



Response to Proposals for a New Regional Model of Service for Separated and Unaccompanied Asylum Seeking Children in Northern Ireland

**Children's Law Centre
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Introduction

The Children's Law Centre is an independent charitable organisation which works towards a society where all children can participate, are valued, have their rights respected and guaranteed without discrimination, and where every child can achieve their full potential.

Our organisation is founded on the principles enshrined in the United Nations Convention on the Rights of the Child (UNCRC), in particular:

- Children shall not be discriminated against and shall have equal access to protection.
- All decisions taken which affect children's lives should be taken in the child's best interests.
- Children have the right to have their voices heard in all matters concerning them.

The Immigration Department at Children's Law Centre was formally established in September 2019. We provide advice in relation to all looked after children who are in the care of social services and whose immigration status is insecure. We also advise and represent the vast majority of unaccompanied asylum-seeking children in Northern Ireland. Children's Law Centre works in collaboration with the Health and Social Care Board and all five Health and Social Care Trusts in Northern Ireland. This response is based upon our experiences of representing unaccompanied asylum-seeking children who have been subject to the asylum application, NRM and other immigration application processes.

Responses to Specific Consultation Questions

Question: Section 2 of the Consultation Paper outlines the context in terms of strategy, budget and projected numbers and caseloads for separated and unaccompanied asylum seeking children. Are there any other key context issues which should be included in Section 2 of the consultation paper?

CLC Response: Yes. CLC wishes to stress, from the outset, the likely impact of the UK's exit from the EU in relation to separated and unaccompanied asylum-seeking

children. In our opinion, it is likely to result in an increase in the number of separated and unaccompanied asylum-seeking children arriving in Northern Ireland, due, in particular, to the fact that there is now a 'soft' land border with the EU.

In addition, many EU children, who would not, prior to Brexit, have fallen into this category, may now do so, whereupon they will require immigration advice in order to regularise their status or secure their rights. While many such children will not, under the provisions of the new Borders and Nationality Bill, currently making its way through Parliament, have a valid asylum claim, some will be entitled to apply for Discretionary Leave, in particular those who are victims of trafficking. See our further comments, regarding specialist legal advice for victims of trafficking, in response to other questions, below.

Question: Section 3 of the Consultation Paper outlines the rights, entitlements and particular needs of separated and unaccompanied asylum seeking children. Do you think that this section satisfactorily describes these requirements?

CLC Response: No.

Section 3.20

CLC welcomes the reference to the need for confidential, independent and child-friendly expert legal advice. While an immigration solicitor appointed to advise and represent a child or young person in their asylum claim may be in a position to provide some assistance in relation to the NRM referral, the need for specialist advice and representation in relation to the trafficking case is often much greater. In CLC's view, this need is not, currently, being met. Specialist trafficking legal representation does not exist in Northern Ireland at present. CLC is strongly of the view that this need, for children in particular, must be addressed and met.

Section 3.22

CLC welcomes the commitment to provide specialist training for all those involved in delivering the accommodation needs of S/UASC.

CLC has concerns in relation to the proposals to include 'supported housing options' for 16 & 17-year-olds. The provision of "support" is not the same as the provision of "care". CLC considers that the vast majority of young people under the age of 18 require care, rather than support.

In CLC's experience, we consider that 16 and 17-year-olds being placed in (what effectively is) independent living i.e. for example, a flat-share, with another young person in a similar situation, with a social worker visiting on a weekly basis, is not appropriate. When we have had 16 and 17-year-old clients who are placed in foster care, we have seen much more positive impacts on their emotional and mental well-being and overall development and integration.

We accept that many young people voice the view that they are ready for semi-independent living. Research shows that the reality does not meet the expectation and that there are often poor outcomes for these young people. A young person's desire for more independence should be met within the foster placement or residential unit; with greater levels of autonomy being developed within a care setting.

