

Guardianship for Unaccompanied Children in Wales: a briefing on implementation

February 2025

Summary of key points

- Unaccompanied Child Asylum Seekers arrive alone in Wales and do not have parents to stand beside them or protect their interests.
- Unaccompanied Children are in an especially vulnerable position, often fleeing contexts of trauma or persecution. Uncertainty around their future status requires Triple Planning for three potential legal outcomes and additional emotional and psychological support.
- Existing services in Wales do not have capacity or do not have the relevant specialist expertise to deliver the essential support these children critically need.
- In our 'Child Rights Respecting', 'Nation of Sanctuary', safeguarding and supporting our most vulnerable children must be a priority. The UN Committee on the Rights of the Child and the Children's Commissioner for Wales have repeatedly called for a national Guardianship Service for all Unaccompanied Children in Wales.
- An independent Guardianship Service for all Unaccompanied Children in Wales is the only way to give Unaccompanied Children the support and protection they need.

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About this briefing

This briefing has been produced collaboratively by The Children’s Society, The Bevan Foundation, Children’s Legal Centre Wales, and TGP Cymru. It is based on the collective knowledge of all four partners, their research into the issue of Guardianship for Unaccompanied Children, and interviews with key stakeholders.

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1. Introduction

Our research briefing [A Guardianship Service for all Unaccompanied Children in Wales](#)¹, published in April 2024, made the case for establishing an independent Guardianship Service for Unaccompanied Children in Wales. Since publication, Welsh Government has committed to “exploring how a guardianship service could work, the resources needed to implement it and the intersection with other statutory support such as personal advisors and advocacy provision.”² This was reinforced by comments made in Senedd Plenary by the Cabinet Secretary for Culture and Social Justice:

“We are proud to take a child first, migrant second approach that upholds the best interests, rights and entitlements of unaccompanied asylum-seeker children. I also recognise that we have responsibilities through our compliance with the UNCRC.”³

In her *Annual Report for 2023-24*⁴, the Children’s Commissioner for Wales recommended that Welsh Government confirm its support for a national Guardianship scheme for Unaccompanied Children in Wales and set out actions that will be taken to implement the scheme.

As at 31 March 2024, there are 335 Unaccompanied Children looked after by local authorities in Wales⁵. This is a significant increase since 2021, when the figure stood at 65 Unaccompanied Children.

As part of its exploration of a potential Guardianship Service, Welsh Government has met with Scottish Government officials to gain an understanding of the Scottish Guardianship Model and along with Wales Strategic Migration Partnership has consulted with local authorities in Wales. The authors of this paper have continued conversations with Ministers, Members of the Senedd, Commissioners, and others about the need for Guardianship for Unaccompanied Children in Wales. This briefing attempts to address some questions that have arisen in these discussions.

Our research briefing made the case for a Guardianship Service but did not detail its implementation. We advocate for a service that follows the model of the Scottish Guardianship Service, which provides comprehensive support and guidance for Unaccompanied Children, resulting in better future prospects and improved legal outcomes. Any attempt to reduce costs by minimising the offer to children or reducing its independence will undermine value and lead to poorer outcomes for children. The Scottish model of Guardianship protects Unaccompanied Children and ensures that issues outlined in this paper and the included case studies are avoided or addressed.

2. The key principles of a Guardianship Service in Wales

In order to protect and support Unaccompanied Children, and to align with observations from the UN Committee on the Rights of the Child, the service must be:

