

“better safe than sorry”

**Regarding the safety of
the unaccompanied minors in the reception of the
Kent County Council (UK)**



Report of an exchange programme in 2006

Jeroen Jansen
Autumn Exchange 2006

COA / ENARO Fall Exchange programme to the UK
2nd - 13th of October 2006
Jeroen Jansen

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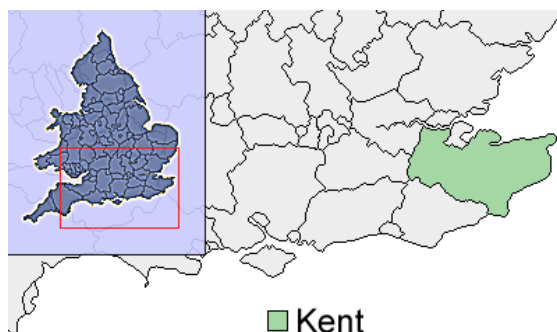
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CONTENT

<u>1. Exchange Program Autumn 2006.....</u>	<u>4</u>
<u>Program 2nd – 13th October 2006.....</u>	<u>4</u>
<u>2. Organization KCC.....</u>	<u>5</u>
<u>3. Children Act 1989 (c.41) & Children Leaving Care Act 2000.....</u>	<u>6</u>
<u>4. Procedure UASC.....</u>	<u>6</u>
<u>For legal assistance the UASC will be defended by a solicitor in court cases. The</u> <u>solicitor will turn to a barrister for legal defence in higher court.....</u>	<u>7</u>
<u>2 Discretionary Leave to Remain: A grant of limited leave applied for an</u> <u>unaccompanied asylum seeking child for whom adequate reception arrangements</u> <u>in their country are not available. Lasts for three years, it can then be extended or</u> <u>permission can be sought to settle permanently (Indefinite Leave to Remain).....</u>	<u>7</u>
<u>4.1 Assessment of a minor.....</u>	<u>7</u>
Migrant Helpline (Adult reception)	7
<u>5. Reception of UMAS.....</u>	<u>8</u>
<u>5.1 Swattenden Centre, Cranbrook.....</u>	<u>8</u>
<u>5.2 Semi-Independent housing.....</u>	<u>9</u>
<u>5.3 Foster Parents.....</u>	<u>9</u>
<u>6. Education.....</u>	<u>9</u>
<u>College.....</u>	<u>9</u>
<u>Riverside Project, Canterbury.....</u>	<u>10</u>
<u>7. Labour.....</u>	<u>10</u>
<u>Weald Project.....</u>	<u>10</u>
<u>Labour Market.....</u>	<u>10</u>
<u>8. Leaving Care</u>	<u>11</u>
<u>8.1 Social Worker.....</u>	<u>11</u>
<u>9. Specific safety subjects.....</u>	<u>12</u>
9.1 Missing Persons	12
9.2 Trafficking:.....	13
9.3 Every Child Matters Programme.....	13
<u>10. Remarks:.....</u>	<u>13</u>
NOTES:.....	14
Children Act 1989 c.41	14
KCC: http://www.kent.gov.uk/SocialCare/social-care-and-business/contracting-and-e-tendering/unaccompanied-minors.htm	15
Other involved organizations:.....	15

1.Exchange Program Autumn 2006



This report is a result out of the Enaro-exchange in October 2006 as the dutch candidate at the Kent County Council, United Kingdom.

The special assignment subject of this report is the safety of unaccompanied minors in Kent.

The exchange was at the same time as the Ramadan this autumn. Which had some effect on the amount of energy of the minors while being

present.

The other candidate present was a Norwegian colleague from the HERO organization named Bineyam Yohannes. While spending the first week the program together, we've been split up for the second week. It was really helpful and informative to reflect the experiences and each other's opinions with him as with the staff of the Kent County Council.