CLC endorses the recommendations set out in "**Unregulated**"; the report from the Children's Commissioner for England, in relation to "children in care, living in semi-independent accommodation"¹. We agree that the general assumption should be that this group of 16- and 17-year olds are not yet ready for independent or semi-independent living. We accept that there will be a very small number of those under the age of 18, who are ready for semi-independent living and who express a strong desire for semi-independent living. It is only where those two components are present, that semi-independent living should be considered. Any semi-independent living should be in circumstances that are regulated to the same standards as those in a children's home and a high level of individual needs-based support should be provided.

Section 3.24

As acknowledged elsewhere in the consultation document, many UASCs are over the statutory school leaving age. Despite this, many of them will have had limited access

¹ <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf>

to education or training opportunities. Many have very poor literacy and numeracy skills. This will severely impede their ability to access any form of further education, training and employment. It will limit their ability to access services and become independent and thrive. It will have implications for their ability to integrate. If S/UASC are to be meaningfully “afforded opportunities to attend further education or vocational/professional training”, then this will require separate careful consideration and planning, to build educational provision that is tailored to the particular needs of this group. CLC would consider this an essential aspect of ensuring a positive long-term outcome for S/UASC.

Section 3.27

CLC considers that this issue requires particular attention.

Research shows that asylum seekers are five times more likely to have mental health needs than the general population and almost 2/3 will experience serious mental distress. However, data shows that they are less likely to receive support than the general population. These figures relate to asylum seekers of all ages. The figures are likely to be (much) higher for S/UASC, given their age, vulnerabilities and their separation from family and care givers. CLC’s experience of working with this vulnerable group affirms the very high incidence of poor mental health among S/UASC.

In CLC’s view, the consultation document in relation to mental health care provisions describes those that exist at present. In our view, the provisions are inadequate to manage the issues that arise in relation to this group of vulnerable young people, who have very specific needs which differ from non- S/UASC children and young people. Therapeutic Support Services are not appropriate or adequate in the vast majority of these cases, where one-to-one care is required.

Where it is clear that a child or young person requires additional support, this should be by way of intervention from a mental health care professional. A referral to CAMHS should be considered by social workers from the outset of every referral of a S/UASC. These referrals should be timely and followed up, as well as other options for intervention and support considered, given the issues with waiting lists and delays. There are some young people who are falling ‘between two stools’, when transitioning from child support services to adult support services, upon turning 18. Ultimately, CLC

considers that there should be a dedicated service for the provision of mental health needs, with a specialist CAMHS worker, LAC nurses and a specialist GP service for UASCs. (Leicester may provide a model of best practice.)

We consider that the Regional Service Team should receive ongoing, specialist, trauma-informed training to help them better support this group of young people who have complex emotional and mental health needs. Furthermore, CLC recommends that the Regional Service Team should forge and develop links with organisations that can provide specialist, expertise and services for victims of torture and trafficking, such as the Helen Bamber Foundation and ATLEU, respectively. No such expertise currently exists in Northern Ireland. Longer term plans should include the creation of such services in this jurisdiction.

Section 3.31

While language apps, such as Bigword, can be useful for initial interactions (for example, to ask a young person their name, nationality and date of birth, as well as the vital information to ensure that their immediate care needs have been met, and to ascertain whether there are any immediate risk or safety concerns), they should not be used for the purposes of gathering information, which might then be used for informing other aspects of service provision. None of the information that has been ascertained should be provided to third party organisations, such as to the Single Competent Authority in an NRM referral, or to the Home Office Visas and Immigration Department. Where information gathered through the use of such language apps does give rise to the need to make a third-party referral, information should then be gathered from the young person through the Trust's interpreting service (or other independent provider).

Care should be taken to meet the needs and sensitivities of the young person. For example, where there is a small community of language speakers in this jurisdiction, confidentiality and other cultural concerns may require the engagement of an interpreter from outside the jurisdiction. The child or young person should be consulted about the use of interpreters. Where a positive working relationship has been established with a particular interpreter, all attempts should be made to maintain the consistency of that particular interpreter throughout the case. It will be vital, on occasion, to make arrangements for an interpreter to travel to Northern Ireland from

outside the jurisdiction (such as for Substantive Interviews or expert medical assessments).

