

Swindon Borough Council Procedures

Title:	Homes for Ukraine - Guidance for Councils: children already living with sponsors in the UK without their parent or legal guardian
Author(s):	Sarah Ball and updated by Emma Hunt – Fostering Service
Sponsor:	Dave Fry – Director for Corporate Parenting
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Introduction

This policy has been updated to reflect the changes to Home Office guidance and procedure issued in June 2023 as referred to below.

On 22 June 2022, the UK Government announced that the Homes for Ukraine scheme would allow children under the age of 18 who have already applied through the Homes for Ukraine scheme to come to the UK without a parent or legal guardian. As of 15 July 2022, the Government begun processing these applications, and on 28 July 2022 the scheme opened to new applicants.

A small number of children were already living with sponsors in the UK without their parent or legal guardian, having travelled here before the introduction of the expanded scheme.

This guidance should also be applied in any instance where a council identifies that a parent or legal guardian who came with their child(ren) to the UK under Homes for Ukraine but has subsequently left leaving the child(ren) behind with the sponsor and/or an accompanying adult relative.

The UK Government takes very seriously its responsibility to promote the wellbeing and safeguarding of children. Recognising that under 18s who are separated from their parents or legal guardians may be more vulnerable, additional safeguards have been put in place in designing the expanded scheme.

Even though these children are already living with a sponsor in the UK, it is important that they also benefit from these additional safeguards designed to keep them safe. As with the wider scheme, councils play a critical role in carrying out initial checks and ongoing monitoring of sponsorship arrangements to ensure children are being cared for appropriately.

As a general principle, councils should expect to complete the same sponsor approval and checks for those children who are already living in the UK without their parent or guardian as under the expanded Homes for Ukraine scheme, except where their

circumstances mean this is not possible or practical. This will also help to safeguard children and ensure that councils have the same level of information about these children, and the right parental consent, to enable them to take action should circumstances of their sponsorship arrangements change.

This guidance sets out how the additional safeguarding mechanisms under the recent extension to the Homes for Ukraine scheme should be applied to children who are already here in the UK, having travelled before the introduction of the formal scheme.

It should be read in conjunction with the guidance issued on 15 July 2022 by the UK Government for children who have applied to come to the UK without their parent or guardian: *'Applications to Homes for Ukraine for children who are not travelling or reuniting with their parent or legal guardian: Guidance for Councils'*. This guidance was updated by the Home Office on 9th June 2023. A link to the guidance is included below.

[Homes for Ukraine: Guidance for councils \(children and minors applying without parents or legal guardians\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/homes-for-ukraine-guidance-for-councils-children-and-minors-applying-without-parents-or-legal-guardians)

Parental consent and key information about the sponsorship arrangement

Although these children will already be living with their sponsor, the council must nonetheless request written confirmation that at least one parent / legal guardian consents to the sponsorship arrangement for their child, and ensure that the council has key information about the arrangement.

This should include requesting further information about the parent/guardian and an emergency contact in the event that they cannot be reached, as well as confirmation from the parent/guardian that they believe it is in their child's best interest to live in the UK with the named sponsor and any accompanying relative.

Whilst the expectation that the parent should personally know the sponsor remains in place, councils are able to exercise discretion in exceptional cases on the basis of what they judge to be in the best interests of the child. Given that children in these cases are already living with their sponsor in the UK, this is likely to count as an exceptional case where this requirement can be waived, providing that the arrangement otherwise meets the criteria set out below.

Councils responsible for children already living in the UK without a parent or legal guardian should contact the parent or legal guardian and ask them to complete the adapted version of the UK Sponsorship Arrangement Consent form at the earliest opportunity (Annex A). Once they have received the completed form, the council should raise a case on Jira confirming this with the Homes for Ukraine Operations team, who will be in touch to confirm next steps. Whilst notarised consent is not required, it is vital that the council make best efforts to contact the parents and request the completed form.

