



Cost benefit appraisal of legal guardianship for unaccompanied and separated migrant children in England and Wales

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1. Introduction

This appraisal provides an assessment of whether a legal system of guardianship for all unaccompanied and separated migrant children in England and Wales (including children who may have been trafficked) is financially viable.

1.1 Overview

Giving written evidence to Parliament regarding the Modern Slavery Bill, UNICEF UK stated that:

‘International experience of guardianship systems broadly shows that a professional service initiated through national legislation establishes the authority, support and expertise guardians need to navigate complex systems and processes in the best interests of children; and enables the continuity of care and high quality support that is needed for guardians to build a relationship of trust with a child. These are important considerations to take into account when looking at the type of system that might work for children in the UK, given the already complex child protection, criminal justice and immigration frameworks that are in place. It is important in this context to note that statutory services allow not only for sustainability over time, but also for common procedures and timeframes for the appointment of a guardian, safeguards to ensure quality of support, the development of a skilled workforce, and robust identification and data collection.’¹

The safeguarding, welfare and protection of all children in the United Kingdom is enshrined within the “children’s legislative” framework and overseen by the Department for Education. It is recognised that a sizeable number of highly vulnerable children - being unaccompanied and separated migrant children and children trafficked to the UK from abroad - are afforded protection under this legislation. All agencies working directly with these children are required to meet statutory duties enshrined therein. Partial funding for this group of vulnerable children is provided to local authority children’s services by the Home Office which contributes to child safeguarding and protection guidance: statutory, supplementary and non-statutory. As such, the Home Office influences direct service provision for unaccompanied and separated children and those children trafficked to the UK from abroad.

¹ <http://data.parliament.uk/writenevidence/WrittenEvidence.svc/EvidenceHtml/6010>

Evidence from the Scottish Guardianship Service and NIDOS guardianship service in the Netherlands appears to show that for unaccompanied and separated migrant children (including confirmed and potential victims of trafficking) accessing the services, having someone supporting them through a range of complex processes, including child welfare assessments, age assessments and asylum applications, not only informed these processes but improved the quality of the decisions, leading to more positive outcomes in the best interests of the child. This report quantifies the cost benefits associated with a system of legal guardianship through these child welfare support interventions.

The debate around guardianship for this group of vulnerable children has continued for many years, and this year, 2014, the Home Office acknowledged the specific needs of trafficked children by announcing a trial of a system of advocates for victims of child trafficking, commencing August 2014.² Under this Home Office funded scheme, it has been reported that child victims will be allocated a specialist advocate trained in the unique needs facing these children to provide them with targeted support. The government has since made provisions for this scheme in legislation. The Modern Slavery Bill (which entered Parliament at the time of writing) contains an enabling clause to introduce provision for child trafficking advocates based on the trials and subsequent evaluation.

This report looks at the wider group of unaccompanied and separated migrant children, also acknowledged by the Home Office as highly vulnerable and in need of support. The statutory component of a system of guardianship (guardians on statutory footing and with legal authority), as set out in this report, provides a framework by which to ensure the basic needs of these children are met, in the same way as all children in the care system. It ensures children have a single point of contact and guidance through children's services, the criminal justice and immigration systems, as the advocates will do in the trial scheme for trafficked children. However, the model we explore here goes further by providing guardians with further powers to support children, including instructing solicitors and others on the child's behalf.

1.2 Aims and objectives

This report shall:

- Explain the proposed model of guardianship
- Explain the methodology used to gather relevant data for this appraisal

² <https://www.gov.uk/government/news/charity-to-provide-specialist-support-for-child-victims-of-trafficking>

- Provide detailed findings, costing and analysis, including case scenarios
- Clearly illustrate areas where potential costs savings could reasonably be expected to occur through implementation of a guardianship service.

Key calculations and data upon which the cost-benefit appraisal was conducted include:

- a) Estimated start-up costs
- b) Fixed costs for Years 0-2
- c) Estimated number of service users
- d) Estimated variable cost per unit range for Years 0-2
- e) Break-even point(s)
- f) Overall costs
- g) Overall benefits
- h) Net cost/benefit.

This appraisal is based on a model of guardianship which focuses on the key principles and functions emerging from international best practice and human rights treaties³, set out by UNICEF UK and The Children's Society who commissioned this report. This report builds on supplementary written evidence they submitted to the Modern Slavery Draft Bill Committee in March 2014 on the indicative costs and efficiencies of guardianship'.⁴

The guardian will:

- Be enshrined in statute
- Be appointed to every unaccompanied and separated migrant child
- Have legal authority
- Be independent from statutory services
- Be accountable to and monitored by an existing regulatory body.

The guardian's responsibilities are to:

- a) Ensure that all decisions taken are in the child's best interests
- b) Ensure that the child receives appropriate care, accommodation, medical treatment, including psychological assistance, education, translation and interpretation services
- c) Ensure that the child has access to legal and other representation where necessary
- d) Consult with, advise and keep the child victim informed of their legal rights

³ UNICEF (2006), *Guidelines on protecting the rights of trafficked children*; UN Committee on the Rights of the Child (2005), *General Comment 6*; EU Trafficking Directive (2011); Council of Europe Convention on Action against Trafficking in Human Beings

⁴ The Children's Society and UNICEF UK (2014), *The indicative costs and efficiencies of guardianship: Written evidence to the Draft Modern Slavery Bill Committee*

- e) Where appropriate instruct the solicitor representing the child on all matters relevant to the interests of the child arising in the course of proceedings, including possibilities for appeal
- f) Contribute to identification of a plan to safeguard and promote the long-term welfare of the child based on an individual assessment of that child's best interests
- g) Keep the child informed of all relevant immigration, criminal or compensation proceedings
- h) Provide a link between the child and various organisations that may provide services to the child
- i) Assist in establishing contact with the child's family, where the child so wishes and it is in the child's best interests
- j) Liaise with UK Visas and Immigration where appropriate
- k) Attend all police interviews with the child, immigration interviews, age assessment and care review processes
- l) Accompany the child whenever the child moves to new accommodation
- m) Contribute to the identification of a durable solution in the child's best interests
- n) Ensure that if repatriation or family reunification is possible, it is done in the best interests of the child.

Any system of legal guardianship for unaccompanied and separated migrant children, including confirmed and potential victims of trafficking, requires robust referral mechanisms into the guardianship service. A statutory footing for guardianship would mean that all agencies that come into contact with an unaccompanied and separated migrant child would be required to immediately refer the child to the service, where:

- The child is not known to the guardianship service
- An individual claims to be a child
- A child, or an individual who claims to be a child, has been arrested.

This would ensure that the guardianship system will be triggered at the point of identification and contact for any agency, leading to the cost benefits identified in this report.

2. Key findings

Based on the model of guardianship set out in the terms of reference, and research carried out for this analysis in line with the feasibility of the type of guardianship service that could be created in England and Wales, the key cost-benefit findings are:

- Overall costs: £45,142,880
- Overall benefits: £107,234,527
- Overall savings: £62,091,647
- Unit cost of £6,237 per child
- Cost-benefit ratio: 1:2.4
- For every £1 spent, £1.25 is saved, reaching £2.39 once benefits for over-18s are included.

The most important areas of savings/benefits:

- Post-18 expenditure: approximately £50,000,000
- Legal expenditure: approximately £27,000,000
- Accommodation: approximately £20,000,000

The system envisaged is of a comparable cost to other guardianship services currently implemented in Europe:

- Scottish Guardianship Service unit cost: £4,892 (per child per year)
- NIDOS, Dutch guardianship service: £6,490
- Proposed England and Wales guardianship model: £6,237.

The Scottish service (for all separated children) is significantly smaller in scale than that which would be required across England and Wales. Unlike the Dutch service and the model used for this appraisal, it is not statutory and guardians do not hold legal powers or authority.

3. Approach

The methodology followed three main stages:

3.1 Information gathering

Data collection for this report followed four lines of investigation:

- Literature review
- Information obtained from existing guardianship organisations
- Information obtained from relevant agencies and professionals
- Consultation with the project advisory group.

3.1.1 Literature review

To undertake this cost-benefit appraisal, a review of existing literature was undertaken to explore the operating systems and configuration of existing guardianship and advocacy services in the UK and across the EU; and to identify key areas impacting on expenditure relating to separated migrant children such as the asylum process, age determination, detention, missing children investigations and trafficking. Existing cost analyses were used in particular areas (such as judicial review and police investigations), while existing guardianship services were used to extrapolate data and formulate key assumptions regarding the set-up, operation and impact of a legal guardianship service. While all literature reviewed for this report is included in the references section, key documents include:

- Overview of guardianship systems for unaccompanied minor asylum-seekers in Central Europe (International Organization for Migration)
- HM Treasury Green Book – Chapter 5 (valuing the costs and benefits of options) and Annex 6 (Discounting)
- *She endures with me* – the final report from the evaluation of the Scottish Guardianship Service pilot.

3.1.2 Information obtained from existing guardianship organisations

An integral part of our investigations involved direct communication with existing guardianship organisations within Europe. Specifically the NIDOS Foundation⁵ and the Scottish Guardianship Service were able to provide us with information regarding:

- Operating models of guardianship
- Key data such as ratio of guardians to service users, operating costs, etc.
- Identified benefits of implementing a guardianship service.

3.1.3 Information obtained from relevant agencies and professionals

We liaised directly with organisations such as local authorities (Solihull, Harrow and Kent), the Home Office, the Refugee Council, Local Safeguarding Children Boards, the Crown Prosecution Service and the International Organisation of Migration. Data gained from these sources was necessary in order to provide the rationale and justification for projected values assigned to identified costs and benefits associated with the proposed guardianship service.

⁵ NIDOS, an NGO, provides the specialist guardianship service across the Netherlands, and is regulated under the Youth Care Act. The Dutch Civil Code provides for legal guardianship of all unaccompanied minor asylum seekers.

3.1.4 Liaison with the project advisory group

Project advisory group members assisted with:

- Suggestions of methodological approaches
- Key assumptions for the analysis, such as an estimated number of service users, ratio of guardians to service users, appraisal period, etc.
- Potential areas for enquiry into cost benefits.

3.2 Data analysis

Data collected by the above methods was analysed in terms of its relevance, suitability and reliability. Where possible, supporting evidence was obtained for cross-referencing so that there would be increased confidence in the data before subsequent modelling of costs and benefits.⁶

The data was then used to identify estimated values for costs and benefits. For example, where unaccompanied or separated migrant children come into contact with authorities, we considered how a legal guardian could engage with and have an effect on relevant processes, such as the asylum process and court proceedings. Potential cost and savings were explored in this context, and are demonstrated in this report in sections 4 (monetised costs) and 5 (monetised benefits), and through case scenarios in section 7.

Weighting was applied in areas where impact was not immediately clear, or may be more or less significant than expected (for example, in the number of children likely to need substantial support from an interpreter).

3.3 Data evaluation

This report does not provide a complete cost-benefit analysis of the proposed guardianship model. Only monetised costs and benefits have been explored in our appraisal. Many of the anticipated positive outcomes to children and wider society from guardians (such as the impact on the physical and mental well-being of children) have been mentioned but not analysed in any depth, either because the benefit:

- Cannot be monetised
- Is insignificantly small in the context of cost-benefit analysis
- Is of a complexity that requires further research and evaluation of guardianship services in order to assign a value.

We envisage that the non-monetised benefits will be more accurately captured from both qualitative and quantitative evaluations following implementation of a system of legal guardianship in England and Wales.

The costs of both civil legal aid and procedures for appointing guardians to individual children were also excluded from our appraisal due to difficulties in ascertaining hypothetical costs and impact at the time of writing.

⁶ Where data has been extrapolated for the purposes of projected costs and benefits, this has been captured in the relevant section and corresponding footnotes.

4. Core assumptions

The inclusion or exclusion of assumptions in a cost-benefit analysis can have a significant impact on the data recorded, and therefore the result, i.e. whether there is a net benefit or net cost, and the scale of the benefit/cost. For the purpose of this appraisal, the following were used as key assumptions:

- Appraisal period – three years
- Lead in period in Year 0
- Numbers of unaccompanied and separated migrant children being 3,000 per year (1,500 for first year)
- Ratio of guardians to children being 1:16; ratio of supervisors/support staff to guardians 1:15
- Guardianship service operating out of 11 offices – one head office, nine regional centres located around England, and one office in Wales
- Risk factors.