Section 3.34

CLC wishes to highlight that the consent of a young person is required for the removal of their mobile phone, unless the phone is required for evidential purposes under PSNI powers to seize.

Section 3.36

Consideration should also be given to cultural norms and sensitivities. For example, children and young people may be reluctant to disclose information which may be pertinent or relevant, but where the substance is such that they have acted contrary to cultural norms or traditions, or which may possibly be illegal, in their country of origin. In addition, see the previous comments in relation to the engagement of interpretation services in this respect.

General Comments

CLC is concerned by the emerging pattern of the identification of separated EU children (including a number of young Roma girls) who are in situations which are highly indicative of trafficking and abuse. We are concerned that this vulnerable group of young people is not being identified or recognised, and that their needs are not being met. With the closing of the EU Settlement Scheme, many of these children now have irregular immigration status. Given the Inadmissibility Rules, these children are not able to claim asylum to regularise their immigration status. However, they are able to apply for Discretionary Leave to Remain. We note that this consultation document does not appear to address or account for this particular group.

Initially, we would welcome confirmation as to whether this cohort will be within the remit of the Regional Service for S/UASC. If it will not, we would welcome clarity as to how their needs will be addressed and met by social services.

CLC is also concerned about the processes and procedures in place in relation to notifying authorities, including the PSNI, about incidents, such as minor behavioural incidents or disputes in children's homes. In our experience, there has often been a low to zero tolerance approach to such matters. If these result in proceedings and as

much as a 'warning', the young person will have a criminal record. This, in turn, could have significant implications for a young person's immigration case. Furthermore, many of these children and young people have had negative and traumatic experiences of the justice system and policing authorities in other countries. The arrival of the PSNI at the child's accommodation carries the risk of re-traumatisation.

Question: Section 4 of the Consultation Paper outlines the current service delivery model in Northern Ireland and comparators from other jurisdictions. Do you think that we have examined the appropriate comparator models and jurisdictions to effectively inform the scoping of options for future service provision in Northern Ireland?

CLC Response: Yes. CLC would have liked to have seen a wider scoping exercise. However, we appreciate the constraints and urgency of consulting on and delivering a regional service for these children in Northern Ireland. In those circumstances, we consider that the comparator models and jurisdictions examined are appropriate.

Question: Section 5.2 of the Consultation Paper lists the key points identified from the research/best practice articles reviewed. Based on your knowledge of best practice/research, do you think that any other key points should be considered in the development of the proposals?

CLC Response: Yes.

While it is important that the asylum process should be started as soon as children arrive, in the sense that the Home Office should be notified of a child's wish to claim asylum as soon as the child arrives, the completion of the process should then be paced to that child's individual needs. This may require more settling in time for one child over another, before, for example a Welfare Interview is scheduled, or legal meetings may need to proceed more slowly for one child compared to another, depending on the level of understanding of that child, the impact of the process on their mental health, and depending on an individual child's level of understanding.

Access to information in the child or young person's own language at a level appropriate for their age and education/literacy.

Specialised, dedicated mental health services and experts including for victims of torture. We welcome the extension of this provision into schools.

Question: Section 6 of the Consultation Paper identifies a number of service gaps. Do you agree that all relevant service gaps/areas requiring particular attention have been reflected in section 6?

CLC Response: No.

We consider that the gap in terms of 'Immediate access to dedicated therapeutic services' should be "immediate access to dedicated *one-to-one* therapeutic services, *to include, where required, specialised mental health services*".

In relation to access to English classes, it is CLC's view that there should be a bespoke arrangement in relation to S/UASCs, and that children should be provided access to these arrangements until, at least, the age of 18 (as well as other bespoke educational provision) and as part of after care services if required.