- **Available to all:** a national service available to every Unaccompanied Child for whom Wales is responsible, wherever they are living.
- **Available on arrival:** appointed to every Unaccompanied Child immediately on arrival in Wales or when responsibility is transferred to an authority in Wales. Close working with the Home Office, National Transfer Scheme, asylum accommodation, and hotels is essential, so that children are quickly identified, supported, and appropriately placed.
- **Independent** of the state, local authorities, the Courts, and all other statutory bodies. Able to protect the rights and interests of children without fear or favour.
- **Trained and Expert:** Guardians skilled at supporting and advocating for children, trained to OISC Level 2 or IAAS equivalent, or working towards these qualifications.
- **Integrated and efficient:** working closely and supportively with social workers, legal advisors, Home Office caseworkers, Migrant Help, schools, colleges, hospitals, and third sector agencies working in asylum support and children's wellbeing.
- **Supportive and engaging:**
 - > building trust and supportive relationships with children
 - > helping with orientation and social adjustment
 - > proactive in obtaining legal advice, representation, and support through the legal process
 - > explaining and informing about services that are available, decisions that are made, and the options that children have
 - > advocating and ensuring that the voices and choices of children are heard and respected
 - > facilitating the child's attendance at and engagement in meetings and in decision-making
 - > making referrals to specialist services (e.g. to address physical or mental health concerns or trauma, or provide cultural services, socialisation, or play appropriate to the child's needs).
- **Lasting and empowering:** providing children with continuous support and protection as they grow towards independence and adulthood, even if they have left care.
- **Protecting rights and justice:** empowered to speak out for the children with whom they work, to protect their interests, and promote and defend their rights.
- **Well-resourced:** able to provide ongoing and comprehensive support and to access continuing training, updated resources, and relevant information.
- **Responsive and child-focused:** involving children in its development, ensuring that the service meets their needs.

3. The Scottish Guardianship model

The Scottish Guardianship Service provides an “exemplary” model which demonstrates that an equivalent in Wales has the potential to improve the lives of Unaccompanied Children and also to support social workers, other statutory roles, and other agencies. As in the Scottish model, a national Guardianship Service in Wales would help Unaccompanied Children to navigate the complex asylum system and to ensure that procedures such as age assessments are conducted in the best interests of children. The service would reduce missing episodes, criminalisation, and exploitation. This has been reported most recently as a significant area of concern in a Senedd Children, Young People and Education Committee report⁶. The Scottish Guardianship Service states that where a Guardian is involved, the numbers of missing children are very low.

4. Why can't existing services be used?

There is no existing service that fulfils the role of a Guardianship Service for all Unaccompanied Children.

Unaccompanied Children are required to navigate a complex path in a frequently changing legal landscape.

They need intensive, specialist support from someone with broad expertise in advocacy, supporting children and care leavers, and the complex interface between the asylum process and the care system.

“[A] is under the care of [X] authority and receives a weekly allowance of £65. He had to wait for two months after arriving in South Wales to be provided with an advocate.”

Existing services are often characterised by lack of time and resources. Providing the service as an “add-on” to existing, often already overstretched, services, would pose significant risk. Adequate funding and independence from government, local authorities, and social services are essential (see below).

4.1 Independent Child Trafficking Guardians (ICTG): Wales has access to this England and Wales-wide service, whose support is restricted to children identified as potential victims of modern slavery and trafficking. The service is not available to all separated migrant children, as is the Scottish Guardianship Service, leaving the needs of many Unaccompanied Children unmet. The UK Government committed to rolling out the ICTG Service nationally, but it has only been rolled out to two-thirds of all local authorities and there is increasing demand for the service.

4.2 “Active Offer” of Advocacy: Every child in Wales who is over the age of five and is new to life in care or is involved with child protection services that lead to an Initial

Child Protection Conference, must be informed of their right to advocacy. An Active Offer Meeting with an advocate will be arranged for them if they choose. There are difficulties with this approach for Unaccompanied Children. Firstly, the Active Offer Meeting contains information which it may be hard for Unaccompanied Children to take on board. They are at an early stage in their life in care and their focus is often dominated by their asylum claim, ID card, and access to college, which they may not associate with issue-based advocacy. Further, TGP Cymru reports that not all local authorities adhere to the principles of the Advocacy Code of Practice and that Unaccompanied Children are not always fully involved in their pathway planning.

A national Guardianship Service would automatically allocate a Guardian to every Unaccompanied Child and would go beyond advocacy, ensuring that children receive appropriate and specialist support with their asylum claim and other key issues in their lives, as well as consistent practical and emotional support that is focused on the child as a whole, not on one specific issue.