Below is an explanation for these key assumptions.

4.1 Appraisal period – three years

At the request of UNICEF UK and The Children's Society; an initial appraisal period of three years has been projected (Year 0, Year 1, Year 2) to allow for fluctuations in immigration figures and reflect government spending cycles.

4.2 Lead in period

Included within the three years is a “lead in” period to ensure that the mobilisation period of the guardianship program is captured and reflected in the data and findings.

Year 0 has therefore been restricted to six operational months, in order to represent:

- Recruitment of the management team and procurement of a central office location, equipment and supplies (to be completed by three month point)
- Subsequent recruitment of the first 94 guardians (based on the 1:16 ratio), their corresponding supervisors and support staff, along with the procurement of corresponding regional offices, equipment and supplies
- Recruitment will continue through the first operational six months to ensure that full capacity is reached by the beginning of Year 1.

The guardianship programme is therefore expected to engage with the first service users at the six month point, meaning that in Year 0, the guardians will engage with 1,500 service users, building up to the target of 3,000 in Years 1 and 2.

4.3 Service users each year – 3,000

An estimate for the number of service users each year was devised by analysing data for:

- The number of unaccompanied asylum seeking children in local authority care from 2011-2013
- The number of potential child victims of trafficking identified by the National Referral Mechanism in 2012.

From 2011-2013, there was an average of 2,263 unaccompanied asylum seeking children in local authority care⁷. In 2012, 549 potential child victims of trafficking were identified by the National Referral Mechanism⁸. The number of trafficking victims is, however, widely acknowledged to be an underestimate⁹. Combined, the figures total 2,812. While there may be some double counting between the number of trafficking victims and the number of unaccompanied asylum seeking children in care, the total number of 3,000 allows for the view that the number of trafficking victims is under-estimated, and for fluctuations across different years in the number of unaccompanied minors.

4.4 Ratio of guardians to children – 1:16, ratio of supervisors/support staff to guardians – 1:15

The ratio of guardians to children was agreed by UNICEF UK and The Children's Society, who examined existing guardianship services in Europe, as well as recommended caseloads for social workers in England and Wales. NIDOS in the Netherlands uses a ratio of 1:20 when working with unaccompanied asylum seeking children and a ratio of 1:16 where cases include victims of trafficking¹⁰. The evaluation of the Scottish Guardianship Service pilot showed lower caseloads averaging 13.3 children per guardian in Year 2 of the pilot¹¹. The ratio of one guardian to 16 children was decided as a realistic full-time caseload given the required roles and responsibilities of the guardian (see above). The ratio adheres to the recommendations in the *Core Standards for Guardians of Separated Children in Europe* for caseloads to be reasonable and have a set maximum¹².

NIDOS' guardianship system also supports the ratio of supervisors to guardians and support staff to guardians as being 1:15. This has proved to be an effective arrangement by which staff are supported to ensure consistency of services to children, and is referenced as a contributing factor that keeps staff turnover to a minimum – currently only 0.5%.¹³

4.5 Guardian offices

The structure for the physical service provision (i.e. location) was based upon an existing guardianship model delivered by NIDOS in the Netherlands. NIDOS operates with a central office and a number of regional offices. This is explained further in the significant costs section of this report.

⁷ Department for Education (2013), *Children Looked After in England, Including Adoption*, <https://www.gov.uk/government/publications/children-looked-after-in-england-including-adoption>

⁸ Serious Organised Crime Agency (2013), *UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012*, <http://www.nationalcrimeagency.gov.uk/publications/15-ukhtc-strategic-assessment-on-human-trafficking-in-2012/file>

⁹ Centre for Social Justice Slavery Working Group (2013), *It happens here: equipping the United Kingdom to fight modern slavery: a policy report by the Slavery Working Group*, London, Centre for Social Justice; Inter-Departmental Ministerial Group on Human Trafficking (2012), *First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, Norwich, The Stationery Office.

¹⁰ Data obtained directly from discussions with NIDOS. NIDOS, an NGO, provides the specialist guardianship service across the Netherlands, and is regulated under the Youth Care Act. The Dutch Civil Code provides for legal guardianship of all unaccompanied asylum seeking children.

¹¹ Crawley, H and Kohli, RKS, *She endures with me: An evaluation of the Scottish Guardianship Service Pilot*

¹² Defence for Children – ECPAT The Netherlands (2011), *The Core Standards for Guardians of Separated Children in Europe*

¹³ Data obtained directly from discussions with NIDOS

5. Risk profiles

In any cost-benefit analysis, there will be areas of uncertainty regarding predictions and valuations. Risk/sensitivity analyses have not been conducted within this report, but the following sensitivities have been identified.

5.1 External risks

Within this appraisal, there is uncertainty about the total number of unaccompanied and separated migrant children (including victims of trafficking) who would access the guardianship service.

Factors which affect migration are broad-ranging and future numbers of asylum claims cannot be predicted with certainty. Additionally, identification of trafficking victims is increasing¹⁴. There will always be fluctuation in the numbers of unaccompanied migrant children and trafficking victims. This is the reason that this appraisal uses the figure of 3,000 unaccompanied and separated migrant children, to ensure that the perceived maximum range of services users has been captured as a cost.

Additionally, this report includes a comparison data set for 2,500 service users so that it is clear what the effect of fluctuating services users is upon the cost per child, and therefore the cost efficiency of the guardianship model.

5.2 Operational risks

Integral to the proposed model of service delivery is the requirement for guardians and the management team to travel. In particular, the guardians are expected to travel to meet with children and support them at appointments or meetings. An allowance for fuel has been included in the analysis, however, should fuel costs rise significantly, the allowance for fuel could be insufficient.

5.3 Systemic risks

Many of the cost savings have been calculated on the basis of multi-agency child protection work. This means that for various authorities and agencies to save money, they need to be working together effectively in an integrated system of child safeguarding and protection. In particular, cost savings below have been identified for the following agencies:

- Local authorities
- Home Office
- Police
- Crown Prosecution Service.

¹⁴National Crime Agency (2014), *United Kingdom Human Trafficking Centre National Referral Mechanism Statistics 2013*, <http://www.nationalcrimeagency.gov.uk/publications/139-national-referral-mechanism-statistics-2013/file>

6. Monetised costs

In this section of the report, we examine the identified monetary costs of establishing, implementing and maintaining a guardianship service in England and Wales. The costs have been carefully assessed, so as to provide assurance that the proposed model will provide a quality service in terms of provision of care for migrant children, and value for money for the UK government. The following categories of costs have been identified and assessed.

Table 1: Predicted total costs of guardianship service

Cost category	Year 0 (£)	Year 1 (£)	Year 2 (£)	Year 0-2 (£)
Fixed costs	222,608	296,811	296,811	816,230
Semi-fixed costs	1,075,838	0	0	1,075,838
Semi-variable costs	214,067	404,470	404,470	1,023,007
Variable costs total	6,205,560	18,011,124	18,011,124	42,227,808
Total costs	7,718,072	18,712,404	18,712,404	45,142,880

6.1 Categorisation

A brief description of each sub-category is given below, along with the associated costs, but only those costs which have been identified as financially significant are examined in this report.

6.1.1 Fixed costs

The fixed costs are those expenditures which are required to maintain the programme, regardless of its productivity (i.e. how many service users are currently within the system), and so are constant. These costs may change from year to year based on other factors, such as changing salary rates or rental prices for offices.

Table 2: Predicted fixed costs of guardianship service (Years 0-2)

Cost category	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Management team salaries (net)	186,917	249,223	249,223	685,363
Rent and rates (central offices)	35,691	47,588	47,588	130,867
Total fixed costs	222,608	296,811	296,811	816,230

6.1.2 Semi-fixed costs

Semi-fixed costs are those costs which are fixed if the assumption of a guardianship service required capacity of 3,000 service users remains true – if the required capacity of the service goes up significantly, the semi-fixed costs will be affected accordingly. An example of this would be if the service became overloaded due to identification of 5,000 potential service users; a supplementary recruitment drive and purchase of equipment could be initiated to expand the capacity of the service.

Table 3: Predicted semi-fixed costs of guardianship service (Years 0-2)

Cost category	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Equipment	186,250	0	0	186,250
Consumables	3,588	0	0	3,588
Recruitment	886,000	0	0	886,000
Total semi-fixed costs	1,075,838	0	0	1,075,838

6.1.3 Semi-variable costs

Semi-variable costs are those costs which are essential to the programme regardless of productivity, but are also affected by the number of service users – the more service users within the system, the greater the cost. An example of this is the travel costs for the management team, who are required to visit staff in regional offices. The more services users there are, the more guardians there would be, and therefore the more the management team would need to travel between the regional offices.

Table 4: Predicted semi-variable costs of guardianship service (Years 0-2)

Cost category	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Recruitment contingency	0	110,750	110,750	221,500
Professional development	7,500	10,000	10,000	27,500
Travel and subsistence	161,593	215,457	215,457	592,507
Communications	21,600	28,800	28,800	79,200
Consumables	729	972	972	2,673
Other ¹⁵	7,667	18,521	18,521	44,709
Regulatory costs	14,978	19,970	19,970	54,918
Total semi-variable costs	214,067	404,470	404,470	1,023,007

6.1.4 Variable costs

Variable costs are those expenditures which are linked directly to the number of service users – for example, the number of guardians required at any time based upon a ratio of one guardian to every 16 service users. Variable costs, like fixed costs, are subject to changes in external factors such as changes in salary rates, office rental prices, or fuel prices.

¹⁵ Including accounting, professional fees and insurances - 10% of total costs. <http://www.howdengroup.com/brochures/pi-for-start-ups-final>

Table 5: Predicted variable costs of guardianship service (Years 0-2)

Cost category	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Guardianship team salaries (net)	2,819,056	5,638,111	5,638,111	14,095,278
Rent and rates (regional offices)	280,898	561,797	561,797	1,404,492
Professional development	21,346	22,212	22,212	65,770
Travel and subsistence	131,063	477,582	477,582	1,086,227
Interpreting and translation	2,703,000	10,812,000	10,812,000	24,327,000
Communications	237,750	475,500	475,500	1,188,750
Consumables	12,447	23,922	23,922	60,291
Variable operational costs total	6,205,560	18,011,124	18,011,124	42,227,808

6.2 Significant costs

This report has identified several significant costs. Significance has been assigned, not only on the basis of those items which have incurred a large proportion of a sub-category's overall cost, but also on those items which require further explanation of the assumptions which have influenced the proposed methodology, and therefore the final figure. The identified significant costs are:

- Recruitment costs
- Management team salaries
- Rent and rates for offices
- Guardianship team salaries
- Interpreting and translation.

6.2.1 Recruitment costs

Start-up costs are significant as they constitute a large proportion of the initial total fixed cost of the guardianship scheme¹⁶; and also because they make up almost the entirety of the costs associated with the semi-fixed costs category¹⁷.

Importantly, the costs associated with the start-up phase are expected to be confined to the figures for Year 0 and are not an ongoing cost. This is because the analysis has been conducted on the assumption that recruitment for all required posts and the procurement of necessary equipment will be complete by the end of Year 0. Significant start-up costs will only reoccur in the event that the service is required to hire extra staff because the number of service users exceeds the current capacity envisaged for a maximum of 3,000 children. Staff turnover has been costed under the semi-variable costs section.

¹⁶ See break-even analysis (Section 8) for more details

¹⁷ See section 6.1.2 of this report

Methodology

This report has used the following formula in order to estimate the cost of recruiting the necessary staff to allow for a guardianship service capable of providing for 3,000 service users:

Average cost x number of employees = recruitment costs

Recruitment costs have been calculated according to the data shown below.

Table 6 – Showing estimated recruitment costs per person¹⁸

Average recruitment costs	Per staff
Senior managers/directors	10,000
Managers and professionals	5,000
Administrative, secretarial and technical	1,545
Average cost per person	4,000

The proposed number of employees for the service is shown below.