It is CLC's view that the care arrangements and processes, in which this group of children and young people find themselves upon being taken into care in Northern Ireland, are complex and often overwhelming. Those arrangements involve a number of different professionals, a number of different types of meetings, a significant amount of information (both the gathering of information about the child, which is often repeated by different professionals, as well as the dissemination of information to the child), jargon within those meetings and documents which would be difficult for most people (not working in this area) to understand, never mind children, who often have had no formal education, and the vast majority of whom do not speak English. A lot of these processes are commenced shortly after the child has been taken into care, just after they have arrived in Northern Ireland and usually following a dangerous and difficult journey. CLC recommends that models of best practice be developed to address these issues, while ensuring the protection of the child's rights and best interests; to limit the number of professionals involved in meetings, to limit the number of meetings with young people; and to ensure that information is as accessible, child-friendly, and sensitive to the needs of this group of children as possible.

For example, CLC would recommend that in every case, the Social Worker goes through the report with the Young Person in advance of all LAC meetings; that formalities and certain jargon be dispensed with (such as ‘apologies’ – the process and the noting of same, during the course of the meeting, as this can be done administratively and only adds unnecessarily to the length and complexity of the meeting), and that the bulk of the meeting should be focused on any issues that the child wants to raise in any area.

It is our view that it is not acceptable for a child or young person to be moved quickly or suddenly to a different placement, unless there is an urgent, particular and valid reason for doing so. There should be a planned approach to any changes in placement, which provides certainty for children and young people. Social workers should work with the child to aid in their understanding that placements may be short term but that, where possible, they will work with the child/young person to meet their particular needs. CLC’s experience of young people, who had moved placement without prior planning and discussion, is that this was deeply damaging to the young people involved.

CLC reiterates comments previously made (and raised in response to questions that follow) regarding the need for bespoke, specialist legal advice and representation in relation to trafficking referrals and claims arising therefrom.

Question: Section 7 of the Consultation Paper outlines the immediate, medium and longer Term requirements of a service for separated and unaccompanied asylum seeking children. Do you think that we have identified the appropriate immediate requirements and the medium and longer term actions required to build on existing services?

CLC Response: No. In relation to section 7.1, CLC acknowledges that significant advances have been made in this area. We welcome the acknowledgement in relation to the bespoke legal service. The development of the bespoke legal service has been a crucial and incredibly important provision in relation to developing and supporting other aspects of the services provided to S/UASCs. CLC’s service delivery is much wider in scope than the significant caseload for which the Immigration Solicitors are currently responsible. It extends to identifying and resolving systemic problems;

commenting and advising on policy and practice, for example the age assessment guidance; challenging the Home Office in relation to poor practices; and helping to ensure that the Home Office adopts a child-friendly and child-sensitive approach where possible, such as ensuring the delivery of remote interviewing from CLC's offices and training and supporting Trust staff. The impact of the service at CLC is far-reaching and has resulted, and will continue to result in strategic change, as well as promoting and supporting models of practice in relation to the Home Office, social services, and legal representation for this group of young people throughout the jurisdiction.

CLC is also of the view that the establishment of the Independent Guardian Service has been a particularly important and valuable development.

We welcome the collaborative approach that is being built. We trust that the Regional Lead will continue to work in collaboration with IGS, with the children and young people themselves, and with the bespoke legal service, to monitor the services that are being provided, to ensure that the needs of the children and young people remain at the forefront of all decisions in relation to service delivery.

As a general comment, CLC would welcome greater clarity around aspects of section 7. For example, in relation to the age assessment issue (7.2 viii), it is not clear from the consultation document who is being referred to here: i.e. for who/whom greater certainty will be provided. By way of further example, it is not clear what is meant by 7.2 x.

In relation to 7.2 viii, CLC would welcome greater certainty for all involved. We would like to see the Age Assessment Guidance published as a matter of priority. Children should be informed, where age is an issue:

- i) why there is an issue;
- ii) what this means for them in terms of the processes to be followed;
- iii) that there is guidance
- iv) that it is published;
- v) and that it will be followed.

We consider that there is never a point in time when guidance and processes will be 'finished' or completed, as they will benefit from being built upon and developed, in light of emerging trends/patterns, or lessons learned from a particular set of circumstances, as well as policy, legal cases and legislative developments.