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Program 2nd – 13th October 2006

Monday 2 nd Oct	Tuesday 3 rd Oct	Wednesday 4 th Oct	Thursday 5 th Oct	Friday 6 th Oct
Arrival	Appledore	Weald Project	Riverside Project	Transition East
Canterbury			Transition East	
Monday 9 th Oct	Tuesday 10 th Oct	Wednesday 11 th Oct	Thursday 12 th Oct	Friday 13 th Oct
Transition West	Duty Team	Duty Team	Main Office	Transition West
	Migrant Helpline		Interpreting Service	

Thanks to:

Nigel, Nadia, John, James, Gwen, Wendy, Sylvia, Jenny, Stewart, Dave, Jeremy, Nassi, Jill, Tanya, Derrick, Lin, Michelle & Sarah (KCC) and Vincent & Jerry (Migrant Helpline)

2. Organization KCC

The Kent County Council is responsible for the reception of unaccompanied minor asylum seekers entering the UK in the county Kent. Of which the majority enter at the ports of Dover. Kent is responsible for the south east of the UK. The way of organising the reception is up to every county itself.

The following locations belong to the Kent County Council:

Appledore: Swattenden Centre, Cranbrook

Maidstone: Main Office KCC

Canterbury: Riverside Project

Dover: Transition Team East, Duty & Assessment Team *

West Malling: Transition Team West *

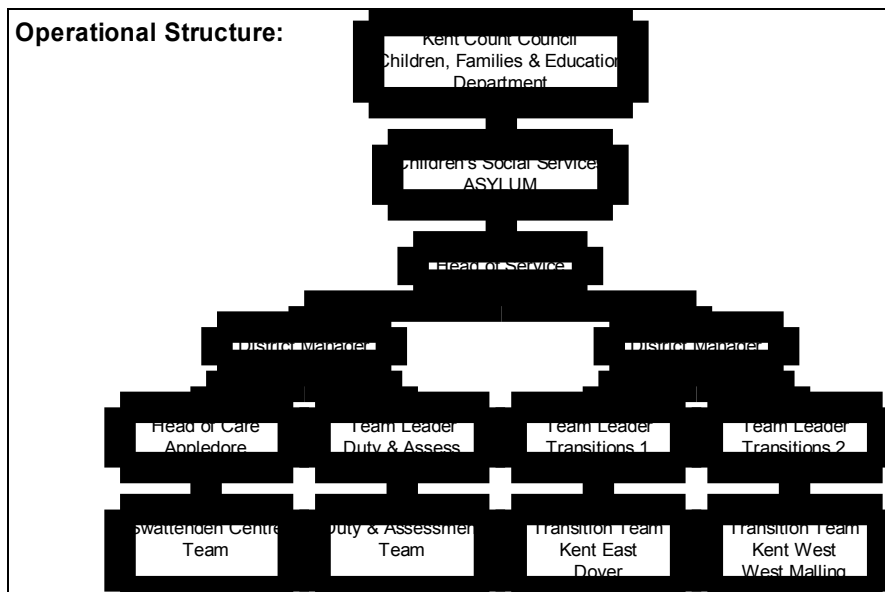
Beside these location Foster Parents and landlords are delivering additional accommodation.



* Duty & Assessment Team is to assess and meet immediate needs and manage the earliest stages of the care planning process. The Transition Team is to assess and meet the needs and abilities during the young person's transition to adult life.

2.1 Staff:

All staff's professions are qualified by national vocation qualifications (NVQ). National Vocational Qualifications are work-related, competence-based qualifications based on national occupational standards. Social workers are professionally qualified. This had it's



consequence that the term key workers was used in present time for unqualified social workers.

2.2 Situation Description table:

Age	Funding	Client Numbers*	Trend april 04 to february 06
Under 16s	Home Office	71	Slightly decreasing
16 & 17	Home Office	279	decreasing
18+	DfES	486	increasing

* February 2006.

3.Children Act 1989 (c.41) & Children Leaving Care Act 2000

Kent County Council Social Services Directorate recognises that an unaccompanied minor asylum seeker is first and foremost a child in need. He/she is entitled to absolute care and protection under the provisions of the Children Act 1989 (and where appropriate, the Children Leaving Care Act 2000) regardless of their immigration status whilst in the care of Kent County Council Social Services.

That is why the term UMAS is not the common used abbreviation in the UK because the minor is considered in the first place to be a child and the asylum seeking situation refers to the residential status. The term UASC is preferred and used in this report for unaccompanied asylum-seeking child.