Table 7 – Proposed number of personnel for the proposed guardianship service

Position title	Number required
Central management team	
Programme director/s	1
Programme manager/s	1
Programme administrator/s	3
Finance manager/s	1
Legal officer/s	1
Human resources manager/s	1
Human resources assistant/s	1
Regional office teams	
Supervisors ¹⁹	13
Guardians ²⁰	188
Support staff	13
Total staff	223

¹⁸ http://www.cipd.co.uk/binaries/recruitment_retention_turnover_annual_survey_2009.pdf

¹⁹ Supervisor and support staff numbers comparable with NIDOS model and guidance from http://webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/LeadPro_Managers-Guide.pdf

²⁰ As per ratio of 16:1 service users to guardians as established in this report

Using the above tables, we are able to calculate the estimated recruitment costs as:

$$\text{£4,000} \times 223 = \text{£892,000}$$

6.2.2 Management team salaries

Key considerations with regard to the management team salaries for the initial three-year period are that:

- They constitute the bulk of the fixed costs.
- The guardianship system as operated by NIDOS has been referenced in relation to the support structures for guardians and the NIDOS operating model of governance. These are largely based upon a children services case management structure, including allocation of cases, case management, line management, supervised support for workers and departmental governance arrangements.
- The salaries of the management team are based upon Standard Occupational Classification (SOC) codes²¹ with a 15% add-on to take account of Residential Labour Market (RLM) conditions.
- Management costs for Year 0 will be at 75% of full year total due to a three-month lead in period.

On the basis of these considerations the management team costs have been estimated as:

Table 8: Management team salary costs (combined)

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Year 0-2 total (£)
Management team salaries	186,917	249,223	249,223	685,363

This has been calculated from the salary values contained within the table below.

Table 9: Salary costs for management team (detailed)

Position title	Gross salary (£)	Deductions (£)	Net salary (per person) (£)	Net total (for position) (£)
Programme director	54,625	16,164	38,461	38,461
Programme manager	37,260	9,391	27,869	27,869
Programme administrators (x3)	31,970	7,698	24,272	72,815
Finance manager	37,720	9,538	28,182	28,182
Legal officer	47,840	13,314	34,526	34,526
Human resources manager	36,685	9,207	27,478	27,478
Human resources assistant	25,530	5,638	19,892	19,892
Total management team salaries				249,223

²¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303033/CoP_-_Apr_14_V0_6.pdf

6.2.3 Rent and rates for offices

The significance of the figures for rent and rates for offices is within the detail of how the appraisal has been performed on a specific model for service provision, namely one central and 10 regional offices.

Rents and rates for offices are calculated using the equation:

Number of personnel x average cost (per head per year) x % workstations = annual cost

For example, for the regional office, calculation is:

$$214 \times 5,287.5 \times 0.5 = £561,797$$

Table 10: Rent and rates office costs (combined)

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 total (£)
Rent and rates (central office)	35,691	47,588	47,588	130,867
Rent and rates (regional offices)	280,898	561,797	561,797	1,404,492
Total cost for rent and rates				1,535,359

Table 11: Rent and rates office costs (detailed)

Office type	No. of personnel	Average cost (per head per year) (£)	% Workstations per staff member	Cost (£)
Central office (Year 0)	6.75 ²²	5,287.5	100%	35,691
Central office (Year 1)	9	5,287.5	100%	47,588
Central office (Year 2)	9	5,287.5	100%	47,588
Regional offices (Year 0)	107 ²³	5,287.5	50%	280,898
Regional offices (Year 1)	214	5,287.5	50%	561,797
Regional offices (Year 2)	214	5,287.5	50%	561,797
Total office costs for Years 0-2				1,535,359

- This model is based largely upon the existing guardianship model being provided by NIDOS in the Netherlands. As England is already split into nine governmental regions, it was decided that it would be logical for the guardianship model to mirror that arrangement, with Wales covered by an additional office.²⁴
- Due to the outreach responsibilities and the local spread of guardians and their support teams within regions, office space has been calculated on the basis of 50% workstations, whereas all head office costs are based upon 100% workstations (inclusive of rents, rates and furniture).
- The costs associated with offices and rates have therefore been calculated using an average price, per person, per month. The number may therefore vary depending on the final placement of the offices, and indeed if the decision is made to use the proposed model of 11 offices.

²² Number of personnel multiplied by 0.75 to simulate central office space only rented for 75% of Year 0

²³ Number of personnel halved to simulate regional office spaces only rented for half of Year 0

²⁴ <http://www.ons.gov.uk/ons/guide-method/geography/beginner-s-guide/administrative/england/government-office-regions/index.html>

6.2.4 Guardianship team salaries

Guardianship team salaries contribute significantly to the variable costs and are also subject to a number of model-specific factors that include:

- The ratio of guardians to supervisors and support staff (as per assumptions)
- As with the management team, salaries are based on SOC codes, with 15% RLM added
- The total for Year 0 is halved due to the aforementioned lead in period.

Table 12: Guardianship team salary costs (combined)

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 total (£)
Guardianship team salaries	2,838,812	5,677,624	5,677,624	14,194,060

This has been calculated from the salary values contained within the below table.

Table 13: Salary costs for management team (detailed)

Position title	Gross salary (£)	Deductions (£)	Net salary (per person) (£)	Net total (for position) (£)
Supervisor (x13)	45,125	12,174	32,951	428,363
Guardian (x188)	35,379	8,789	26,590	4,998,920
Support staff (x13)	24,596	5,339	19,257	250,341
Total guardianship team salaries				5,677,624

The level of cost attributed to guardianship team salaries is therefore dependent upon the final model structure for the teams as well as the final salary awards and deductions²⁵.

The net total (for position) salary estimates are therefore reached by the following equation:

Net salary (per person) x number employed in position = net total (for position)

For example, the net total (for position) for support staff is:

$$19,257 \times 13 = 250,341$$

6.2.5 Interpreting and translation costs

Interpreting and translation costs are significant because they are expected to form 60% of the total variable costs for Years 0-2. Estimated interpreting and translation costs incurred by interaction between the guardianship service and an unaccompanied child are presented in Table 14.

²⁵ Deductions applied to the salaries are correct as of 2012/2013

Table 14: Interpretation and translation cost (Years 0-2)

Staff member (requiring interpreting assistance)	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 total (£)
Guardian	2,613,750	10,455,000	10,455,000	23,523,750
Supervisor	6,375	25,500	25,500	57,375
Support staff	82,875	331,500	331,500	745,875
Total cost for interpreting and translation				24,327,000

These figures have been calculated using the following calculations:

Cost of translator for face-to-face meetings x (number of face-to-face meetings required per user per year x number of service users)

+

Cost of translator for telephone calls x (number of calls per user x number of service users)

= interpreting and translation costs

Best practice is that ‘arrangements must be made for an interpreter to be available when communicating with children/young people for the purpose of safeguarding and promoting their welfare if their first language is not English’.²⁶

Translation costs have therefore been calculated for each year based on the assumption that 85% of the total service users will require translation services. The figure of 85% has been used because:

- Almost 100% of newly arrived unaccompanied migrant children will require translation services for almost all interactions with the guardianship service. This is in line with the Scottish Guardianship Service, which found that only 12% of children spoke any English on arrival.
- Some service users who have already been in the UK for a number of months may only require translation services at significant meetings regarding their safeguarding or the promotion of their welfare.

This equates to 638 service users requiring interpretation/translation services in Year 0 and 2,550 users in subsequent years.

²⁶ Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People - All Wales Practice Guidance, section 8.1

Table 15: Breakdown of figures used to calculate total costs for interpreting and translation

	Guardians	Supervisors	Support staff
Percentage of service users requiring language support seen face to face per person %	100%	10%	20%
Number of service users requiring language support in Period 0	638	64	128
Number of service users requiring language support in period 1	2,550	255	510
Number of service users requiring language support in period 2	2,550	255	510
Number of face-to-face episodes per service user per year	30	1	1
Cost of each face-to-face episode	50	50	50
Number of hourly telephone episodes per service user per year	52	1	12
Cost of each hourly telephone episode	50	50	50

Costs for Year 0

Using the above table, and the equations given above, the interpreting and translation costs can therefore be calculated for Year 0 as:

Guardians:

$$50 \times (30 \times 638) + 50 \times (52 \times 638) = £2,613,750$$

Supervisors:

$$50 \times (1 \times 638) + 50 \times (1 \times 638) = £6,375$$

Support Staff:

$$50 \times (1 \times 638) + 50 \times (12 \times 638) = £82,875$$

7. Monetised benefits

Introduction

This section of the report will summarise the key monetised benefits of a legal guardianship system including:

- Social work time
- Police resources – due to missing person investigations
- Interpreting time
- Judicial time
- Legal expenditure
- Other professionals' time
- Accommodation
- Post-18 outcomes.

It should be noted that the wider qualitative and social benefits of having a legal guardian, such as the mental or physical well-being of the service users, have not been included in this appraisal. As guardianship services throughout Europe establish themselves and start to produce empirical data more suitable to qualitative analysis, we expect that we would see more evidence that guardians have a demonstrable effect upon the short and long term well-being of vulnerable children and young people.

Table 16: Predicted monetised benefits of guardianship service

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Social work time	196,561	395,091	395,091	986,743
Police resources	724,290	1,580,268	1,580,268	3,884,826
Interpreting time	162,635	326,898	326,898	816,431
Judicial time	523,108	1,046,215	1,046,215	2,615,538
Legal expenditure	5,338,266	10,676,533	10,676,533	26,691,332
Other professional time	354,144	708,287	708,287	1,770,718
Accommodation	3,936,139	7,872,278	7,872,278	19,680,695
Post-18 outcomes	16,929,415	16,929,415	16,929,415	50,788,245
Total benefits	28,164,558	39,534,985	39,534,985	107,234,528
Present value (PV) of benefit	28,164,558	38,198,053	36,906,332	103,268,941

Monetised benefits in detail

7.1 Social work time

The legal guardian's role is to be a link between the child and all relevant service providers and professionals, including social workers, which should ensure better communication and decision-making.

Predicted savings from the guardianship service's interaction with social services are detailed below and are split into three key areas:

- Age assessments/disputes
- Missing asylum seeking children
- Missing trafficked children.

Table 17: Benefits social work time (combined)

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Age assessments (disputes)	59,554	119,108	119,108	297,770
Missing unaccompanied asylum seeker child work	126,179	252,357	252,357	630,893
Missing trafficking victim work	10,829	23,626	23,626	58,081
Totals	196,562	395,091	395,091	986,743

7.1.1. Age assessments/disputes

A cost benefit of the guardianship scheme is the expected effect upon the time taken by local authority social workers to perform age assessments and ensure the quality of those assessments. It is anticipated that the nature of the guardian's interaction with the child, the social worker, and the various agencies involved in the age assessment will result in the provision of clearer and more concise information from, and on behalf of, the child.

Table 18: Social work time saved during age disputes

	Days / instance	No. of age disputes	Net cost per instance	Total cost (£)
Period 0	1.5	329	181	59,554
Period 1	1.5	657	181	119,108
Period 2	1.5	657	181	119,108
Total savings				297,770

Explanation of calculation

The number of days saved per age dispute is based on two social workers taking between five-35 days per age assessment²⁷. One day is saved by the first social worker and half a day is saved by the second (support worker). This report has only looked at savings in the context of number of age disputes per period, not the total number of all age assessments.²⁸

The cost per instance is calculated using the SOC code net salary of £26,589 ÷ 220 (number of workable days in a year) in order to get a daily rate for the social worker (£121). This works out as £181 for one and a half days.

As unaccompanied asylum seeking children are looked after children, when they go missing this triggers procedures which impact on social workers' time. Based on the experience of the NIDOS guardianship system, it is expected that legal guardianship would reduce the number of missing children and thus lessen the impact on social workers' time.

²⁷ Figure of 1.5 days is an estimate gained from consultation with Solihull, Harrow, and Kent local authorities

²⁸ Coram Legal Centre (2013), *Happy Birthday? - Disputing the age of children in the immigration system*

When looked after children go missing, statutory guidance states that a return interview should be offered and provided within 72 hours of the child's return²⁹. Evidence suggests that return interviews are mostly conducted by children's services social workers³⁰. Local authorities have a responsibility to risk assess all incidents where looked after children go missing³¹. On a child's return, the local authority is required to work with police and other agencies to develop a comprehensive understanding of why the child went missing, what happened during the missing episode and what support they require upon returning³².