This must include the following information:

- The parent's details including address, phone number and email address;
- Details of any adult relative that is living with the child and their sponsor in the UK (where applicable);
- Their child's next of kin contact details in the event the parent can't be reached in an emergency.
- Confirmation that they believe it is in their child's best interests to live in the UK and stay with a named sponsor and/or an accompanying adult relative
- Confirmation of whether it is the sponsor, or any accompanying adult relative, who has day-to-day caring responsibility for their child, including financial responsibility for their care. The parent/legal guardian will retain parental responsibility for their child.
- Confirmation that the sponsor and any accompanying adult relative understands any specific needs and vulnerabilities of their child and is able to meet these needs.
- Confirmation that they understand the extended duration of sponsorship arrangements for children in these circumstances. The parent can end the sponsorship arrangement early. If they want to do this, they will need to notify the sponsor, who will then alert the council.
- Confirmation that they understand the role of the council in caring for their child in the event that the sponsorship arrangement breaks down before the child turns 18, and any plans for alternative arrangements for the child if this happens.

If the council is unable to contact the parent or legal guardian, the Ukrainian Embassy should be consulted as they may be able to help contact the parent. They can be contacted at consul_gb@mfa.gov.ua. In the event that the parent or legal guardian cannot be contacted to confirm consent to the arrangement, the council will need to use their discretion as to whether the sponsorship arrangement is still suitable in lieu of formal parental consent. The council might want to consider factors such as whether the child is accompanied by an adult relative who will be staying with them for the duration of their time in the UK. If councils have safeguarding concerns, they should consider whether they need to take further action, which may include accommodating the child in line with statutory duties. As set out in the published guidance for councils, the council will need to keep the Embassy appropriately informed.

In the event that the parent or legal guardian is contacted and doesn't consent to the arrangement, the council will need to work with the parent to agree alternative arrangements for their child. This might include placing the child with a different sponsor identified by the parent or returning the child to Ukraine or another country to be reunited with their parent. If alternative arrangements cannot be made, the council may need to accommodate the child in line with their legal duties. The council should inform the Ukrainian Embassy as set out above.

Ensuring sponsor suitability

If not already completed, the council should ensure that the relevant sponsor approval checks are carried out as soon as possible, and that completed checks are recorded on Foundry.

This includes:

- Relevant DBS checks
- Accommodation checks
- A sponsor suitability assessment (in line with the requirements of the expanded scheme)

Further details on these requirements are set out in the published guidance for councils on children not travelling with or joining their parent in the UK. In carrying out the sponsor suitability assessment, councils should refer to the relevant Private Fostering Guidance which contains details of what may or may not be considered as suitable.

In England the private fostering framework only applies to children up to 16 (or 18 for children with a disability), and where the child is not being accommodated by a parent (or other person with parental responsibility) or a relative (as defined in the Children Act 1989). However, given the additional vulnerability of this group of children and young people, councils are asked to carry out these assessments for all children living in the UK without their parent or legal guardian.

Where the sponsor does not pass the checks for safeguarding reasons, the council will be expected to accommodate that child or take them into care in line with their legal duties, as set out in the 'Ending of a sponsorship arrangement with a child' section below. The council should make best efforts to inform the child's parent or guardian at the earliest opportunity, as well as the Ukrainian Embassy. Where checks fail for other reasons and there are no immediate concerns for the child's welfare, the child should stay with the sponsor while the parent is consulted on alternative arrangements. Further guidance on the ending of sponsorship arrangements with a child is set out in the published guidance for councils on children not travelling with or joining their parent in the UK.

Where the sponsor is looking after a child whose parent or guardian has returned to Ukraine only temporarily, the council should adapt the assessment to assess the suitability of the arrangement accordingly.

Ongoing welfare checks

The sponsor and any accompanying adult play an important role in supporting the welfare of the child. The council also has a legal duty to protect the child in certain circumstances.

The council should visit the child regularly until the child turns 18 to ensure the child's ongoing needs are being met and check that the sponsorship is working well.

The council's approach to welfare visits should be in line with the Guidance on Private Fostering (i.e. at intervals of not more than six weeks for the first year, and at intervals of not more than 12 weeks in subsequent years). In all cases, councils will want to consider whether there are circumstances that might deem more frequent visits necessary.

It is expected that the council will speak to the child without the sponsor and/or accompanying adult being present for part of the visits.

These visits help determine that the arrangement continues to be in the best interest of the child, and should consider the child's age and needs, including language skills.