Question: Section 8 of the Consultation Paper outlines the strategic vision and options for a future model of service delivery for separated and unaccompanied asylum seeking children. Do you think we have identified the correct core components in Section 8.2?

CLC Response: No. CLC is broadly supportive of the proposals. We strongly support the establishment of a Regional Social Work Team and Trust Based Social Work and Personal Advisor Provision.

Section 8.2

5.0 Legal Support

There is a need for a dedicated bespoke legal service for S/UASC, (and see below regarding trafficking) as evidenced by the pilot project which, in addition to providing expert legal advice and representation, has contributed significantly in strategic development of the service, including identifying areas of concern and working to resolve these, providing training, and engaging in policy and legislative commentary.

CLC would therefore suggest that 5.0 be amended to reflect the additionality of a bespoke dedicated service.

In addition to the provision of dedicated expert legal advice and representation, in relation to immigration, a bespoke legal service will provide a wider strategic function, including identifying and interrogating systemic problems, advising in relation to systemic solutions, and engaging in policy and legislative commentary/development. It will also have a role in strategic challenges to legislation, policy and practice, which is not UNCRC-compliant and not in the child's best interest, most particularly in terms of Home Office legislation, policy and practice. This additionality will not be met by solicitors in private practice, who are also limited to casework and by low rates of legal aid in terms of the number of hours they can dedicate to any individual applicant. A

dedicated bespoke legal service will also provide a training function for Trust staff in key areas of immigration law and practice. It will also have a key role in informing, training and supporting immigration solicitors in private practice, to ensure quality legal immigration services for all S/UASC in NI.

Although there is often a conflation between trafficking issues/processes and immigration issues/processes; they are, in fact, two separate and distinct legal areas; even though they often run parallel to one another.

At present, trafficking is not currently within the remit of the bespoke legal service provision. While Immigration Solicitors at CLC currently provide advice and representation on trafficking matters for the majority of their immigration clients, this is currently being delivered on an ad-hoc basis and to the extent that capacity allows. Trafficking is a particular area of legal expertise and requires dedicated resources. CLC has also, on occasion, signposted trafficking matters to solicitors in private practice. However, given the significant negative implications of the new Nationality and Borders Bill (currently before Westminster Parliament) for victims and potential child victims of trafficking, as well as the outworking of Brexit, CLC is satisfied that the need for dedicated trafficking legal services will continue to grow. Careful consideration should be given to the escalating demand for provision of legal services for potential victims of trafficking; including for EU separated children.

The remainder of our comments are also raised in the context of previous questions but are being highlighted here for ease:

6.0 Placements/Accommodation

Accommodation should be arranged in conjunction with the child where possible, should be needs-based, and should not result in last minute moves, unless there are valid reasons for doing so. The number of placement changes should be kept to a minimum.

We reiterate CLC's view that children need care, rather than support, and that we consider that semi-independent and independent living arrangements are not appropriate for those under the age of 18, other than in exceptionally rare circumstances. These considerations should ensure that the wishes and views of the

child or young person in question are taken into account and that they are provided with appropriate agency in this regard.

7.0 Health Care Needs

We reiterate our points in relation to dedicated services – specialist CAMHS provisions, including dedicated staff, and a service which can be immediately accessed, with LAC nurses, access to GP advice and assistance, and access to other specialist medical professionals to meet their health care needs. TSS is considered to be inappropriate for dealing with the needs of this cohort of children, who require direct/face-to-face support. Access to dedicated medical support and specialist experts for child victims of torture and trafficking should also be included.

8.0 Interpretation services

CLC recommends that access to interpretation for legal representatives be direct (i.e. to the Trust's interpreting service, or other providers where needs cannot be met by the Trust's service). This would result in a significant reduction in administration, for both the legal representative and social workers.

Information should be available in the child's own language where this is specifically requested by the child or where the legal representative considers that it is important for the purposes of understanding and preparing for legal processes. See the points raised above, in relation to the need for sensitivity in the choice of interpreters, taking account of geo-political and cultural sensitivities.