Table 19: Social work time saved in missing unaccompanied asylum seeking child cases

	Days per instance	Net cost per instance	No. of instances	Total cost (£)
Period 0	1	121	87	126,179
Period 1	1	121	174	252,357
Period 2	1	121	174	252,357
Total savings				630,893

Explanation of calculation

The total costs for missing unaccompanied asylum seeking child cases are calculated based on the equation:

Cost per instance x number of unaccompanied asylum seeking children that go missing per month x months in period

Statistics gained from Freedom of Information responses from 20 local authorities revealed that 330 asylum seeking children had gone missing between April 2008 and August 2009³³ (a 16 month period). Therefore, $330 / 20 / 16 = 1.03125$ children go missing per local authority per month.

There are 174 local authorities in England (152) and Wales (22).

The cost per instance is calculated using the SOC code net salary of £26,589 ÷ 220 (number of workable days in a year) in order to get a daily rate for the social worker (£121).

The number of instances is based on a figure of one unaccompanied asylum seeking child going missing per month, per local authority.³⁴

7.1.3. Missing trafficked children

Trafficked children are more likely to go missing than unaccompanied asylum seeking children and such cases are often more complicated for the social worker, so the potential savings have been costed separately.

²⁹ Department for Education (2013), *Statutory guidance on children who run away or go missing from home or care*

³⁰ The Children's Society (2013), *Here to Listen? Return Interviews Provision for Young Runaways*

³¹ Department for Education (2013), *Statutory guidance on children who run away or go missing from home or care*

³² Ibid

³³ Data from 2008-2009 has been used because there is a lack of reliable data from more recent years - <http://news.bbc.co.uk/1/hi/uk/8470620.stm>

³⁴ This figure is explored more fully in section 5.1.2 of this report

Table 20: Social work time saved in missing trafficked children cases

	Days per instance	Net cost per instance	No. of missing trafficked children	Prevention rate	Total cost (£)
Period 0	1.5	181	104	55%	10,829
Period 1	1.5	181	217	60%	23,626
Period 2	1.5	181	217	60%	23,626
Total savings					58,081

Explanation of calculation

Total costs for missing child victims of trafficking are calculated based on the following formula:

Cost per instance x number of missing trafficked children x estimated prevention rate

The figure of one and a half days is an estimate gained from consultation with Solihull, Harrow, and Kent local authorities.

The cost per instance is calculated using the SOC code net salary of £26,589 ÷ 220 (number of workable days in a year) in order to get a daily rate for the social worker (£121). This works out as £181 for one and a half days.

The predicted number of missing trafficked children during each period is calculated on the estimated number of trafficked children in the system (362)³⁵ and the percentage of those that are expected to go missing (60%).³⁶

The prevention rate

As with other issues detailed elsewhere in the report, it is not expected that the guardian would eliminate the problem of missing child victims of trafficking, so the same weighting percentage has been applied – 55% and 60% respectively.

7.2 Police resources due to missing person investigations

Children who go missing also trigger a response from the police. Based on experience from Scotland and the Netherlands, it is expected that the guardianship system would reduce police missing children investigations and thus create savings.

Estimated savings regarding the expenditure of police resources on investigating missing children in Years 0-2 are shown below. Due to identified differences between unaccompanied migrant children and child victims of trafficking, the totals have been separated for clarity.

Table 21: Estimated savings to police expenditure regarding missing children investigations (combined)

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Unaccompanied asylum seeking child missing person costs	608,853	1,328,406	1,328,406	3,265,665
Trafficked child missing person costs	115,437	251,862	251,862	619,161
Totals	724,290	1,580,268	1,580,268	3,884,826

³⁵ This is an extremely conservative figure based on number of new referrals in 2013 according to the NRM

³⁶ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaaff/23/23i.pdf>

7.2.1. Unaccompanied asylum seeking children

Detailed costs for police investigations involving missing unaccompanied asylum seeking children persons have been calculated according to the below information:

Table 22: Estimated savings to police expenditure regarding unaccompanied asylum seeking child missing person investigations

	No. of unaccompanied asylum seeker child missing person cases / month	No. of months in period	Cost of police investigation (£)	Weighting	Total (£)
Period 0	174	6	1,060	55%	608,853
Period 1	174	12	1,060	60%	1,328,406
Period 2	174	12	1,060	60%	1,328,406
Total savings					3,265,665

Explanation of calculation

These figures have been estimated using the following equation:

Unaccompanied asylum seeking child savings = number of unaccompanied asylum seeking children missing per month x number of months in period x cost to the police per investigation x weighting %

In a paper published in 2013, the cost of missing person investigations cited '£1,325.44 as a realistic minimum and £2,415.80 as a realistic estimate of medium risk, medium term cases'³⁷. In order to factor in the number of missing child cases which are resolved reasonably quickly, police costs for unaccompanied asylum seeking children missing person investigations has been estimated at £1,060.

There are 12 months in each period (excepting Year 0, which has a six month lead in).

A weighting percentage has been applied in order to show that the guardianship service is not expected to reduce missing child investigations involving unaccompanied and separated child migrants by 100%.

NIDOS disclosed a 95% reduction in instances of Nigerian girls going missing under their system; however, this is not directly comparable as they operate on a residential model. Within foster care environments where the majority of unaccompanied and separated migrant children are placed with a family (and where the recruitment of families and referrals to those families is managed by the same organisation), the number of children that go missing overall is as little as 5%³⁸.

The weighting has therefore been set at 55% for Year 0 and 60% for subsequent years, to represent a conservative prediction of savings.

The estimated savings to the police regarding missing child investigations can therefore be calculated as:

- Year 0 unaccompanied asylum seeking child savings = $174 \times 6 \times 1,060 \times 0.55 = £608,853$
- Year 1 unaccompanied asylum seeking child savings = $174 \times 12 \times 1,060 \times 0.60 = £1,328,406$
- Year 2 unaccompanied asylum seeking child savings = $174 \times 12 \times 1,060 \times 0.60 = £1,328,406$

³⁷ Greene and Pakes (2013), *The cost of missing person investigations: Implications for current debates*, page 2

³⁸ Data obtained directly from discussions with NIDOS. NIDOS, an NGO, provides the specialist guardianship service across the Netherlands, and is regulated under the Youth Care Act. The Dutch Civil Code provides for legal guardianship of all unaccompanied minor asylum seekers. They run a residential unit and foster care placements.

7.2.2. Trafficked children

Detailed costs for police investigations involving trafficked children as missing persons have been calculated according to the below information:

Table 23: Estimated savings to police expenditure regarding trafficked children missing person investigations

	No. of cases	Cost of police investigation (£)	Weighting	Total (£)
Period 0	109 ³⁹	1,933	55%	115,437
Period 1	217	1,933	60%	251,862
Period 2	217	1,933	60%	251,862
Total savings				619,161

Explanation of calculation

These figures have been estimated using the following equation:

Trafficked children savings = number of trafficked children estimated to go missing from care in the period x cost to the police per investigation x weighting percentage.

Around 60% of trafficked children are estimated to go missing from care⁴⁰ and there are 363 known child victims of trafficking in the UK. Therefore, $363 \times 0.6 = 217$ trafficked children are expected to go missing from care each year in the UK.

In the aforementioned paper published by Greene and Pakes, they give £2,415.80 as a realistic estimate of the cost to the police in ‘medium risk, medium term cases’. Given that victims of trafficking are expected to be at higher risk and be missing for longer than unaccompanied asylum seeking children, the cost per police investigation has been estimated at £1,933 (taking into account that some cases will be resolved quickly and with minimum expenditure).

As with the total for investigations involving unaccompanied asylum seeking children, the same weighting percentage has been applied in order to show that the guardianship service is not expected to reduce missing child investigations involving child victims of trafficking by 100%.

The Scottish Guardianship Service was able to advise that only 3% of trafficked children in their system went missing from care. The applied weightings, of 55% and 60% respectively, would again seem a conservative estimate of potential cost savings in this area.

The estimated savings to the police regarding missing child investigations can therefore be calculated as:

- Year 0 trafficked children savings = $109 \times 1,933 \times 0.55 = £115,437$
- Year 1 trafficked children savings = $217 \times 1,933 \times 0.60 = £251,862$
- Year 2 Trafficked Children savings = $217 \times 1,933 \times 0.60 = £251,862$

³⁹ Yearly total of 217 halved due to six-month lead in

⁴⁰ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/23i.pdf>

7.3 Interpreting time

As discussed in the cost section of this report (4.3.5), interpreters and translators are required to be available when communicating with children and young people for the purpose of safeguarding and promoting their welfare if their first language is not English. Whilst the estimated interpretation and translation costs to the guardianship service are as stated, there are similar costs carried by other agencies such as local authorities, which the presence of a guardian will reduce.

7.3.1. Age assessments

Interpreting costs for interactions with the migrant child can reasonably be expected to reduce due to the increase in clear and concise communication between the guardian, the child, and the social worker.

One such interaction between a local authority and an unaccompanied child is during age assessments performed by social workers.

Table 24: Estimated interpreter cost savings per age assessment

	Hours per instance	Cost per hour (£)	No. of age assessments	Total cost (£)
Period 0	3	50	329	49,275
Period 1	3	50	657	98,550
Period 2	3	50	657	98,550
Total savings				246,375

Explanation of calculation

- This analysis has assumed an average time saving of three hours per age assessment for the interpreter's services.
- Interpreter services have been calculated at a rate of £50 per hour⁴¹.
- This table has been used to estimate a figure of 657 age assessments conducted per 12 months (21.9% of 3,000 service users).

Table 25: Number of age disputes by year⁴²

	Asylum applications from unaccompanied children	Age disputes	% Age disputes
2008	4285	1,401	24.6%
2009	3174	1,129	26.2%
2010	1717	489	22.2%
2011	1398	374	21.1%
2012	1168	328	21.9%

⁴¹ Cost of each face-to-face engagement with non-English speaking service users averaged based upon indicative hourly costings experienced by local authorities (the price point varies, however, depending on the language).

⁴² Coram Children's Legal Centre (2013), *Happy Birthday? Disputing the age of children in the immigration system*, [http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final\(1\).pdf](http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final(1).pdf)

7.3.2. Additional age assessment related costs

Additionally, the presence of a guardian can reduce the risk of an incorrect determination and the need to perform additional age assessments. The cost savings for these repeat age assessments are reflected in the reduction of legal expenditure by local authorities and judicial expenses in sections 7.4 and 7.5.

7.3.3. Missing children

Interpreter time may also be saved with regard to the return of a missing migrant child. The details used to calculate the cost savings have been separated into two distinct groups of unaccompanied asylum seeking children and trafficked children, and are shown in the two tables below:

7.3.3.1. Missing unaccompanied asylum seeking children

Table 26: Interpreter time saved in missing unaccompanied asylum seeker child cases

	Hours saved per instance	Cost per instance (£)	No. of instances per month	No. of months in period	Total cost (£)
Period 0	2	100	87	6	104,400
Period 1	2	100	174	12	208,800
Period 2	2	100	174	12	208,800
Total savings					522,000

Explanation of calculation

Costs are calculated by:

Cost per instance x number of instances per month x number of months in period

Assuming:

- The interpreter will be required for two hours less in each return interview
- An hourly rate of £50 for the interpreter.

7.3.3.2. Missing trafficked children

Table 27: Interpreter time saved in missing trafficked children's cases

	Hours saved per instance	Cost per instance (£)	No. of instances per year	Weighting	Total cost (£)
Period 0	3	150	109	55%	8,960
Period 1	3	150	217	60%	19,548
Period 2	3	150	217	60%	19,548
Total savings					48,056

Explanation of calculation

Costs are calculated by:

Cost per instance x number of instances per year x weighting

Assuming:

- The interpreter will be required for three hours less in each return interview
- An hourly rate of £50 for the interpreter.

7.4 Judicial expenses

Judicial expenses are costs to the Ministry of Justice of running a court hearing, such as staff salaries.

Two cost benefits have been identified within the judicial system:

- Hearings regarding age disputes
- Hearings regarding children who have been detained as adults.