The following sections are important:

Section 17: Concerns children that stay with their own parents. ⁽¹⁾

Section 20: Concerns the Looking After Care for children under the age of 16. (provided up to 18 years; p.8 *reception of UMAS*). ⁽¹⁾

Section 23: Concerns the assistance of the responsible authority (caring after duty).

Section 24: Concerns care leavers aged 16+.

⁽¹⁾ The guidance goes on to point out that having taken account of a child's wishes, a Local Authority might decide that the child is competent enough to look after him / herself. In such cases, Local Authorities may legitimately use Section 17 for support instead of Section 20. This may include the provision of accommodation. The Hillingdon Judgement of July 2003 established the right of all young people provided with accommodation to leaving care services, whether they were supported under section 17 or 20 of the Children Act.

The Children (Leaving Care) Act 2000 replaced section 24 of the Children Act. The chief aims of the act are:

- to delay young people's discharge from care until they are prepared and ready to leave; to improve the assessment,
- preparation and planning for leaving care;
- to provide better personal support for young people after leaving care;
- and to improve the financial arrangements for care leavers.

Under the legislation, 'it shall be the duty of the authority to advise, assist and befriend him (the young person in question) with a view to promoting his welfare when he ceases to be looked after by them.' But the definition of "assist" is unclear and thus the assistance may vary.

4.Procedure UASC

The duration of the asylum grant proceedings are for children under the age of 18 when they enter the UK is 2 months before they receive a temporary permission ("discretionary leave to remain" ^{2-next page}) to stay within the UK. When they turn 18 their permission is expired and

they have to go in appeal within a term of 10 days. A lot don't make it within this term. The Home Office takes about 10 months to decide on the appeal.

For legal assistance the UASC will be defended by a solicitor in court cases. The solicitor will turn to a barrister for legal defence in higher court.

² **Discretionary Leave to Remain:** A grant of limited leave applied for an unaccompanied asylum seeking child for whom adequate reception arrangements in their country are not available. Lasts for three years, it can then be extended or permission can be sought to settle permanently (Indefinite Leave to Remain).

4.1 Assessment of a minor

It's the duty of the social worker of the Duty team at Dover to assess the unaccompanied asylum-seeking child by the age, needs & abilities. Within 7 days an assessment must take place which will be finished after prox. 2 days. The assessment may be carried out at Appledore

Afterwards they can go to:

- Appledore centre
- Foster Parents
- Independent housing,
- Immigrant Service (Home Office) and Migrant Helpline:

Migrant Helpline (Adult reception)

Home Office points the adult asylum seekers for an assessment/interview to the Migrant Helpline Office across at the port of Dover. Among the staff many different interpreters are included who will assess/interview the new coming people (influx) on personal info/data. ! If the language is different from the Home Office, the interview has to be done over again.

The Migrant Helpline started of as a small organization. It is an independent organization, funded by the government, supporting and assisting asylum seekers along the way to the procedure. When they we're contracted by the Home Office they've greatly expanded. Now they use many hotels across the district for up to proximately 200 places to accommodate asylum seekers for 2 months before they are transferred to NASS accommodation. All over the county they have One Stop Services for local support.

Recently they meet problems with solicitors trying to entice asylum seekers as initial contracted clients before they can contact the Migrant Helpline and are assisted to a proper solicitor.

In the assessment the provided observation of the Appledore key workers are considered to be an important source of information about the child's daily behaviour, which can be used as additional information for the age verification. When the assessment results in the asylum seeker being a child, he/she will be accommodated by the KCC. When the result disputes of age or verified that another county is responsible for the asylum procedure, he/she will return to the Migrant Helpline at the Cliffcourt Hotel, Dover.

The key issues when age assessment becomes necessary:

- ❖ The asylum seeker may have no information and or be uncertain about their chronological age.
- ❖ The child is the victim of trafficking and may claim to be an adult. This needs to be challenged.
- ❖ An asylum seeker who claims to be a child of a particular age will not be believed.

4.2 Medical Examination:

At Appledore the minors get a thorough medical exam by dr. Dickby in Cranbrook. Within 2 months every minor has had a medical check-up, under which blood and urine sample tests. Estimation of age groups is possible.