9.0 Education Provision

A bespoke dedicated service, for the education needs of all S/UASC, should be developed and provided.

Section 8.3

While there are challenges in relation to accurately costing the core components of the comprehensive service model, CLC is somewhat concerned about potential under costing. This is particularly in the context of the likely significant increase in the numbers of S/UASC children in NI as a result of the UK's exit from the EU. This is likely to lead to increased numbers individuals seeking access to UK, via the south of Ireland and the fact that EU children will now fall within this cohort and will require

advice and representation regarding their immigration status. We also wish to highlight the anticipated impact of the new draconian immigration legislation, which will make entry to the UK, via south east England, more difficult and is, again, likely to lead to more individuals, including children, or those who are involved in people smuggling, seeking entry to the UK via the Republic of Ireland.

Question: Section 8 of the Consultation Paper outlines the strategic vision and options for a future model of service delivery for separated and unaccompanied asylum seeking children. Do you agree that the main options for future delivery of the core components of the comprehensive service model have been identified in Sections 8.5 – 8.7?

CLC Response: Yes.

Question: Section 8 of the Consultation Paper outlines the strategic vision and options for a future model of service delivery for separated and unaccompanied asylum seeking children. Do you agree with the criteria selected for assessment of the options for future delivery of the core components of the comprehensive service model in Section 8.8?

CLC Response: No. CLC would welcome reference within the assessment criteria to service-user views on the service delivery model, as well as participation in the delivery of the service, both at the initial planning stages, and then on an ongoing basis.

Question: Section 8 of the Consultation Paper outlines the strategic vision and options for a future model of service delivery for separated and unaccompanied asylum seeking children. Do you support the preferred option in Section 8.10?

CLC Response: Yes.

Question: Do you have any further comments on the overall proposal to introduce a regional model of service for separated and unaccompanied asylum seeking children in Northern Ireland?

CLC Response: Yes. CLC would welcome clarification on the meaning of the term ‘separated and unaccompanied asylum-seeking children’, as intended within the scope of the consultation. These are often two separate groups. However, the consultation does not make reference to the impact of the closure of the EUSS or the UK’s exit from the EU. It does not address concerns that, with the closure of the EU Settlement Scheme (EUSS), more EU children will be trafficked into the country who are ‘separated’ from parents and care givers; who have no immigration status; and where existing Immigration Rules mean that an asylum claim is inadmissible. The new Nationality and Borders Bill, if introduced, is likely to further limit the admissibility of asylum claims for all children and young people.

As an organisation, we are aware that a number of EU children have already been identified as potential victims of trafficking, who do not have a right to reside in the UK at present.

Situations like these are likely to increase. While ‘free movement’ rights may have ended, the ability for EU nationals to enter the UK through the ‘E-gate’ at airports, without any checks in relation to their status having been carried out, and therefore without rights to enter or be in the UK, still exists until 31st October. This is effectively a loophole which will be exploited by people smugglers and traffickers, resulting in the massively increased risk of exploitation.

Insecure immigration status and destitution are two of the most significant vulnerabilities. It appears that the data provided in section 3.8 of the consultation documents only reflects unaccompanied asylum-seeking children and does not reflect the numbers of children who are ‘separated’ which, as above, we consider is a group that is likely to grow in size in the coming months.

In addition, the UK’s exit from the EU has resulted, for Northern Ireland, in the creation of a land border with the EU. EU nationals in Northern Ireland are, as a result, more susceptible, than their counterparts in other areas of the UK, to the risk of trafficking. As a result of the closure of the EUSS, there are now many more people who are here unlawfully than there were before the 30th June 2021.

