was led by Gaby Comerford, Senior Project Worker, Campus Project, The Mungo Foundation.*

This day brought the delegation together with practitioners responsible for **different aspects of the reception and integration** of unaccompanied children and young people. The roundtable discussion was held at Glasgow City Council Social Work Services (South Office). This was appropriate as this is where the vast majority of unaccompanied children who have been identified or presented in Scotland and who seek asylum are processed and allocated social work support through this Council's asylum assessment team. It is social workers who, in practice, lead on the discharge of the local authority duty to safeguard and promote the wellbeing of looked after children, enshrined at [s17 Children \(Scotland\) Act 1995](#), as well as the closely associated duty in that Act's [s25](#) around accommodation.

The roundtable also benefited from lead practitioners in Glasgow for unaccompanied children seeking protection in Glasgow spanning GP services, English as an additional language in school and further education settings, as well as orientation to the city generally. This roundtable was followed by a site visit to accommodation for up to 20 unaccompanied boys aged 16-17 seeking protection which co-locates with housing for unaccompanied children from the settled population, with this service funded by Glasgow City Council and run by [the Mungo Foundation as its Campus Project](#).

Key discussion points across the roundtable discussion and site visit were:

- The importance of negotiating and respecting distinctive roles and professional boundaries across all specialisms present and to do so in a way that promotes joined up, not fragmented, work around the unaccompanied child or young person. It was recognised that a key relationship is between the social worker and the independent guardian with the former invested with decision-making responsibilities and associated budgets and the latter endowed with a complete independence as working with and for only the child or young person (not that the social worker doesn't also act with the best interests of the child in mind of course too and this was acknowledged). The key difference is that the independent guardian is unfettered from any extraneous consideration outside of what they have discussed and agreed with the child or young person, and the uniqueness of this role was widely recognised and welcomed.
- The importance of safe accommodation and early access to it were highlighted both at the roundtable and at the site visit to the Campus Project. There was consensus that there needs to be greater access to the safe accommodation and just after identification as this is a vital protection factor for all unaccompanied children seeking asylum and, especially, for those that have been trafficked or suffered related forms of servitude. There was also discussion on the need for a more outcome-focused approach to housing e.g. the goal for all unaccompanied children and young people should be a safe and nurturing living environment which may be fostering, supported living or carers, or for young people, independent living. There was discussion and general agreement that the Campus Project provided safe accommodation and a degree of supported living assistance for a limited number of boys but there was a need for more such provision. And, there was even greater agreement that something at least equivalent should be put in place for young unaccompanied women as there was no such gender-appropriate accommodation for 16-17 year old young women.

## FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

- Consideration is given to the independent advocate model of guardianship in Scotland, which is now on a statutory basis, with guardians not as decision-makers but absolutely there as decision-informers and, therefore, there to advocate for and with the child or young person in relation to those responsible for making decisions;
- Learning is drawn from Scotland's context on the imperative of early intervention, appropriate accommodation and support especially psychological and legal support being available at the earliest opportunity after identification of a separated child; and
- Guardianship in Scotland was in general well-received by the delegation with positive comments in the evaluation albeit there was broad consensus that this model may not be replicable in some of the delegates' jurisdictions given that guardians in those countries have decision-making powers and not the same degree of independence as the guardians have in Scotland.
- Consideration is given to the uniquely qualified role of the guardian in a Scottish context and whether and how this unique skill-set of child rights, legal expertise, immigration, trafficking and exploitation, and social protection may be tailored into other jurisdictions.