If on the first or subsequent visit, the child is not present or the sponsor says that they have moved elsewhere, the local authority should ask for more details of where the child has gone. They should then endeavour to locate the child at their new location and undertake checks there. If it is not possible to locate the child, the local police should be notified so that they can commence their missing child procedures.

To ensure that Welfare visits can continue, the Hosts will remain open and supported by the Private Fostering Team regardless of the Child's age.

Expectations on the sponsor of a child

As set out in the published guidance for councils, under the expanded Homes for Ukraine scheme for children not travelling with or joining their parent or legal guardian, councils are required to undertake a sponsor suitability assessment (see 'Ensuring sponsor suitability' section above). As part of their assessment, the sponsor is asked to confirm in writing that they understand the expectations on them as a sponsor of a child.

Given the increased expectations on sponsors hosting children, it is important that councils discuss these specific requirements with sponsors as part of the initial sponsor suitability assessment. They should ask them to complete the form (Annex B) to confirm they understand their role as a sponsor of a child.

This includes that they:

- Can commit to hosting the child for the full 3 years of their leave in the UK, or until they turn 18. In relation to a minor who is 17 and a half years old or older, the sponsor is required to commit to host for at least 6 months (in line with requirements of sponsors under the wider Homes for Ukraine scheme). Where the child turns 18, we would expect them to support them into adult life including moving into independent accommodation or hosting the child for an extended

- period of time. Can commit to staying in the UK for the duration of the sponsorship agreement, because they (for example):
- o Are a British Citizen.
 - Are settled in the UK (for example they have indefinite leave to remain).
 - Have no time limit on their stay in the UK.
 - Have permission to stay in the UK for at least 3 years from the date of the Homes for Ukraine Scheme application or as long as they will be sponsoring the child
 - Are able to meet the expectations on them as a sponsor of a child, including taking on responsibility for the day-to-day care of the child (noting that this expectation may vary if the child is accompanied by an adult relative and they have been given responsibility for the day-to-day care of the child and/or are living in self-contained accommodation provided by the sponsor). Where a sponsor has taken on responsibility for the day-to-day care of the child, it is expected that they have also taken on financial responsibility for that child.
 - Are able to support any medical, developmental or other needs the child may have, as well as the need to support the child's education.
 - Are able to support the child to keep in touch with the parent/legal guardian and maintain cultural and language links with Ukraine.
 - Understand that if the sponsorship is to be discontinued for any reason they must alert the council immediately.

Under the extension of the Homes for Ukraine scheme for children not travelling or joining parent/guardian, guidance sets an expectation that the sponsor is personally known to the parent or legal guardian of the child and that this relationship pre-dates the start of the conflict on 24 February 2022. In exceptional cases, councils may, in the best interests of a child, determine that the sponsor does not need to be personally known to the parent or legal guardian. Given that the children in these cases are already living with their sponsor in the UK, this is likely to count as an exceptional case where this requirement can be waived, providing that parental consent has been given and that all safeguarding and suitability checks have been passed.

The sponsor should also be directed to the published guidance for sponsors of children not travelling with or joining their parent or guardian.

In some instances, sponsors may not be able to commit to the requirements of the expanded scheme (for example, those who agreed to the arrangement for only 6-12 months, in line with the requirements of the wider scheme, rather than to the 3 years required by the recent extension for eligible minors). Providing the parent consents to the arrangement, and the safeguarding checks are passed, councils may determine that it is in the best interests of the child to remain with the sponsor. However, if the council determines that the sponsor is not suitable, then the council will need to contact the child's parent or legal guardian to agree alternative arrangements for their child. As above, this might include placing the child with a different sponsor identified by the parent or returning the child to Ukraine or other country to be reunited with their parent. If alternative arrangements cannot be made, the council may need to accommodate the child in line with their legal duties.

Ending of a sponsorship arrangement with a child

A sponsorship arrangement with a child can be discontinued at the direction of the sponsor, any accompanying adult relative (where applicable), the child, the parent, or the council (as a result of safeguarding concerns around the sponsorship arrangement) before the full three years.