4.3 Personal Social Advisors (PSAs) provide support mainly to children over 16, though some local authorities provide the service to children aged 15. The role of a PSA is primarily to support with pathway planning and the transition to adulthood, which cover only part of an Unaccompanied Child's needs. Most PSAs in Wales are not trained in immigration and asylum law, which is crucial for Triple Planning (planning for three possible outcomes to the asylum claim) and they are not independent of the local authority. They may miss crucial legal steps that seriously affect a child's future life. Being an Unaccompanied Child seeking asylum adds a huge layer of complexity to a child's life that demands specialist and dedicated support. Most Unaccompanied Children under the age of 16 do not receive the support of a PSA.

4.4 Social workers provide ongoing support to children but often do not have specialist asylum knowledge. While training in asylum and immigration is available, this is a complex area and requires considerable time commitment to reach the levels of expertise that a Guardian can provide. There are serious concerns about social workers' ability to provide the support required to accompany a child through an asylum claim. In 2023, the Children, Young People, and Education Committee reported that over 79 per cent of social workers in Wales responding to a survey stated that they could not complete their work within their contracted hours. Adding additional responsibilities to the social worker role is not the answer for children or for local authorities. An independent, specialist service with asylum expertise is the key to ensuring that Unaccompanied Children receive the level and quality of support they need.

5. What are the impacts on children of not having a Guardianship service?

"From case work and participation work with several hundred [Unaccompanied Children] over the last six plus years, where we listen to the wishes, feelings and ideas of young people, it appears that there are several challenges to them reaching their full potential and their more basic needs being met in terms of their development and ability to thrive... They do face barriers and being in the care of a local authority is not enough for them to overcome these. At times, lack of resources, capacity, skills, training, knowledge, and experience within the care system may contribute to outcomes not being as good as they could be. Young people both with refugee status and those without who have no right to work are tempted into undertaking low paid work in some areas and being exploited."

Lee Evans, TGP Cymru

TGP Cymru reports the following trends affecting Unaccompanied Children in Wales:

5.1 Age Assessment: Delays in assessments of age disputed children and a lack of suitable Appropriate Adults affect Unaccompanied Children in Wales. TGP Cymru reports a backlog of "long overdue" age assessments which they became aware of in one local authority 18 months ago: "The young people told us the delay was distressing, affecting their sleep and mental health, disrupting their education and the processing of their asylum claim and ARC card."

In recent months, other local authorities have been reconsidering age assessment of children who were accepted into care up to two years ago. TGP Cymru state that "this seems to be at the request or suggestion of the Home Office as opposed to being something the local authority has instigated". Age assessment cases are described as a "steady stream", including children who have not previously presented to any local authority as well as those who have received a negative determination and require support to explore a legal challenge. Guardians can work with social workers to ensure that local authorities have sufficient knowledge and that children receive the help they need.

A national Guardianship Service would provide Guardians that children know and trust, who can act as appropriate adults and litigation friends for Unaccompanied Children. Guardians would have specialist skills and training to deal with age assessment requests and can support children before, during, and after the age assessment process. Independence and legal knowledge would enable Guardians to provide robust challenge to unreasonable age disputes.

5.2 Increased transfers to Wales and lack of support: Greater numbers of children coming to Wales via the National Transfer Scheme has led to professionals with limited or no experience of the asylum process being required to offer support to Unaccompanied Children. The numbers of Unaccompanied Children in Wales has risen from 65 in 2021 to 335 in 2024. Establishing a national Guardianship Service now would reduce pressure on local services and provide information for social workers and specialist support to children before the system reaches crisis point.

5.4 Inadequate leaving care services: TGP Cymru reports semi-independent accommodation places with minimal support, leading to safeguarding and exploitation risks, the need for positive adult role modelling, and queries from professionals within and outside local authorities as to whether this type of placement is suitable to meet a young person's needs. Children in this situation have reported feeling isolated and out of contact with the professionals responsible for their care. A Guardian's only focus is the child, and they are able to offer consistent contact, guidance, and advocacy.

5.5 Isolation and loneliness: Most Unaccompanied Children arrive in Wales after being moved by the National Transfer Scheme without choice. Separated from friends with whom they have important bonds and affected by past trauma, some struggle to adapt and may return to a familiar place, where they had a sense of community. A lack of appropriate foster placements also results in increased placements out of county and often out of country. Children placed outside of Wales live in a broad range of locations, including Liverpool, London, Canterbury, Reading, Preston, and Bristol. Other children are placed within Wales but outside of their local authority area.