An assumption of 50% of all age disputed children has been applied in calculating the number of children undergoing an age assessment, of which the outcome was incorrect and successfully challenged in year 2013.⁴³ An assumption has also been applied in regard to the likely number of children detained as adults in 2013. Full year data (2013) confirming the number of children (40)⁴⁴ detained as adults was available. The number of children incorrectly detained is likely to be higher but as they are not identified by existing services the exact number cannot be known.

7.4.1 Age disputes

These are costs incurred within the judicial system and borne by the Ministry of Justice.

The Coram Children's Legal Centre report *Happy Birthday* published in May 2013 states that: 'Many age assessment challenges are settled out of court, with either the young person accepting the local authority assessment, the local authority accepting the child's stated age, or a 'compromise' age being agreed on by both parties. As a result it is difficult to get an accurate picture of the number of assessments that are challenged and with what outcomes.'

Table 28: Expenditure incurred by the Ministry of Justice on resolving age disputes

	Cost of hearings (£)	No. of hearings	Total (£)
Period 0	10,000	34	343,108
Period 1		69	686,215
Period 2		69	686,215
Total savings	1,715,538		

⁴³ 50% is a weighting based upon a comparison of scenarios involving guardians positively impacting upon age determinations outside of court in an additional 33% of cases; 17 reported judgements of substantive age assessment cases between November 2009 (A v Croydon) and May 2012 where in five cases, a declaration was made in favour of upholding the young person's claimed age (29%); and other marginal financial values (additional to fees) which are conservatively estimated at 15-20% in each case in terms of time and resources.

⁴⁴ The Independent (9 January 2014), 'Children are still held in adult detention centres despite Coalition pledges to end the practice'
<http://www.independent.co.uk/news/uk/politics/exclusive-children-are-still-held-in-adult-detention-centres-despite-coalition-pledges-to-end-the-practice-9050170.html> [accessed 20/06/2014]

Explanation of calculation

The total benefit for each year from savings in the judicial system around age disputes is calculated by:

- Cost per hearing x number of hearings
- Cost of hearing (inclusive of administrative hearings) has been valued at £10,000⁴⁵
- Number of hearings has been set at 69 per 12 month period⁴⁶.

7.4.2 Children detained as adults

One of the assumptions in this report is that there would be a robust referral system and a multi-agency approach which would enable guardians to act promptly and effectively. As a result, detention of children due to age dispute would reduce. This is supported by evidence.

Impact of guardianship

The introduction of an independent legal system of guardianship supposes that there would be a separate agency (or agencies) with a stand-alone governance structure and its own referral process enshrined in law. As part of the mechanism to ensure that all children have an allocated guardian, there would be a requirement for all agencies to refer these children into this provision, and where an individual claims to be a child (irrespective of a judgement on the part of the Home Office or the police), the guardianship service would need to be consulted. This would not affect the existing procedures and protocols, but it would mean that every individual claiming to be a child would have the guardianship system involved. Those therefore deemed to be adults who are adults would not be affected; whereas for those individuals who are age disputed and assessed as being a child, assessments would occur outside of a detention environment. For those children who are age-disputed and awaiting a decision, those assessments will also be carried out outside of an immigration detention environment.

From the evidence obtained from the Scottish Guardianship Service,⁴⁷ it was found that a percentage of children receiving a positive asylum determination (grants of asylum) increased by 33% when an advocate was present.⁴⁸

As part of our analytical process, additional evidence was sought to corroborate this data. In the report of the Chief Inspector of Borders and Immigration,⁴⁹ evidence from a substantial number of cases indicated that asylum applicants with independent representation during the process, who also attended key asylum-immigration interviews, increased positive outcomes by 35%.

Evidence

Refugee Council statistics⁵⁰ show that in 2012, 24 children were incorrectly detained as adults. Furthermore, in the first quarter of 2013, the Refugee Council dealt with nine children in the same circumstances.

This report (for the purpose of cost/benefit), has estimated that roughly 36 children (nine x four) are incorrectly detained each year in order to project the potential benefit of a guardianship system.

⁴⁵ Coram Children's Legal Centre (2013), *Happy Birthday? Disputing the age of children in the immigration system*, [http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final\(1\).pdf](http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final(1).pdf)

⁴⁶ Ibid

⁴⁷ Crawley H, and Kohli, RKS, *She Endures With Me - An evaluation of the Scottish Guardianship Service Pilot*

⁴⁸ Ibid, page 86

⁴⁹ Independent Chief Inspector of Borders and Immigration, John Vine CBE QPM , *An Inspection into the Handling of Asylum Applications Made by Unaccompanied Children*, February-June 2013

⁵⁰ 'Unlawful child detention must end', http://www.refugeecouncil.org.uk/latest/news/3905_unlawful_child_detention_must_end

Table 29 - Expenditure incurred by the Ministry of Justice on resolving children wrongly detained

	Cost per hearing (£) ⁵¹	No. of hearings	Total (£)
Period 0	10,000	18	180,000
Period 1		36	360,000
Period 2		36	360,000
Total savings	900,000		

Explanation of calculation

The total benefit for each year from savings in the judicial system around cases involving children detained as adults is calculated by:

Cost per hearing x number of hearings

7.5 Legal expenditure

Legal expenditure cost savings have been identified in four areas:

- Local authority age dispute cases
- Home Office court costs for cases involving detaining a child as an adult
- Home Office compensation payments to children detained as an adult
- Cost incurred due to criminalisation of trafficking victims.

It is predicted that the involvement of a guardian would help reduce the number of challenges that local authorities have to fight where children are challenging an assessment that they are an adult. The evaluation from the Scottish Guardianship Service has shown that guardians help to simplify and maintain momentum in the age assessment process which results in a more cost-effective procedure. Guardians also help ensure that a more accurate assessment is made and that crucial information that would inform the assessment about the individual's maturity and development is included, as well as playing a role in supporting the child during the age dispute itself.

Table 30: Estimated savings to legal expenditure (combined)

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)
Local authorities' age dispute cases	1,715,538	3,431,075	3,431,075	8,577,688
Home Office court costs	270,000	540,000	540,000	1,350,000
Home Office compensation	900,000	1,800,000	1,800,000	4,500,000
Criminalisation of trafficking victims	2,452,729	4,905,457	4,905,457	12,263,643
Legal expenditure totals	26,691,331			

⁵¹ Ibid

7.5.1 Local authority legal expenditure

Legal expenditure can be hugely costly to the public purse. Freedom of Information request responses received by Coram Children's Legal Centre place the cost of an age assessment challenge in a range from £15,000 to £75,000 per case as they generate legal, administrative and procedural costs.⁵²

Explanation of calculation

For the purpose of calculating cost savings this report has:

- Used a conservative estimate of £50,000 court costs to local authorities fighting a challenge to the outcome of an age assessment⁵³
- Set an average figure of 68.6 age disputes involving substantive legal costs per year based on data from 2012 and 2013⁵⁴.

Table 31: Expenditure by local authorities on legal costs and compensation

Year	Age disputes resolved: under 18 when raised	Age disputes resolved: 18+ when raised	Total age disputes resolved	Total (£)
0	12	22	34	1,715,538
1	24	45	69	3,431,075
2	24	45	69	3,431,075

Given the above information and assumptions the following formula has been applied:

Legal expenditure by local authorities = 68.6 x 50,000 = £3,430,000 per year.

7.5.2 Non-local authority legal expenditure

These are costs incurred by the Home Office as a result of three factors:

- Legal fees because of children wrongly detained as adults
- Compensation of children wrongly detained as adults
- Criminalisation of trafficked children.

7.5.2.1. Children wrongly detained as adults

A guardian would also reduce the compensation and detention costs that the Home Office have to pay to children wrongly detained in immigration detention as adults.

Refugee Council statistics⁵⁵ show that in 2012, 24 children were incorrectly detained as adults. Furthermore, in the first quarter of 2013, the Refugee Council dealt with nine children in the same circumstances. The number of children incorrectly detained is likely to be higher but as they are not identified by existing services, the exact number cannot be known.

⁵² Coram Children's Legal Centre (2013), *Happy Birthday? Disputing the age of children in the immigration system*, [http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final\(1\).pdf](http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final(1).pdf)

⁵³ Brownlees, L and Yazdani, Z (2012), *The Fact of Age, Review of case law and local authority practice since the Supreme Court judgement in R (A) v Croydon LBC (2009)*, Office of the Children's Commissioner.

⁵⁴ Coram Children's Legal Centre (2013), *Happy Birthday? Disputing the age of children in the immigration system*, [http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final\(1\).pdf](http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final(1).pdf)

⁵⁵'Unlawful child detention must end', http://www.refugeecouncil.org.uk/latest/news/3905_unlawful_child_detention_must_end

The detention of children as adults clearly has costs beyond the scope of this report, but we will limit analysis to the financial costs in those cases where a child has been incorrectly detained as an adult.

This report estimates that 36 children (nine x four) are incorrectly detained each year in order to project the potential benefit of a guardianship system.

Given the inherent differences between age disputes and cases involving detention, we have assumed a lesser average figure (£15,000) for legal fees incurred by the Home Office, that are applied irrespective of the outcome of challenges.

Table 32: Expenditure incurred by the Home Office on resolving children wrongly detained as adults

	Fee per challenge	Estimated no. of cases	Nominal cost
Period 0	15,000	18	270,000
Period 1		36	540,000
Period 2		36	540,000
Total saving	1,350,000		

Explanation of calculation

These Home Office court costs have therefore been calculated as:

Fee per challenge x number of cases in period

Furthermore, in 2012, ‘over £2,000,000 was paid in a court settlement to 40 child asylum seekers who had wrongly been detained as adults by the Home Office’.⁵⁶

7.5.2.2. Compensation of children wrongly detained as adults

In the absence of up-to-date information, this figure has been used to calculate that the average compensation paid to each child, where proceedings of this nature occur, is £50,000 per child.

Table 33: Expenditure incurred by the Home Office on compensation of children wrongly detained as adults

	Compensation level (£)	Estimated no. of cases	Nominal cost (£)
Period 0	50,000	18	900,000
Period 1		36	1,800,000
Period 2		36	1,800,000
Total saving	4,500,000		

Explanation of calculation

Home Office court costs have therefore been calculated as:

Compensation level x number of cases in period

⁵⁶ Coram Children’s Legal Centre (2013), *Happy Birthday? Disputing the age of children in the immigration system*, [http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final\(1\).pdf](http://www.childrenslegalcentre.com/userfiles/file/HappyBirthday_Final(1).pdf)

While it is accepted that not all children wrongly detained would have access (or be entitled) to compensation, the estimated number of cases that these calculations are based upon represents just a fraction of those where a potential case for compensation may be made.

7.5.2.3. Criminalisation of trafficked children

The final area where potential cost benefits have been identified is in the treatment and legal costs of trafficked children that have been criminalised. A guardian would help reduce the legal costs for trafficked children who are wrongly criminalised for actions directly resulting from their trafficking situation. Child victims of trafficking are often processed through the criminal justice system when they come into contact with the authorities. This is further complicated if their age is disputed because, if they are assessed to be over 18, they will be treated as an adult and need to prove that they were coerced into any crimes committed as a result of being trafficked. Guardians have been found to play an important role both in linking services and ensuring access to legal advice and representation when a child has been detained. A guardian would reduce the legal costs for this group of children in relation to their asylum or immigration claims and in the event of an age dispute.

The total “cost per case” has been reached on the basis of applying the legal costs incurred in resolving legal issues with regard to this group of children. These areas include asylum and immigration, and age disputes. This analysis uses cases of child victims/potential victims of trafficking calculated from data derived from cannabis cultivation alone. It is therefore acknowledged as particularly conservative given the fact that other forms trafficking for forced criminality have been excluded, and the widely accepted understanding that the relatively small number of cases identified through the National Referral Mechanism is not reflective of the true scale of child trafficking in the UK.

Table 34: Expenditure from legal costs incurred from the criminalisation of trafficked children

	Cost per case (£)	No. of cases	Nominal cost (£)
Period 0	50,000	49	2,452,729
Period 1		98	4,905,457
Period 2		98	4,905,457
Total saving	12,263,643		

Explanation of calculation

Costs from criminalisation of trafficked children are calculated by:

Cost per case x number of cases in period

The number of cases in table 34 is based upon figures covering Jan 2011 – April 2013⁵⁷ and freedom of Information requests obtained from 51% of the UK police forces as part of the RACE in Europe project, which returned a figure of 1,405 arrests for cannabis cultivation. This report has therefore increased this figure to 2,751 to account for the 49% of police forces which did not reply.