5.Reception of UMAS

In the reception of unaccompanied asylum-seeking children the following category is considered to be a vulnerable groups:

Girls younger than 18 years old are considered in the first place, although it is some kind of sexual discrimination, to be a vulnerable group. Because of that these girls go immediately to Foster Parents accommodation.

When the child is 16 years or older and considered to be independent they can be accommodated in independent housing, but *may* still be supported under section 20 until they are 18 years in some instances.

Boys <12 years old, Girls <18 years old:	Immediately to Foster Parents.	section 20 children's act
12-14 years old:	Assessment at Appledore on age, needs & abilities > Appledore or Foster Parents.	section 20 children's act
14-16 years old:	Assessment at Appledore on age, needs & abilities > Appledore or Foster Parents.	section 20 children's act
> 16 years old:	Assessment at Appledore on age, needs & abilities > Appledore or independent housing.	section 24 children's act

The young person might have to turn to the National Asylum Support Service (NASS) to apply in advance of their 18th birthday for financial support towards their care costs.

5.1 Swattenden Centre, Cranbrook

The Appledore project is a residential reception centre for Unaccompanied Asylum Seeking Children (UASC). Children are accommodated while an assessment is completed and suitable long term care provision is identified. The project aims to provide a holistic assessment of the child's needs, including health, educational and social care needs and to ensure that those needs are met.



The unaccompanied minor will be brought by taxi to the reception centre. At the time of visit 26 boys younger than 16 stayed at the Swattenden centre of which the majority was from Afghanistan. The centre is an open accommodation. The UMAS can enter and leave whenever they want, except for the fact that if they want to go to town they need transportation because it's at least 8 miles away.

On Monday, Thursday & sometimes Friday interpreters are present for every language necessary for social conversations. The minors get instructed about sexual health, fire safety awareness and cooking. On Tuesday the Red Cross provide a first aid course and the minors will join the Weald project. Besides these activities volunteers are available for batik creativities and study assistance.

Camera's security is available at corridors and outside corners of the premises. The entrance of the premises can be closed by an electronic gate.

Recently they have received some threatening phone calls towards the staff. Measures taken are electronically locked doors at the time of visit and the premises will be closed at night.

The keyworkers provide a 24 hours guidance in total 3 shifts: 2 shifts of 6 key workers + a nightshift of 2 sleeping and 1 awake. For 4 days the keyworker works in a fixed shift followed by 3 flexible days.

5.2 Semi-Independent housing

When the unaccompanied minor is independent enough as result of the social worker's assessment, there is housing provided where individual or sharing accommodation can be used under agreement with the landlord.

- reasonable independent: housing with other similar minors
- very independent: housing on his/her own

5.3 Foster Parents

The Fostering Team recruits Foster Parents providing placements for UASC with complex needs and those assessed as being at risk of significant harm. After recruitment the parents are screened to check on being a proper supporting environment for a child to ensure an appropriate match. Topics of the screening are: Personal info, partners history, criminal record, financial (accountants, mortgage, landlord), employer, medical.

Applicants must understand that registration as a foster carer is, according to financial compensation, not a form of employment and therefore there are no guarantees with regard to income.

The horrible events around Victoria Climbié had a big impact on the screening and organization of Foster Parenting. Although in this case private fostering⁽³⁾ was the situation, there were suspicions that the child was abused. The problem was when to act on this suspicion out of professional reasons.

Nowadays when a child under these circumstances gets abused, a social worker can interfere in co-operation with the police to enforce child-protection.

⁽³⁾ Victoria Climbié concerns private Fostering: incidentally you may find out as social worker in area that 2 different parents agree to take over a child for some time.

Government is planning to arrange an income for Foster Parents, because they provide accommodation on behalf of the government.

6. Education

Because the children are obliged to go to school until the age of 16. After that age they are partial responsible attending to school. Considering that the majority of unaccompanied asylum-seeking children are above the age of 16 and don't have an extended schooling experience, it might explain why a lot of unaccompanied asylum-seeking children doesn't have the urge to go to school.

College



From the age of 16, sometimes even 15, the children can go to College. At College they first study English to make it possible to keep up with the educational language.