The consultation does not address the implications of the new Nationality and Borders Bill, which has been introduced and will now make its way through Parliament. There is significant uncertainty around the processes for unaccompanied asylum-seeking children and it is likely that this uncertainty will continue for some time. One aspect of that uncertainty is how the Bill will operate in relation to competencies that are devolved to the Northern Ireland Assembly, in particular aspects of social care and trafficking identification. CLC is working with colleagues in UK-wide consortiums (including the Refugee Migrant Children's Consortium and the Anti Trafficking Monitoring Group) to highlight areas of concern and to engage with ministers and government departments accordingly. We consider that this legislation requires significant engagement from NI-government departments, including notably the Department of Health, Department for Communities, and Department of Justice, in light of this consultation and any plans for the Regional Service. It also highlights the need for any future Service to be dynamic, flexible and reactive, to allow for processes to be changed and for dynamic solutions to be achieved, in what are, undoubtedly, very complex situations. The Service needs to be able to respond to an ever-changing legal landscape.

Equality / Human Rights Questions

Question: Are the actions/proposals set out in this Consultation Paper likely to have an adverse impact on any of the nine equality groups identified under [Section 75 of the Northern Ireland Act 1998](#)?

CLC Response: Yes. The question which should be asked is 'is there **potential** for differential adverse impact'? The answer to that question is YES. There is potential for such an impact across a range of s75 groupings e.g. given the focus on older S/UASC children, there is potential for differential adverse impact in the development of the service on the grounds of age. As per our comments above in response to Q 11, there is also potential on the grounds of race. There may also be potential for differential adverse impact on the grounds of disability and or with/without dependents.

Question: Are you aware of any indication or evidence – qualitative or quantitative – that the actions/proposals set out in this Consultation Paper may have an adverse impact on equality of opportunity or on good relations?

CLC Response: Please see above; the question which should be asked is there **potential for differential adverse impact**. Again by way of example given the data re age and the potential implications of Euro Exit for Separated and trafficked EU children the proposals have the potential for differential adverse impact.

Question: Is there an opportunity to better promote equality of opportunity or good relations?

CLC Response: Yes. The proposals need to be subject to a full EQIA process to identify the full scope of the potential for differential adverse impact. This in turn will inform what measures should be taken to mitigate any differential adverse impact identified, and measures necessary to better promote equality of opportunity.

Question: Are there any aspects of these proposals where potential human rights violations may occur?

CLC Response: No.

Rural Needs

Question: Are the actions/proposals set out in this Consultation Paper likely to have an adverse impact on rural areas?

CLC Response: No.

Data Protection

Question: Do you have any concerns relating to the processing of data or sharing of information under the proposals?

CLC Response: Yes. Collaborative working arrangements and information sharing is essential to ensuring that the needs of S/UASC are met and that their rights are protected. However, robust data protection management and processes will be required, to ensure that data is not shared that is likely to breach the privacy rights of the young people concerned.

Child Rights Impact

Question: Do you agree with the anticipated positive impacts in respect of child rights as set out in the Child Rights Impact Assessment?

CLC Response: CLC welcomes the CRIA undertaken.

In response to Q 7 of the CRIA, CLC recommends the inclusion of rights conferred by international human rights instruments on refugees and victims of trafficking, most notably the Refugee Convention and the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) respectively.

In response to Q 13 of the CRIA we refer you to our response in Q 12 above. As the commentary in Q13 of the CRIA indicates, there is potential for differential impact. This should also be reflected in the response to Q14 of the CRIA.

Question: Are you aware of any indication or evidence – qualitative or quantitative – that the actions/proposals set out in this Consultation Paper may have an adverse impact on child rights?

CLC Response: Given the interrelated nature of equality rights and children's rights, please see above answer to question 12.

Question: Is there an opportunity to better promote UNCRC rights under the new service model?

CLC Response: Yes. All staff should receive training on the UNCRC. All children receiving the service should receive information and training on their rights. The voice of the children/young people must remain central to the development of the service.

Question: Are you aware of any additional qualitative or quantitative data that should be considered in relation to the specific needs of separated and unaccompanied asylum seeking children?

CLC Response: No

Question: We would welcome your views on how to ensure the appropriate and ongoing engagement with children and young people throughout the next stages of policy development and implementation.

CLC Response: CLC would recommend that VOYPIC and the Independent Guardian Service be retained to ensure the ongoing engagement of children and young people in the next stages of policy development and implementation.