Of the 1,405 arrests, 63% were Vietnamese ($2,751 \times .63 = 1761$)

Of the 63% Vietnamese, 13% were children ($1,761 \times .13 = 229$)

The 13% = 229 for the 27 month period = 8.16 per month

8.16 per month = 98 a year

⁵⁷ http://www.ecpat.org.uk/sites/default/files/december_2013_race_uk_chapter_final_pdf.pdf

7.6 Additional benefits

Two categories of savings have been identified here:

- General staff time
- Accommodation.

7.6.1 General staff time

Additional benefits have been identified through a reduction in the time spent by professionals who are tasked with steering or participating in child protection or statutory safeguarding episodes, as a consequence of the involvement of a guardian – the positive impact of the guardian in reducing the likelihood of these episodes increases over time.

These benefits have been analysed in two parts: one for unaccompanied asylum seeking children and another for child victims of trafficking.

7.6.1.1. *Unaccompanied asylum seeking children*

Table 35: Benefits of other professionals associated with missing unaccompanied asylum seeking child cases

	Benefit per episode (£)	No. of cases per month	No. of months in period	Total cost (£)
Independent return interviews in period 0	200	174	6	208,800
Independent return interviews in period 1	200	174	12	417,600
Independent return interviews in period 2	200	174	12	417,600
Health professionals time in period 0	60	174	6	63,089
Health professionals time in period 1	60	174	12	126,179
Health professionals time in period 2	60	174	12	126,179
Education professionals time in period 0	60	174	6	63,089
Education professionals time in period 1	60	174	12	126,179
Education professionals time in period 2	60	174	12	126,179
Total savings				1,674,894

Explanation of calculation

The calculation for total benefits for other professionals following the return of a missing unaccompanied asylum seeking child is:

Benefit per episode x number of cases per month x number of months in the period, where:

- Cost per instance is set using a daily rate taken from the daily salary professional social care grade structure⁵⁸
- The number of cases is as per the calculations for missing person investigations in the police resources section of this report (one child per local authority per month).

Period 0 is six months, all others are 12 months.

7.6.1.2. Trafficked children

Table 36 – Costs of other professionals associated with missing child victim of trafficking cases

	Cost per instance (£)	No. of cases per period	No. of months in period	Total cost (£)
Independent return interviews in period 0	200	108	6	11,946
Independent return interviews in period 1	200	217	12	23,892
Independent return interviews in period 2	200	217	12	23,892
Health professionals time in period 0	60	108	6	3,610
Health professionals time in period 1	60	217	12	7,219
Health professionals time in period 2	60	217	12	7,219
Education professionals time in period 0	60	108	6	3,610
Education professionals time in period 1	60	217	12	7,219
Education professionals time in period 2	60	217	12	7,219
Total savings				95,826

Explanation of calculation

The calculation for total costs for other professionals following the return of previously missing child victims of trafficking is:

Cost per instance x number of cases x weighting where:

- Cost per instance is set using a daily rate taken from the daily salary professional social care grade structure⁵⁹
- The number of cases is as per the calculations for missing person investigations in the police resources section of this report (60% of 363 trafficked children = 217).

⁵⁸SOC code 2442 plus 15% residential labour market contingency **Codes of Practice for Skilled Workers** Standard Occupational Classification (SOC) Codes 6 April 2014 Version 04/14 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303033/CoP - Apr_14_V0_6.pdf

⁵⁹SOC code 2442 plus 15% residential labour market contingency **Codes of Practice for Skilled Workers** Standard Occupational Classification (SOC) Codes 6 April 2014 Version 04/14 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303033/CoP - Apr_14_V0_6.pdf

Weighting is applied as the guardianship service is not expected to reduce instances of missing trafficked children by 100%. As in all other uses, weighting has been applied at 55% for Year 0 and 60% for Years 1 and 2.

7.6.2 Accommodation

Along with the legal benefits there are also significant savings in relation to the costs of detaining a child in a youth offender institute (YOI) where a child has been criminalised in comparison to the cost of private foster care placements. The average cost of a child detailed in a YOI is £1,923 per week where the cost of a private foster care placement is £380 per week. The real cost is likely to be less as the majority of separated children are accommodated in semi-supported accommodation, rather than in foster care. A guardian would reduce the costs of detaining child victims of trafficking by ensuring they are not detained in YOIs or are removed from detention as soon as they are identified.

Table 37 – Cost benefit of placing victims of trafficking in foster care as opposed to a youth offender institute

	No. cases per year	Foster care per week (£)	YOI per week (£)	Difference per week (£)	No. of weeks in Period	Total (£)
Period 0					26	3,936,139
Period 1	98	380	1,923	1,543	52	7,872,278
Period 2					52	7,872,278
Total savings						19,680,695

Explanation of calculation

The calculation for total costs for placing child victims of trafficking in foster care rather than in a YOI:

Number of cases x difference in placement costs x number of weeks in period where:

- The weekly cost of foster care is assumed to be £380⁶⁰
 - The weekly cost of a YOI placement is assumed to be £1,923⁶¹.

7.7 Expenditure relating to children once they reach 18

A substantial benefit totalling £16,929,415 has been identified as a direct potential benefit from the direct involvement of guardians in informing the asylum decision-making process, as a consequence of improvements to the quality of decision-making in asylum and immigration claims of children in appeals.

From the evidence obtained from the Scottish Guardianship Service,⁶² it was highlighted that the percentage of children receiving a positive asylum determination (grants of asylum) increased by 33% when an advocate was present.⁶³ Further evidence from a substantial number of cases indicated that asylum applicants with independent representation during the process, who also attended key asylum-immigration interviews, increased positive outcomes by 35%⁶⁴.

⁶⁰ Simply Fostering. <http://simplyfostering.co.uk/how-to-be-a-foster-carer/fostering-allowance/>

⁶¹Ministry of Justice, figures quoted in Greater focus on education in youth estate (February 2013) <https://www.gov.uk/government/news/greater-focus-on-education-in-youth-estate> [accessed 23/06/14]

⁶² Crawley, H and Kohli, RKS. *She Endures With Me - An evaluation of the Scottish Guardianship Service Pilot*, [accessed 23/08/14]

⁶³ Ibid, page 86

⁶⁴ Independent Chief Inspector of Borders and Immigration, John Vine CBE QPM, *An Inspection into the Handling of Asylum Applications Made by Unaccompanied Children*, February-June 2013

This outcome is critical as it reduces the amount of litigation (legal challenges and appeals), as well as accelerating the transition from care to independent living through integration and re-integration. Based on these findings, where a guardian is involved in the process, the outcome of immigration determinations for young people improves.

The core data used to calculate the number of benefits stemming from a 33% increase in positive asylum determinations, due to the role and activity of guardians, was drawn from 2012 Home Statistics referenced in the Refugee Council Information Home Office Statistics May 2013⁶⁵.

Table 38: Yearly benefits of post-18 expenditure

Benefits	Amount (£)
Reduction in the number of legal challenges	1,925,000
Reduction in the number of appeals	5,775,000
Reduction in expenditure by local authorities on the post-18 unaccompanied and separated care leavers	6,421,415
Reduction in Home Office funding leaving care post-18 years of age (grant to local authorities)	2,808,000
Yearly total	16,929,415

The savings that can potentially be made can be summarised as such:

a) Legal challenges

The cost-benefit formula applied for the expected reduction in legal challenges are summarised as:

Number of children receiving a negative determination at 18 x average cost of legal challenge

385 young people a year receive a negative immigration determination at 18 years of age.
The average cost of a legal challenge is £5,000.

b) Appeals

The benefit formula applied for reduction in appeals can be summarised as:

Number of children receiving a negative determination at 18 x average cost of appeal

385 young people a year receive a negative asylum or immigration determination at 18 years of age.
Cases moving to the full appeal stage cost an average of £15,000.⁶⁶

c) Children post-18

Local authority expenditure on unaccompanied and separated children has been taken from local authority and school expenditure on education, children's services and social care in 2010 to 2011.

⁶⁵ http://www.refugeecouncil.org.uk/assets/0002/7887/Asylum_Statistics_May_2013.pdf Table 17: Asylum applications by Unaccompanied Asylum Seeking Children (excl. Dependants) [2012]

⁶⁶ 385 is the number of children who instead of receiving a negative immigration determination, would actually receive a positive decision (Asylum or Humanitarian Protection). We calculated this based on the 33% improvement in positive outcomes for children identified in the Scottish Guardianship pilot and the number of applications from children seeking asylum in 2012 which is indicative of previous years.

The method by which the Department for Education records this data changed in 2013. This change means local authority expenditure on unaccompanied and separated children is now captured as a distinct area of expenditure.

The cost-benefit formula applied for potential cost savings to local authorities for asylum seeking children post-18 can be summarised as:

Number of children receiving a negative determination at 18 x cost per child per year

385 young people a year receive a negative immigration determination at 18 years of age. The annual cost to local authorities per asylum seeking child is £16,679, since:

- The amount of local authority expenditure on asylum-seeking children in 2010-2011 (the last available figure before substantial changes to the way funding was calculated) was £92,164,000.⁶⁷
- The number of unaccompanied and separated children, according to Home Office figures from 2012-2013, was 1,934.⁶⁸

This means that per annum, a child's care would cost £47,654 (£92,164,000 ÷ 1,934).

Costs for leaving care reduce considerably for young people exiting the provision to semi or full independence at ages 18 or 19,⁶⁹ so a saving of 35% has been weighted and applied to reflect the reduction in costs, including accommodation and foster care payment rates, which makes an annual cost of £16,679 (£47,654 x 0.35).

d) Potential savings to the Home Office Leaving Care grant to local authorities

In addition to the net expenditure incurred by local authorities, there are further benefits to be realised through a significant reduction in Home Office spending on grants to local authorities supporting children that are awaiting a final decision in relation to their immigration status. With the role of the guardian being integral to delivering improvements to the quality of decision making at an earlier stage (before a child reaches 18 years of age in many cases), it is reasonable to assume that young people will transition out of the care of local authorities into independent living (or reintegrate) at the point of reaching adulthood.

The cost-benefit formula applied for potential cost savings to the Home Office Leaving Care grant can be summarised as:

360 x £150 x 52 weeks = £2,808,000

Assuming:

- 385 young people a year receive a negative immigration determination at 18 years of age
- Leaving Care grant payments are £150 per week on average across the UK, and based on the funding only being allocated to authorities that have supported more than 25 eligible care leavers in the year⁷⁰, reducing the number from 385 to 360.

⁶⁷ Local authority and school expenditure on education, children's services and social care: 2010 to 2011 - *Table 4: Detailed Income and Expenditure Statistics for Local Authority Spending on Children's Services and Social Care in England*

<https://www.gov.uk/government/publications/local-authority-and-school-expenditure-on-education-childrens-services-and-social-care-2010-to-2011>

⁶⁸ 1,934 is the number of unaccompanied or separated migrant children reported by local authorities as being supported under the Home Office grant in England and Wales at the end of the last quarter in 2013. This data obtained directly from discussions with the Home Office. Although the vast majority of these are unaccompanied asylum seeking children where most are eligible, there are a few exceptions and therefore the number may be slightly lower than the overall number of unaccompanied asylum seeking children in care.

⁶⁹ Supported lodgings, extended foster care placement "Staying put", or full independence – see Children Act 1989 – Fostering Services

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274220/Children_Act_1989_fostering_services.pdf

⁷⁰ Home Office, 2014-15

8. Benefit-cost comparison

This shows overall savings of **£62,091,647** (total benefits – total costs).