A Guardianship Service is more likely to be able to provide a quality service at distance than are staff within the existing social work environment, whose time is divided between a much higher number of children and whose focus is more local. Guardians can devote time to visit Unaccompanied Children and act as a bridge between local authority and child, while protecting and promoting a child's wishes and needs. B's case study below (from TGP Cymru) demonstrates how a Guardian with legal expertise, dedicated time, and an independent position can make a difference and protect the interests of Unaccompanied Children within a system that does not always hear or understand their needs.

[B] is a 17-year-old Unaccompanied Child who arrived in Wales aged 16. Following concerns about his mental health, B was moved to a placement in a city in England, where he has friends. He had a cognitive assessment which showed mild learning difficulty and he struggles to retain information due to PTSD. He had not met any children in Wales who spoke his language or shared his experiences and background. He was supported via advocacy by TGP Cymru.

B's move was arranged in a hurry and he was placed a long way from his friends, on the other side of the city. He said that in many ways the move was like arriving in Wales all over again because he still felt isolated and in an unfamiliar environment. When he was able to visit his friends, they had to meet somewhere central and the round trip took him up to 3 hours.

Six months before B's 18th birthday, his social worker told him that he might be moved back to South Wales due to his housing needs post-18. The only possibility of him staying where he was living was if the foster carers would provide care as part of the When I am Ready scheme, which they felt unable to do. He does not agree with the decision of the local authority that it is "best for him" to return to Wales. B was working with an Independent Child Trafficking Guardian who supported his claim that a move was not in his best interest. Together, TGP Cymru and B's Guardian supported him to access public law advice about his position. A successful judicial review challenge was made against the local authority decision on the basis that they had not provided sufficient support to find B somewhere to live in the city where he was living.

B had a Guardian because he has been identified as a victim of trafficking. Other Unaccompanied Children in his position do not have this support to ensure that they can exercise choice. A national Guardianship scheme would provide this valuable service.

5.6 Legal barriers and access to justice: As demonstrated in reports produced by the Bevan Foundation^{7&8}, there are severe barriers to accessing legal advice and representation in Wales. A drastic cut in legal services in little over five years saw Wales lose most of its immigration legal aid provision and severely depleted legal expertise. Levels of exploitation and unregulated advice are extremely high. Guardians would assist children in accessing legal services within and outside of Wales and having training to IAA (previously OISC) Level 2 would enable them to guide children away from legal pitfalls which can seriously damage their legal cases while they are waiting for quality legal advice. Training Guardians to IAA Level 2 would also help to address the skills shortage in Wales and provide a pool of legal expertise to complement the legal system and from which the legal system could potentially draw.

To support Unaccompanied Children effectively, anyone advocating for them needs to be able to actively engage with the immigration process and not break the law. The role of a Guardian is not just to 'support' or ensure children's views are heard, it is to actively ensure that things are working in the way they should. Should the need arise, for example, a Guardian could act as a litigation friend in appeal proceedings. A Guardian can ensure that Unaccompanied Children are fully supported to navigate a complex asylum system, and that their legal rights are fulfilled.

Due to the difficulty in finding legal representation, an Unaccompanied Child reaching adulthood may be invited to a substantive interview on their asylum claim before any legal representative has been engaged. In this situation the local authority or representative of the child can request a postponement of the interview.

TGP Cymru was asked by a social worker for help in the case of B, an Unaccompanied Child who had undergone their substantive asylum interview without having seen a solicitor or other legal representative. As a result, B was refused asylum.

B's social worker had queried the lack of legal representation at interview and was told by someone at the Home Office that it was alright for the interview to go ahead. Without knowledgeable advice, the social worker had agreed for this to happen. TGP Cymru are supporting B, and were able to find an immigration representative willing to take on their appeal.

Guardianship would avoid situations like this by ensuring that every Unaccompanied Child has an experienced professional working alongside them to ensure that their legal rights are upheld. Even if an appeal is successful, a child refused asylum faces a period of lost rights and significant delays in obtaining status and moving on with their life. Such a situation can severely affect a child's mental health and wellbeing.