If the sponsorship arrangement is to be discontinued, the sponsor must notify the council as soon as possible setting out the reasons for the ending of the arrangement (where they are comfortable doing so). Once notified of an arrangement being discontinued, the council should consult the parent/ guardian of the child to ascertain their wishes about arrangements for their child.

If the sponsorship arrangement is being discontinued at the direction of the council for safeguarding reasons, it is expected that the council will accommodate that child under the duty at section 20 of the Children Act 1989 or take further necessary action such as taking the child into care, while arrangements are being decided for the onward care of that child.

Where an arrangement is ending for safeguarding reasons, the council should also inform the Ukrainian Embassy on consul_gb@mfa.gov.ua.

Further guidance on the ending of sponsorship arrangements with a child is set out in the published guidance for councils on children not travelling with or joining their parent in the UK.

Children over 18

Councils should follow the expectations set in this guidance for all children aged under 18 at the time of arrival in the UK, including those who have subsequently turned 18, except where their circumstances mean this is not practical.

Expectations within Swindon Borough Council

Within Swindon Borough Council, the following are responsible for complying with the above guidance.

The Warm Welcome Team who are notified of the children and provide ongoing support to the accompanying adult

The Private Fostering Team who will undertake the suitability assessment of the Hosts under the private fostering framework with a view to ongoing support.

MASH and ACP who will undertake the S17 statutory assessment in respect of the child's needs to determine if support is required.

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The Family Safeguarding Team who will be responsible for providing the support in respect of the child if recommended within the statutory assessment.

The processes for this are detailed in Appendix 1 attached to this document.

Appendix 1: Ukrainian Children arriving after the introduction of the expanded scheme:

Warm Welcome Team notified by the Home Office of an application being made

Warm Welcome Team;

- Request DBS checks of the host through the Recruitment Team and home check through the Neighbourhood Team.
- Refer proposed Hosts to Swindon's private fostering team for a suitability assessment of the hosts.
- Request proof of parental consent for the young person to leave Ukraine, certified by an authority approved by the Ukrainian Government (access on Foundry)
- Request copy of signed and completed UK sponsorship Arrangement Consent form for the council. (access on Foundry)

Private Fostering Social Worker responsible for assessing the suitability of the arrangement;

- Visit to be completed by the private fostering social worker
- Private Fostering Social Worker to complete a suitability assessment of the hosts in line with a private fostering assessment.
- Private Fostering Suitability assessment to be completed in 42 days and shared with legal
- Private Fostering Social Worker to complete Pre-Departure plan with Warm Welcome Team, Hosts and Family.

Once checks have been completed and the hosts have been assessed – Private Fostering Social Worker to share assessment with the Warm Welcome Team so the Home Office can be updated and the application progressed or not if the assessment determines the arrangement unsuitable.

Warm Welcome Team - Once known that the young person and their accompanying adult will arrive with the Host family, the Warm Welcome team will;

- Refer the young person to MASH for S17 assessment and update Swindon's private fostering team.

Next Steps for Private Fostering Team re: Hosts

- If the suitability assessment is positive and the young person is under 16 (18 if has a disability) and resides with an accompanying adult who is not a close relative – the hosts will remain open to the private fostering team in line with the private fostering guidance
- If the suitability assessment is positive and the young person is 16 or 17 and resides with an accompanying adult who is not a close relative – the hosts will remain open to the private fostering team in line with the private fostering guidance
- If the assessment deems the arrangement not suitable, safeguarding measures will be instigated.

Next Steps for Warm Welcome Team re: Accompanying Adult

- Follow Homes for Ukraine Support procedure and complete checklist
- The rag rating process determined by the support needs assessment outlines the ongoing contact level between the Warm Welcome Team and the Accompanying adult.
- Contact will be made a minimum of monthly dependent on the rag rated level of support – this will be made through visits / phone / contact at other venues
- Support will be provided to the accompanying adult for the duration of the scheme whilst they remain in the UK.

Next Steps for Childrens Social Care re: Young Person

- MASH to refer to ACP for a S17 assessment
- Visit to be undertaken within 24 hours of the young person's arrival – with the Private Fostering Social Worker
- Statutory assessment to be completed in respect of the child's needs within 45 days
- Transfer to Family Safeguarding Team under S17 if the statutory assessment concludes that ongoing S17 support is required.

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