Riverside Project, Canterbury

A Youth Centre providing additional education as supplement beside College; like with 3 days of college combined with 2 days of Riverside Project. Because the budget has turned out too little it has to run on volunteers, who were paid before. This is one consequence of decreasing governmental funding. The education contains general subjects like language, sports and trips..



Connexions:

An intermediary that provides advice & guidance for 13 – 19 yrs what is best suitable. It's a career management governmental funded organization concerning 3 main subjects: health, career and job training/-searching. Children of 19-21 can exclusively get additional assistance if necessary. Mediate criteria:

- the child speaks and writes good/proper English. Otherwise they must follow the ESOL-course first to improve the bad English, like for most asylum seekers in first case.
- They have bad grades in school. (Like U-gradings)

7.Labour

Weald Project

The Weald Project gives the minor boy of the Swattenden centre the opportunity to get acquainted with environmental subjects as gardening and conservation of nature. We went as a group of 2 keyworkers, 2 interpreters, 10 minor boys, the Norwegian guest & me in a mini bus to a park where we met the conservator of the park, who instructed everyone detailed. All together with a number of volunteers we worked in the park in 3 groups of which 1 small group was concerned about the preparation of the tea and lunch. It was a good opportunity to talk with one another while weeding the laurel. The minor boys work motivated and dutiful.

Finally we gathered around and had a wonderful lunch except for those in Ramadan. We packed together our stuff and returned to the centre after we had enjoyed a real English sport in the park. Because we had to test the golf club and the slightly wrecked golf ball we found at the park.

Most of the boys were tired and fell asleep in the bus on our way back to the Swattenden Centre.

Labour Market

Because the unaccompanied asylum-seeking children have a permission to stay anyway until the age of 18, the labour market is open for them as any other child of the same age. Like in 1973, the International Labour Organization (ILO) set the minimum age for formal employment at not less than 15 years. The ILO Convention on the Worst Forms of Child

Labour in 1999 clearly states that children should be protected from slavery, trafficking, debt bondage and forced labour.

Guardianship is a part of the KCC and no independent organization is involved. The local authorities have the duty of care (are the corporate parent). Instead of guardianship the local authority, which is the Kent county Council, has the duty of care. This duty is the responsibility of the social workers assisted and guarded by the independent reviewing officer, reviewing in a fixed period of time the welfare of the looking-after-child.

8. Leaving Care

The support outlined in the Children Leaving Care Act is geared around aiding a successful transition to adult life. Duties are laid upon Local Authorities to provide help and support until the young person reaches twenty one years of age. This includes providing ongoing assistance with the costs associated with education or training until the age of twenty-four.

8.1 Social Worker

The review of a social worker is a support duty to review the welfare the officially looked after children as some kind of minor-follow-up-system.

It contains 2 parts discussing identity, health, education, environment, finance, socially, time management:

1. Assessment of the needs & abilities of the minor;
2. Pathway Plan based on the assessment.

The Pathway Plan is drawn up for the young person's transition to adult life. In order to meet the young person's needs effectively, this planning process involves close working with partner agencies such as Kent's Education Directorate, Health the Connexions Service and (in cases where the young person is still awaiting a decision on their asylum claim) the Immigration Service.

Young Person & Community Support Worker is to help after assessment to arrange proper housing of the minor and assisting the young person's in daily life.

8.2 Independent Reviewing Officer (IRO)

The IRO works also for the KCC and ensures that according to the Children Act what's arranged is in the best interest of the minor. The authority difference between the IRO and the social worker is that if they don't agree, the IRO can force a change hierarchic-wise by arrange it by the Team Leader, District Manager, Head of Service,...

I joined the review of a 18 years old Vietnamese boy living with Foster Parents. It supposed to be his last review together with the social worker and the IRO. It was wonderful to experience a glorious example of where the young person has become completely adapted in the family and has received his own place. His development was good and he is preparing for University education in probably math.

The boy mentioned after a thorough discussion of all subjects, that it might be a good idea not to establish every 6 weeks a review. So if everything is OK, the period may be longer. It is understandable but not agreed, because he's lucky to meet such a warm and welcome family. When this is not the matter, it's crucial to check by holding a physical review and experience the situation the child is in. This is especially important for the IRO, because they'll defend the boy's best interest.