5.7 Disparities in support: EYST reports discrepancies in the weekly financial support provided by social services, with as much as £18 per week difference between some local authorities. In addition, there are inconsistencies in access to essential resources such as leisure access, transport, IT equipment, Eid and Christmas money, support to access cultural and religious connections, and school and other essentials. In some cases, children within the same community and even the same living space receive differing amounts of financial and other support. EYST also raise concerns regarding children not being able to access formal education for long periods of time. A single Guardianship Service would help to create consistency across local authorities, providing advice, support, and information to local authority staff, and advocating for children to access their rights and relevant services.

6. Why does the service need to be independent?

It is vital that a Guardianship Service is offered independently from local authorities and the care system. A Guardian must act only for the child. They may at times need to challenge the local authority or to support children who are seeking judicial review of local authority decisions. While Guardians should be supportive of local authorities and focus on collaborative working, there may be times when they need to provide robust and independent challenge to protect and promote a child's legal rights. An independent Guardianship Service would not be swayed by top-down pressure or limited local authority resources that often result in gatekeeping of services. The following case study, provided by TGP Cymru, highlights the inconsistency of approach that is sometimes found within the same local authority, and demonstrates the need for sometimes intensive and ongoing independent advocacy and legal support.

In February 2024, TGP Cymru referred 2 children (D and E) presenting as under 18 to the same Welsh local authority, via a Children's Safeguarding Multi-Agency Referral Form (MARF). Local Authorities have a duty to respond to safeguarding concerns and to provide accommodation and support to children in their area who require it.

While the initial response in one case was that the local authority would make arrangements for social workers to contact and meet D, this decision was overridden by an Intake and Assessment principal social worker, who specified that in both cases (D and E) the Home Office had carried out age assessments. The worker claimed that TGP Cymru needed to challenge the Home Office assessments before the local authority would provide protection and support. The social worker went on to state that Unaccompanied Children arrive via the National Transfer Service and that the local authority only accept children in this way, based on assessment by the Home Office.

The TGP Cymru Project Manager explained the remit of TGP's advocacy work around age assessments and distinguished between age assessment by social workers and by the Home Office. TGP were also able to point out the frequency with which children are accepted via the referral route they were requesting. This was not accepted and so TGP Cymru sought advice for both D and E through a public law age disputes expert.

Due to action by the legal expert, the local authority were made to accept their legal duty and subsequently arranged independent age assessments with a specialist provider. These assessments were not carried out until July and August 2024.

7. Won't another service lead to "professional overload"?

Evidence shows that Unaccompanied Children currently have a lack of adult support in their lives, not too much. Responses to our Freedom of Information request in 2024 showed that for 33 per cent of Unaccompanied Children in Wales, social workers are the only professionals involved in liaising with lawyers, healthcare professionals, police, and Home Office officials on behalf of the child

A national Guardianship Service will complement existing services and consolidate some provision into a single role. This will protect children from professional overload and provide a trusted point of contact, guidance, and support.

8. How would the service be funded?

A Guardianship Service must be funded centrally by Welsh Government. This will ensure that it is sustainable and provides a consistent and equitable service, supported by core funds. It is vital that the service is Welsh Government funded and not funded by UK government, so that children can access the benefits of being in a Nation of Sanctuary and one that has a stated commitment to respecting and giving due regard to the rights of the child.

9. Conclusion

We are calling for a Guardianship Service for Unaccompanied Children that is embedded into law, policy and delivery frameworks in Wales. We have outlined a model that would provide an essential service, with the necessary resources and expertise required to support such vulnerable children. It should actively empower Unaccompanied Children to be able to access basic services, to navigate the complex asylum system and to claim all of their rights. It should ensure that all Unaccompanied Children's views are heard and given due weight, and actively engage them in the design, delivery and monitoring of the service. Finally, the service should be independent, guarantee accountability to Unaccompanied Children, and treat them equally without discrimination.

An independent Guardianship Service for all Unaccompanied Children in Wales is the only way to give Unaccompanied Children the support and protection they need.

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