

UNACCOMPANIED ASYLUM SEEKING CHILDREN LEAVING CARE COSTS GRANT DETERMINATION for 2006-2007

Introduction

1. This Determination is made by the Secretary of State for Education and Skills (“the Secretary of State”) under section 31 of the Local Government Act 2003 (“the 2003 Act”)¹ and may be cited as the Unaccompanied Asylum Seeking Children Leaving Care Costs Grant Determination for 2006-2007.
2. Before making this Determination the Secretary of State obtained the consent of the Treasury.

Purpose of the grant

3. The purpose of this grant is to provide additional funding support to those local authorities most affected by the judgment in R (on the application of Behre and others) v. London Borough of Hillingdon², to assist towards meeting the costs of supporting additional numbers of eligible care leavers, as defined in the Schedule to this Determination.

¹ 2003 c.26.

² [2003] EWHC 2075 (Admin).

Amounts payable to local authorities

4. Pursuant to section 31 of the 2003 Act the Secretary of State hereby determines that the local authorities to which these grants are to be paid and the manner in which the amounts of these grants are to be calculated, are the local authorities and the manner of calculation described in the Schedule to this Determination and that the conditions which the Secretary of State intends to impose on the payment of these grants are the conditions set out in that Schedule.

**Signed by authority
of the Secretary of State**

Date

Schedule Grant

Interpretation

1. In this Schedule -

“eligible care leaver” means a young person who –

- a) is a former relevant child (within the meaning of section 23C of the Children Act 1989³) in respect of whom the local authority is actually providing support and is the responsible authority within the meaning of section 23A(4) of the Children Act 1989⁴;
- b) was, immediately before reaching the age of 18, an eligible⁵ or relevant⁶ child who had been or who was being supported by the local authority as an unaccompanied asylum seeking child⁷; and
- c) is not disqualified from receiving support by virtue of Schedule 3 to the Nationality, Immigration and Asylum Act 2002;

“FTE” means a full-time equivalent eligible care leaver and is calculated for the purposes of paragraphs 3 and 5 in accordance with the following formula -

$$\text{FTE} = \frac{\text{A}}{\text{B}}$$

where A is the total number of weeks all eligible care leavers are supported by a qualifying authority in the relevant period and B is the number of weeks in the relevant period;

“qualifying authority” means those local authorities that supported more than 25 FTE eligible care leavers during the relevant period;

“relevant period” means financial year 1 April 2006 to 31 March 2007.

³ Section 23C was inserted by the Children (Leaving Care) 2000, Section 2.

⁴ Section 23A was inserted by the Children (Leaving Care) Act 2000, Section 2(3).

⁵ An “eligible child” is defined in the Children Act 1989, Schedule 2, Part II, paragraph 19B, as inserted by the Children (Leaving Care) Act 2000, Section 1.

⁶ A “relevant child” is defined in the Children Act 1989, Section 23A, as inserted by Children (Leaving Care) Act 2000, Section 2(4).

⁷ “Unaccompanied asylum seeking child” means an asylum seeker under the age of 18, who has no parent, relative or guardian in the UK; an asylum seeker is a person whose claim for asylum has not been determined; however, when a UASC’s claim has been determined, he or she will still be referred to as a UASC until reaching the age of 18.

Amounts payable to local authorities

2. The grant is payable to qualifying authorities in respect of eligible care leavers as defined above.

3. Subject to paragraph 4 the amount of grant payable to qualifying authorities in respect of the relevant period is calculated in accordance with the following formula –

$$X = £100 \times 52 \times (\text{FTE} - 25)^8$$

where X is the amount of grant payable to the local authority.

4. The payment of grant monies in accordance with this Schedule shall be subject to the conditions set out in paragraphs 5 to 7.

⁸ 52 means the 52 weeks in the relevant period, and 25 means the number of FTEs for which the local authority cannot make a claim to the grant (see paragraph 1.4 of the Guidance).

Claims

5. Each qualifying authority shall provide by Friday 29 June 2007, information to the Secretary of State, on claim forms provided by him, in relation to the number of FTEs actually supported in the relevant period. Each authority shall ensure that information provided to the Secretary of State on claim forms provided by him is first certified by that authority's Chief Finance Officer.

Further information

6. Each qualifying authority shall supply to the Secretary of State such further information as may be required by him for the purposes of determining whether they have complied with the conditions set out in this Determination.

Other conditions

7. Where any amount of grant has been paid in excess of the amount payable in accordance with this Schedule then such excess, as notified by the Secretary of State to the authority, shall be repaid to the Secretary of State by the authority.