Government is working on a new law where a special guardianship is manifested without having to adopt, but with the same original parents over-ruling abilities.

9. Specific safety subjects

9.1 Missing Persons

In addition to cooperate with the Police the Looking-After-Child form is used to record all unauthorised absences of more than 24 hours:

- child ID ⁽⁴⁾
- name,
- date of birth,
- description of the child and their clothing,
- location missing from
- circumstances under which the child is missing,
- is the behaviour out of character,
- details of any vehicle or transport used,
- additional social worker info,
- break reason and dates
 1. in refuge,
 2. whereabouts known,
 3. whereabouts unknown,
- name & location of the reporter and
- date report missing.

⁽⁴⁾ Immigration Service will have the finger prints)

This form is filled in at arrival of the unaccompanied asylum-seeking child in the KCC accommodation. It will be handed to the Police who continues to register the absence in the national network system.

The HM Immigration Service, National Missing Person's Helpline and the Refugee Council are required to be notified. The police will involve other agencies in the review process of outstanding missing person investigations. If the child is still missing after 7 days there should be a structured meeting, arranged by the police and attended besides them by the social services, foster carer or residential staff and any other agency/person able to contribute to this meeting.

The support worker whom I joined that afternoon had an appointment with 3 boys living independently in a house. 2 of the boys were not around and the 3rd boy we met couldn't clarify the motivation of their absence.

Because the other boys didn't show up, the support worker checked the whole house on signs of live. Because the main living room was so clean that it seemed no one lived there or it hasn't been used for some time. Upstairs looked the beds being slept and in the kitchen were some ketchup spots, so there were some signs of live. But it is worth to check it out. The Support worker is planning to check some addresses in the neighbourhood, if they showed up somewhere else and will return later at the house again.

Especially when boys live independent in a house it is difficult to find out in a short period of time what the reason is of absence. Other connections in neighbourhood and colleagues are consulted, before reporting a child missing.

9.2 Trafficking:

Is more a European concern and the organizations managing the reception of asylum seekers can provide a lot of information on migrated persons. The Enaro project can be an important source to clarify the immigration flow to track the possible trafficking organization. While it is in my opinion up to the immigration service to fight trafficking on a large scale by check the travel patterns.

Recently a new office is established in Sheffield concerning specifically about Human Trafficking in the United Kingdom (UKHTC). Their aims are:

- ❖ To prevent human trafficking by building a knowledge and understanding of the harm it causes and to use that knowledge and understanding to direct and prioritise the UK law enforcement response.
- ❖ To improve and coordinate the law enforcement response to human trafficking by raising awareness of the key issues, and developing and delivering relevant training.
- ❖ To develop and promote a victim centred approach to dealing with trafficking, working together with other agencies, stakeholder organisations and Nongovernmental organisations.

9.3 Every Child Matters Programme

Governmental programme co-ordinated by the Safeguarding Vulnerable Persons Team (SVPT), Department for Education and Skills (DfES) concerning safeguarding children including keeping children safe from physical and emotional harm, abuse, neglect and exploitation.

One of the things that made the Government say things needed to be improved was the tragic death of an eight-year-old girl called Victoria Climbié. Victoria suffered horrible abuse from her great aunt and the man they lived with. This terrible treatment lasted for months, without anyone doing anything to stop it, and in the end Victoria died. One of the aims of Every Child Matters is to make sure that a tragedy like this does not happen again.

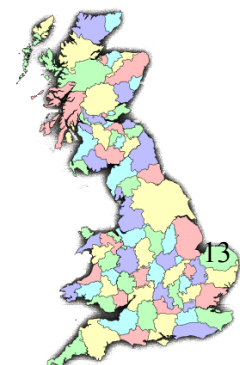
The Government is making changes to the way that people work together to try to make sure that people see the evidence and the signs that a child or young person is being hurt, so that something can be done about it.

But Every Child Matters is not just about stopping children and young people from being harmed by adults. It is about doing all kinds of things to help every child and young person to be safe, healthy, happy and successful.

10. Remarks:

❖ Local Government Act:

Delaying cooperation internally and externally because of county division. Necessary are more national arrangements on cooperation of local authorities. Origin in Local Government Act 1888 divided Great Britain in 86 historical counties.