Benefit-cost (BC) ratio is a simple way of determining whether or not a proposal will recover its costs and is suitable within the context of this report, but is limiting in that it cannot take account of non-monetised benefits. The BC ratio however has some value when applied to a service designed not to make a profit but to safeguard the lives of vulnerable children in an effective way. To reflect the fact the guardianship service is not profit oriented but can deliver monetised benefits the following BC ratio is to be viewed where costs equate to “expenditure” and benefits to money saved from the creation of a guardianship service and the positive impact this brings. The benefits of applying a BC ratio to this system of guardianship enabled, using conservative assumptions, the positive benefits to be demonstrated in monetary values. In other words for every £1 spent over Years 0, 1 and 2 (excluding post-18 benefits), £1.25 is saved in benefits generated from the range of monetised benefits reflected in section 5 of this report. When post-18 benefits are applied, for every £1 spent £2.39 is saved.

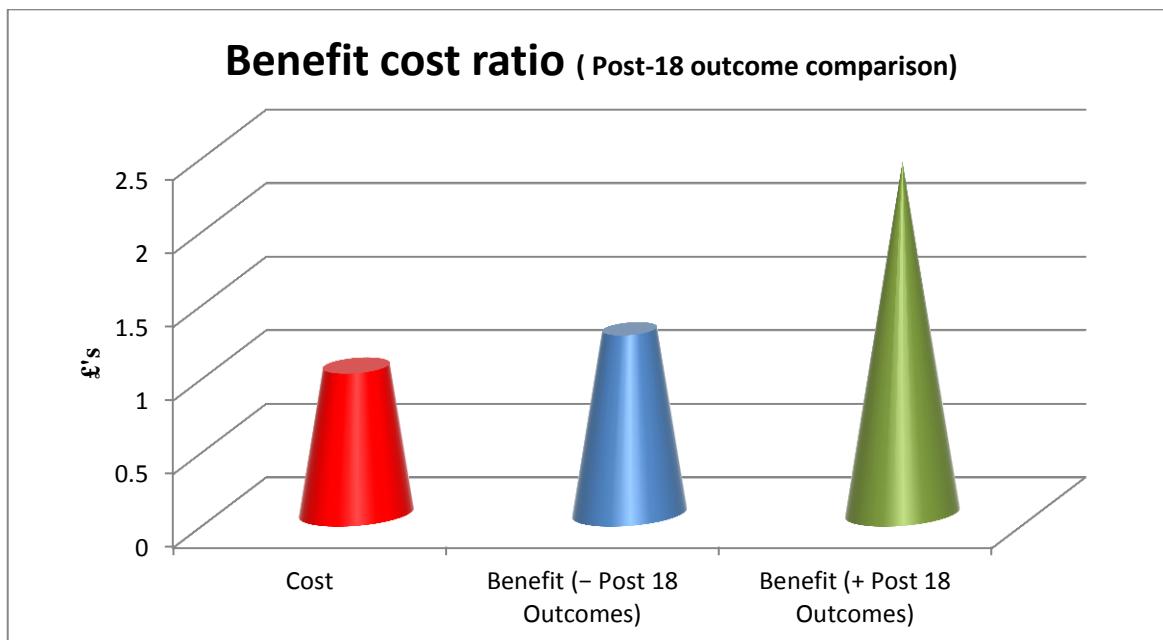


Table 39: Comparative benefit costs for children and young people

	Year 0 (£)	Year 1 (£)	Year 2 (£)	Years 0-2 (£)	Benefit cost ratio Year 0
Total benefit (pre-18 outcome)	11,235,142	22,605,570	22,605,570	56,446,282	1.25
Total benefit (post-18 outcome)	28,164,557	39,534,985	39,534,985	107,234,527	2.39

Table 40: Benefit-cost ratio table (detailed)

	Year 0	Year 1	Year 2	Year 0-2 total
Total fixed costs (£)	1,512,512	701,280	701,280	2,915,072
No. of service users	1,500	3,000	3,000	
VCU - variable cost per unit (£)	4,137	6,004	6,004	
Break-even point (£)	6,103,492			
Overall costs (£)	7,718,072	18,712,404	18,712,404	45,142,880
Overall benefits (£)	28,164,557	39,534,985	39,534,985	107,234,527
Benefit cost ratio				2.39

The benefit-cost ratio is found through the equation:

$$BC = \text{sum of total benefits} \div \text{sum of total costs}$$

For the proposal to be seen as capable of recovering its costs, (monetised benefits) the BC is required to be of a value greater than one. Therefore, when we enter the total cost and total benefit for the guardianship proposal over the three-year appraisal period:

$$\begin{aligned} BC &= 103,268,941 \div 43,265,919 \\ &= 2.38684268 \end{aligned}$$

We are able to see that the benefit-cost ratio of the proposed guardianship scheme is above one and is therefore financially viable.

9. Case examples

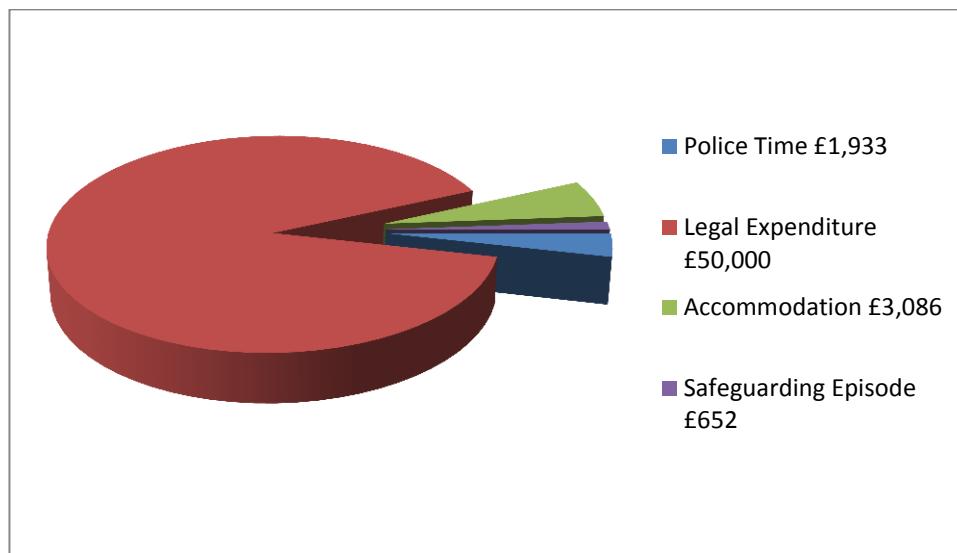
These are amalgamated real case studies that show the role of a legal guardian and the positive impact it would have.

9.1 Case A

A newly arrived unaccompanied minor is supported by the local authority under Section 20, but goes missing from their placement within a few days. The local authority had not identified that this child was at risk of trafficking.

Months later the child comes to the attention of police after being picked up for cannabis cultivation and illegally selling counterfeit DVDs. The child is detained and criminal charges are pursued. The court recognises the child as a victim of trafficking and he is released back into the care of the local authority, but only after he has been detained in a YOI for two months.

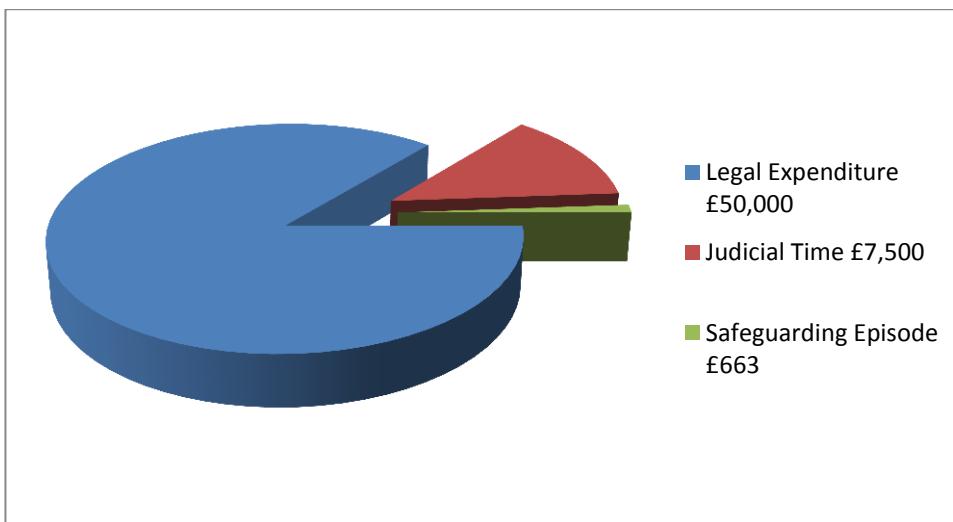
Potential costs savings if a legal guardian was involved and had acted to identify risks and prevent the child from going missing; or had intervened at the earliest stage when the child was picked up for the criminal offence:



9.2 Case B

A child claims asylum as a minor but is age disputed by the Home Office and age assessed by the local authority. The age assessment is challenged and a second age assessment is conducted. At the second age assessment, the child is accompanied by a representative from a voluntary organisation. This representative is permitted to attend the age assessment as an observer, but is asked not to participate or intervene in the interview. The second age assessment finds the individual to be over the age of eighteen. This age assessment is challenged and an interim order is granted for the local authority to support the individual whilst the age assessment is reviewed. The case is taken to Judicial Review, whereupon the court agrees with the child's age as 16 years.

Potential cost savings if guardian was appointed (and had been able to advocate and support the child through the age assessment process, and assist in the resolution of the age dispute prior to the Judicial Review):

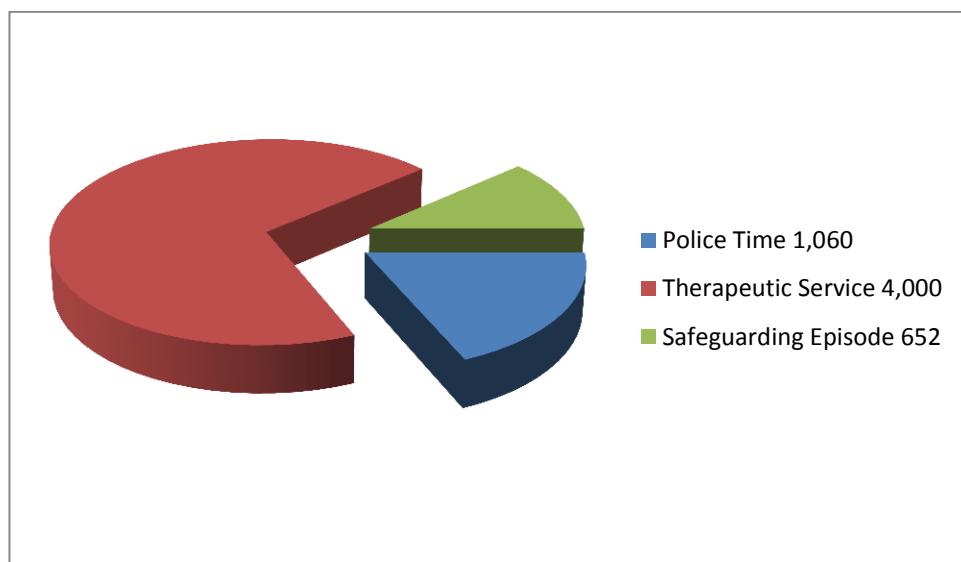


9.3 Case C

A 16 year old unaccompanied minor is supported by the local authority under Section 20 in supported accommodation. The manager at the bed and breakfast reports to the social worker that an older male has been visiting the girl and that she has been staying out overnight. Despite the social worker exploring this with the child, she makes no disclosures and claims that the older male is a friend from her country.

A few months later, the child is reported missing. She returns and is moved to a foster placement, however it takes a two months for the girl to disclose that the man had been buying her gifts in return for sex. The girl is then referred to a specialist project that provides advice, guidance and support to address the specific needs and risky behaviours for children who have been sexually exploited.