## ANNEX 1 - AGENDA

### Core Programme for *No Longer Alone* project study visit

#### Monday, 15<sup>th</sup> June 2015

1300 - 1600	<p>Roundtable with the Scottish Guardianship Service (a partnership between the Scottish Refugee Council and Aberlour Child Care Trust) and the Home Office (the UK's Ministry of the Interior).</p> <p>This roundtable will aim to:</p> <ul style="list-style-type: none"> <li>- Introduce the participants to each other</li> <li>- Introduce the No Longer Alone project</li> <li>- Introduce how this study fits in the No Longer Alone project</li> <li>- Introduce the key legal and policy frameworks in Scotland and the UK for unaccompanied migrant children, both in terms of the UK's constitutional framework as well as at the levels of the Scottish Government and Parliament and the Home Office and the UK Parliament respectively</li> <li>- Introduce and explain the story, the work, and the future for the Scottish Guardianship Service as a partnership between the Scottish Refugee Council and Aberlour Child Care Trust and how the service is situated within Scotland and the UK arrangements for reception and integration of these children and young people</li> <li>- Facilitate discussion and mutual learning as to how the Scottish Guardianship Service sits in Scotland and the UK, how it compares to similar approaches in other European countries' reception and integration models.</li> </ul>
1900 - 2130	Dinner

#### Tuesday, 16<sup>th</sup> June 2015

1000 - 1200	<p>Visit to Glasgow City Council Social Work Services (South Office) for a roundtable with key agencies that brings together practitioners in Scotland working in:- social work and child protection; health services; teaching English as an additional language and providing orientation services - all in relation to unaccompanied migrant children and young people.</p> <p>It will provide clarity on who is responsible for looked after children; care planning and accommodation for this group; having their health and language requirements met and learning more about how they are integrated into their new surroundings.</p> <p>There will also be a discussion and mutual learning about how practices and approaches in Glasgow compare to similar approaches in other European countries' reception and integration models.</p>
1230-1400	Travel to the Campus Project - supported accommodation to unaccompanied young people that are seeking asylum in UK.

## ANNEX 2 - LIST OF PARTICIPANTS

### Details of participants

#### *Representatives in Scotland*

- Catriona MacSween, Manager, Scottish Guardianship Service
- Hannah Shephard, Guardian, Scottish Guardianship Service
- Gary Christie, Head of Policy and Communications, Scottish Refugee Council
- Graham O'Neill, Policy Officer, Scottish Refugee Council
- Gillian Elliot, Safeguard & Risk Manager & Lead Officer for Unaccompanied Asylum Seeking Children at the Home Office (Scotland and Northern Ireland Region)

#### *Case Study Delegation*

- Elona Bokshi, Project Officer and Co-ordinator of No Longer Alone project, ECRE
- Andrea Bohmova, Migration Office, Ministry of Interior, Slovak Republic
- Christina Moutsopoulou, Juvenile Probation Officer and Psychologist, Ministry of Justice, Greece
- Helene De Clerck, FEDASIL, Belgium
- Liedewij de Ruijter de Wildt, NIDOS, Netherlands
- Sophie Goedert, FOD Justice, Belgium
- Victor Fiorini, AWAS Reception Agency, Ministry for Home Affairs and National Security, Malta
- Kristina Rosado, Immigration Service, Denmark

#### *Case Study Delegation*

- Gary Christie
- Graham O'Neill
- Catriona MacSween
- Hannah Shephard
- Isabella De Wit, The Scottish Government
- Kirsty Thomson, Solicitor, Head of Women and Children's Department, Legal Services Agency
- Dr Paul Rigby, University of Stirling

#### *Case Study Delegation*

- Graham O'Neill
- Catriona MacSween
- Chris Perkins, Team Leader of Asylum Assessment Team, Children and Families Team, Glasgow City Council Social Work Services
- Karen Dyball, Service Manager, Children and Families Team, Glasgow City Council Social Work Services
- Jen Symington, British Red Cross
- Lyn Ma, Glasgow Clyde College
- Dr Alastair Muir, General Practitioner, Woodside Health Centre, Glasgow
- Ishbel Drysdale, English as an Additional Language Service, Glasgow City Council

#### *Case Study Delegation*

- Graham O'Neill,
- Gaby Comerford, Senior Project Worker, CAMPUS Project



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