The Local Government (England and Wales) Bill was introduced to the House of Commons on March 19, 1888, by the President of the Local Government Board. The Bill proposed the creation of elected county councils to take over the administrative functions of the magistrates of the Quarter Sessions courts, that ten large boroughs should be "counties of themselves" for the purposes of local government and that each county was to be divided into urban and rural districts, based on existing sanitary districts, governed by a district council. The county and district councils were to consist partly of directly elected "elective councillors" and partly of "selected councillors", chosen by the elective councillors in a similar manner to aldermen in municipal boroughs.

❖The government tend to spread the placement of asylum seekers across the UK. Side effect of less confrontation with accommodation problems of asylum seekers integrated in society.

❖Foster Parents: much more personal approach and not dependent on occupancy provided. Can be very efficient if guarded carefully. But it might be difficult to find sufficient and proper new foster parents, while it is dependent on societies support.

❖The unaccompanied minor is considered to be a child in the first place. That's why he/she get a permission to stay until they turn 18 at entrance of the UK, so they don't have to worry about their future and envelop in their childhood. When they are an adult by age they have to consider their asylum situation.

❖Medical age check: X-Rays, verification of wrist and collar bones is not allowed in the United Kingdom. This makes it harder to specify the age and will give only age groups of the young person, like 16 - 18 or 18 - 20.

❖Interpreters are physical present for translation. It makes it possible to have a direct and more interactive conversation. But it is also expensive. The Community Interpreting Service in Gillingham is up to the moment commonly used interpreting service. It can offer over 45 languages.

NOTES:

Children Act 1989 c.41

Section 17: “provision of services for children in need, their families and others”. Places a duty upon Local Authorities to ‘safeguard and promote the welfare of children within their area who are in need’. A child is deemed ‘in need’ if ‘he is unlikely to achieve or maintain or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision for him of such services. In the case of unaccompanied asylum seeking children, their ineligibility for mainstream benefits and their lack of family qualifies them as Children in Need and therefore eligible for Local Authority support.

Section 20: general provision of accommodation for children. Applicable when there is no person who has responsibility for the child and has been lost or abandoned. General for unaccompanied asylum-seeking children. Section 20 of the Children Act requires Local Authorities to provide accommodation for children in need within their area who appear to require it, as a result of ‘there being no person who has parental responsibility for him.’ This also applies to young people aged over 16 years whose welfare is likely to be under threat. If a child is accommodated under section 20 of the act, he/she becomes a ‘Looked After Child’ (LAC). The relevance of this section to Local Authorities and unaccompanied asylum seeking children is self explanatory.

Section 24: Advice and assistance for certain children. Applicable where the unaccompanied asylum-seeking child aged under the age of 21 is being looked after by a local authority and accommodated in a variety of other settings, or fostered.

Section 51: Refuges for children at risk. Providing a refuge for children who appear to be at risk of harm, where a local authority or voluntary organisation arrange for a foster parent to provide such a refuge, the Secretary of State may issue a certificate under this section with respect to that home.

KCC: <http://www.kent.gov.uk/SocialCare/social-care-and-business/contracting-and-e-tendering/unaccompanied-minors.htm>

Other involved organizations:

The Home Office, Immigration and Nationality Directorate (<http://www.homeoffice.gov.uk/>, <http://www.ind.homeoffice.gov.uk/>)

Interpreter Service (<http://www.medway.gov.uk/index/community/interpreting.htm>)

Connexions (<http://www.connexions.gov.uk/>)

Migrant Helpline (<http://www.migranthepline.org.uk/>)

NASS (<http://www.asylumsupport.info/nass.htm>)

Department for Education and Skills (DfES): <http://www.everychildmatters.gov.uk/>

Refugee Council <http://www.refugeecouncil.org.uk/>

Unicef child labour / International Labour Organization:

http://www.unicef.org.uk/unicefuk/policies/policy_detail.asp?policy=9

Human Trafficking in the United Kingdom (UKHTC): <http://www.ukhtc.org/>

Council of Europe <http://www.coe.int/T/E/Com/Files/Themes/trafficking/>

Childtrafficking Digital Library <http://www.childtrafficking.com/Content/Library/>