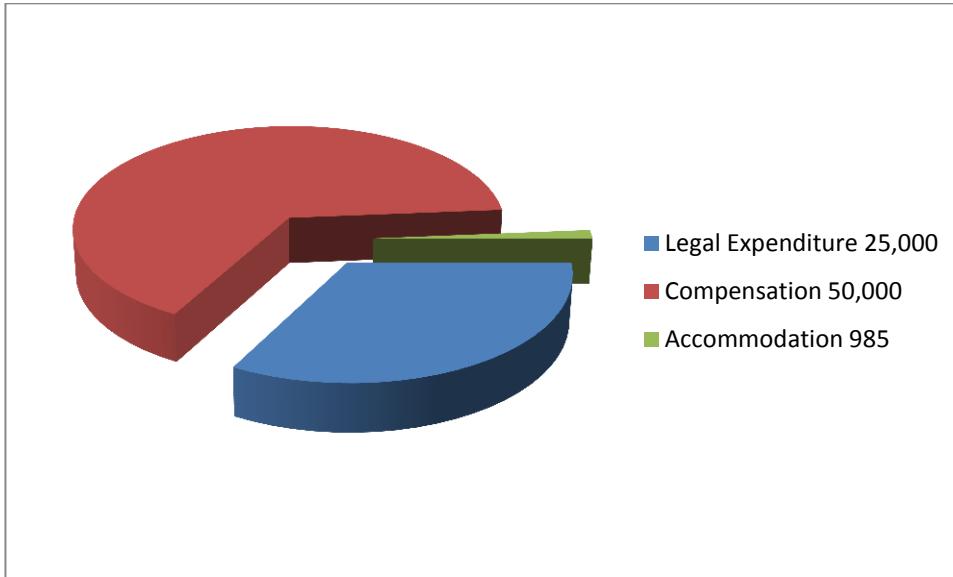
Potential cost savings if a guardian was involved and had been able to prevent sexual exploitation:



9.4 Case D

A child claims asylum as a minor but is deemed to be an adult by the Home Office and is dispersed to adult accommodation, where she lives for three months and is then moved to a fast track removal centre for one month. The individual is found to be a child at a later date.

Potential cost savings if a guardian was involved and identified the individual as a child:



10. Break-even analysis

Break-even analysis is a tool used by commercial businesses to determine the point at which revenue from sales of their product(s) are sufficient in order to cover their costs (fixed and variable). This is done by working out how many units of product need to be sold, and at what price. The result is referred to as the break-even point (BEP). Unlike cost-benefit analysis; break-even analysis accounts only for costs – it does not include benefits.

Therefore, in the context of this report the BEP is the number of service users required in order to justify the total fixed costs (TFC); and therefore the total required government funding for the first three years of the proposed guardianship programme (the TFC + (VCU x units)).

Break-even point for the guardianship service

The formula to calculate the BEP in terms of units is:

$$\text{Units} = \frac{\text{TFC}}{\text{SPU} - \text{VCU}}$$

The BEP for Year 0 of the guardianship service was calculated according to the above formula and using the below data.

	Year 0
Total fixed costs (TFC)	1,512,512
Variable cost per unit (VCU)	£4,137
Sale price per unit (SPU)	£5,500

Where:

Units = the number of service users (children within the guardianship service).

TFC = total fixed costs: this is the sum total of the fixed, semi-fixed and semi-variable costs as described in section 4 of this report.

SPU = sale price per unit: this is the ‘retail price’ of the service to the government, per child.

In real terms, this is an artificial number when performing a break-even analysis of this sort, because the government is not really buying a service, it is running one.

In business terms, it is the price that is charged to the consumer per unit, in order to recoup all necessary expenditure to produce the goods or service (which is the TFC + VCU).

VCU = variable cost per unit; this is the actual cost of providing the service, per child.

Public services are expected to be both effective and efficient, i.e. to deliver as much as possible while spending as little as possible. This proposed system of legal guardianship is a government-funded service and is not designed to generate an income or turn a profit.

The SPU has been set at an amount higher than the VCU so that it can contribute towards “paying off” the TFC. In real terms, as this is a non-profit programme, the SPU would cease to be different from the VCU once the TFC has been “paid off”, i.e. in Year 0, every service user after the 1,110th would be at an SPU of £4,137.

Therefore:

$$\text{Units} = 1,512,512$$

$$(5,500 - 4,137) \text{ units} = 1,110$$

In order to calculate the BEP as a monetary value of the guardianship service, the BEP of 541 units is used along with the VCU and the TFC.

$$x = \text{TFC} + (\text{BEP} \times \text{VCU})$$

(Where x is the monetary BEP)

Therefore:

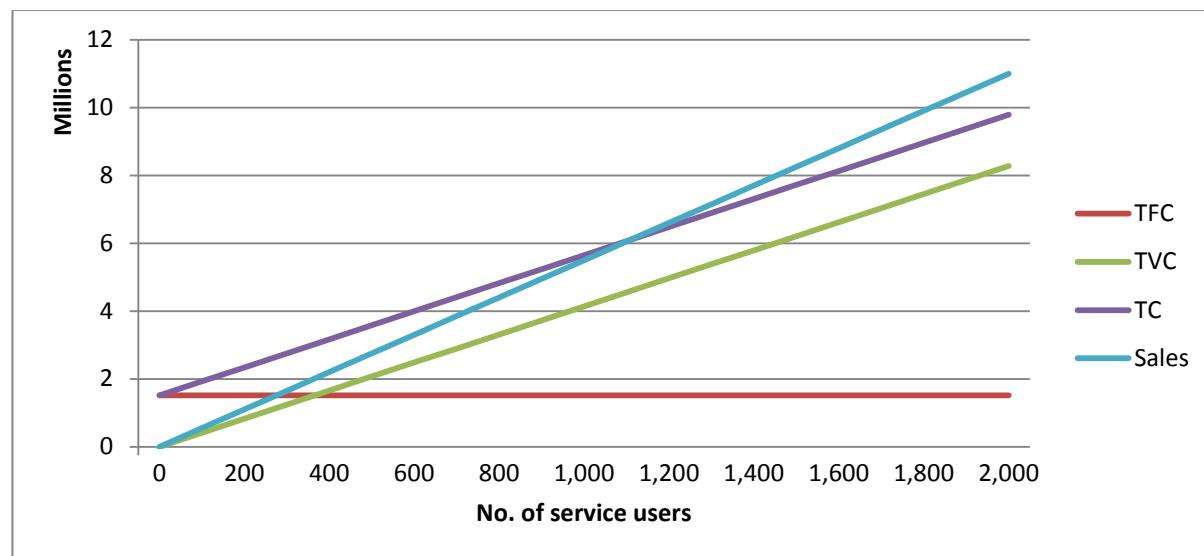
$$x = 1,512,512 + (1,110 \times 4,137)$$

$$x = 6,103,492$$

Conclusion:

The monetary BEP for the guardianship service is therefore calculated as £6,103,492.

Figure 1: Showing the break-even point - where the sales line bisects the total cost (TC)



In the above chart:

- TFC = total fixed cost, which is the sum total of the fixed, semi-fixed and semi-variable costs as described in section 4 of this report
- TVC = total variable cost, which is the sum of the variable cost per unit \times number of units "produced"
- TC = total cost, which is the sum of the TFC + TVC
- Sales = sales price per unit \times number of units "sold".

11. Excluded values

The following values have been excluded from this appraisal pending further investigation where appropriate and feasible.

- Costs of civil legal aid
- Costs of appointing guardians
- Benefits of the positive contributions made by young people to society
- Benefits to civil society

12. Conclusion

The terms of reference for this cost-benefit appraisal were to assess whether any financial benefits were achievable from the creation of a system of guardianship for unaccompanied, separated migrant children and child victims of trafficking in the UK.

This assessment found that, overall, a guardianship service will have a positive cost-benefit outcome, where for every pound invested, there will be a benefit of £2.39 and, for children under 18, for every pound spent a net benefit of £0.25 will be realised for various services currently working to support separated migrant children and child victims of trafficking in England and Wales.

Whilst this appraisal has found the substantive cost benefits would manifest themselves when unaccompanied and separated migrant children and child victims of trafficking reach 18 and begin transitioning out of leaving care arrangements, the value of a system of guardianship for separated migrant children and child victims of trafficking in monetary terms is only the start.

These children will have a guardian with legal authority at their side through complex legal, immigration and child care systems and through the start of their recovery from a range of physical and mental health needs. Guardians will also assist all statutory agencies in fulfilling their duties to children, be it under the Children Act 1989 and 2004, the Children and Families Act 2014, or under section 55 of the Borders, Citizenship and Immigration Act 2009.

A guardianship system will bring equity of services to all children and will, as a consequence, improve child care support systems and the United Kingdom's implementation of the UN Convention on the Rights of the Child.

The majority of unaccompanied and separated migrant children who arrive in the UK do so between the ages of 15 and 17. Current children's services support structures are geared towards indigenous children in need of protection, safeguarding and family support. Children arriving in the UK from abroad at this age have no understanding of the support systems, their rights as children or what their futures hold. The existing system attempts to see to those needs with NGOs acting as the safety net; however, with the mounting strain on these services, a system of guardianship will assist all agencies to meet the needs of these children and reduce expenditure in both the medium and long term.

13. Insights

The illustrations in the following boxes show how our preferred model of legal guardianship (which was valued through this appraisal) fits with the current children's services system in England and Wales, and that the unit cost of the service is comparable with alternative models currently in operation within Scotland and the Netherlands.

Options	Strategic fit
No guardianship system / do nothing	Does not meet the needs of a vulnerable child with no immediate or extended family in the UK
Guardianship system with no statutory legal authority or responsibility	No legal authority to act on behalf of the child
Guardianship system with statutory legal authority only (preferred)	Legal authority to represent a child's views, act on and intervene on behalf of a child. Have authority to instruct legal representatives on behalf of the child. Legal authority would complement existing child welfare, safeguarding and protecting procedures enshrined in the Children's Act 1989 and 2004, and the Children and Families Act 2014
Guardianship system with statutory legal authority and responsibility	Legal responsibility would duplicate existing measures open to local authority children's social care (enshrined in the Children Act 1989) where parental responsibility transfers from the parents to the state. In these circumstances the state being the local authority.

Options	Yearly budget (£)	Average users	Unit cost (£)
No guardianship system / do nothing	0	N/A	N/A
Guardianship system with no statutory legal authority or responsibility (Scottish Guardianship Service)	244,581	50	4,892
Guardianship system with statutory legal authority only (suggested model)	18,712,404	3,000	6,237
Guardianship system with statutory legal authority and responsibility (Dutch guardianship system)	12,980,000	2,000	6,490

- There are currently 11 or more NGOs and charities operating in the UK who are involved in the provision of advice and assistance with regard to unaccompanied and separated migrant children and child victims of trafficking. It can reasonably be expected that the presence of a guardian, who advocates for the child in all matters and is legally empowered to do so, will replace the need for their direct intervention as advocates on behalf of the child. This is not to say that those organisations would not continue to be a great source of information, advice, and support to child migrants, but it is clear that they would be able to take more of a support role to the guardianship service. The guardianship service would essentially act as a conduit through which the child could access necessary advice and assistance, and conversely, that the NGOs and charities could use to assist them in the direction of their efforts. There is therefore potential for cost savings across a broad range of organisations in terms of efficiencies and effectiveness, although this is difficult to quantify at this point and is without the terms of this report.
- Since only monetised costs and benefits have been scoped in this appraisal, there are many non-monetised social benefits that could emerge from an initial qualitative study or further quantitative and qualitative evaluations following the implementation of a system of legal guardianship in England and Wales. The most significant impact is likely to be on the physical and mental well-being of children and young people.
- As mentioned earlier, many of the cost savings have been calculated on the basis of multi-agency child protection work. This means that for various authorities and agencies to save money, they need to be working together effectively in an integrated system of child safeguarding and protection, of which the guardian will be an integral part.

14. Recommendations from CHTB

1. To consider carrying out further research into the monetisation of costs and benefits excluded from this appraisal.
2. Conduct an in depth evaluation of the impact that a system of legal guardianship will have on unaccompanied children turning 18, and those statutory and non-statutory services currently delivering these services.
3. Produce a commercial, financial, and project management case in accordance with the five-case business model advocated in the HM Treasury Green Book, to be developed in partnership with the government. This would support the business case and cost benefit break-even analysis findings of this report.
4. Carry out an investigation on the social return on investment of a system of legal guardianship to quantify and qualify the value of monetised and non-monetised benefits.

On completion of recommendations 1, 2 and 3, the government should scope:

5. Any changes in law required to accommodate a system of legal guardianship in England and Wales.
6. The government should place a duty on local authorities and statutory partners to put in place measures to prepare for the implementation of a system of legal guardianship in England and Wales.

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