Role of Local Authority - what are your rights?

This briefing will explain how the local authority provide support to you. It will cover

- Accommodation
- Financial support
- Legal support

‘Looked after’ status and entitlements

- The Local Authority is responsible for a range of services in the area you live
- The law states that each local authority has a duty to protect and promote the welfare of children who live in their area and are ‘in need’
- Some children ‘in need’ live in the UK and are separated from their parents / do not have an adult to care for them. These children may be ‘looked after’ by the local authority. This is usually the case if you are an unaccompanied asylum-seeking child (UASC)
- Because UASC are considered ‘looked after’, the local authority has a number of duties to fulfil. There are 7 developmental needs that the local authority must have and plan for:
  1. Health
  2. Education (Personal Education Plan)
  3. Emotional and Behavioural Development
  4. Identity (religion, race, cultural and linguistic background)
  5. Family and Social Relationships
  6. Social Presentation
  7. Self-care
- Every looked after child should have a personal education plan - it doesn’t matter if someone has been refused asylum, is appealing a refusal or has

*This briefing should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from a regulated legal adviser*
‘UASC’ leave - you should not suffer from short term planning - if you do not have a personal education plan ask your social worker about it

☐ If your immigration status is still uncertain this does not mean that plans cannot be made or that everything should be put on hold. Your social worker will need to plan for positive and negative outcomes with you. You are entitled to this if you are being looked after by your local authority

Accommodation (where you live)

Your voice matters - have your say and ensure you are heard!

☐ The law states (Children Act 1989) that every local authority will provide accommodation for a child in need within the area, who requires accommodation if there is no person who has parental responsibility for him or her.

☐ It is very important that you are given the opportunity to voice your wishes about your accommodation - you have the right to be listened to

☐ Different types of accommodation can be provided by the local authority but you should not be put in a hostel or into bed and breakfast accommodation - these types of accommodation are not suitable for children

☐ Children recognised to be under the age of 16 are often placed in foster care. Foster care means being placed in a family home with ‘foster parents’ and you will be treated as a child of the family. Your foster parents may have other children of their own or other foster children.

☐ Foster parents are registered with the local authority and the authority will work with them to ensure that you are looked after and supported

☐ Children aged 16 and 17 may be housed in semi-independent accommodation. This may be in the form of a supported lodgings placement. Being in supported lodgings means living in someone else’s home. It is different from foster care as you have more freedom to make your own decisions and to come and go as you wish, and less support is given to you. You must still negotiate and agree house rules with the supported lodgings provider

*This briefing should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from a regulated legal adviser*
Some older children may require more support and may not be ready to live in semi-independent accommodation, so it is important to know that the local authority can place older children in foster care too if it is necessary. If you feel you need more supported accommodation speak to your social worker.

If you are unhappy in your accommodation for any reason you MUST speak to your social worker and tell them what the problems are. It may not be easy for them to arrange a move, but it will not be impossible. They can also help you talk to your foster carer or your supported lodgings provider about any problems that you are having.

You may have to leave your accommodation once a decision has been made on your claim. If this is the case you will be served with a notice asking you to leave on a certain date and you should be given information about why you are being asked to leave and where you can go for help, advice and support.

The cost of your accommodation will be covered by the local authority.

Financial support - money and expenses

The children’s services department within the local authorities are responsible for providing you with financial support during your asylum claim.

An assessment of your financial needs will take place to identify what financial support you will receive. The amount of money paid may vary from local authority to local authority and will take into consideration:

- Educational resources
- Travel expenses
- Whether you work

You should be told how much money you will receive each week and how the payments will be made. Payments may be made through your foster carer, your accommodation provider, directly from the local authority children’s services via your social worker, or via another agency.

Legal support and advocacy

*This briefing should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from a regulated legal adviser.*
Local authorities have a duty to provide information about advocacy services that may be available to you

Advocacy services are services that offer independent support to ensure that you feel that you are being heard if you have concerns, worries or problems

Some looked after children want an advocate to support them at meetings and the local authority has responsibility to find an appropriate person to do this

The local authority also has a duty to find you a legal representative (solicitor) and this should be addressed in your care plan

Making a complaint/Challenging poor support

*Remember you have a right to complain if you are not happy about the support you are receiving or if you have a problem with your social worker*

If you are receiving services from a local authority you can make a complaint through the local authority’s complaints procedure

Complaints can be made orally or in writing

Any complaints must be made within one year from the incident(s), unless it was not reasonable for the complaint to have been made within this time and it is still possible to consider the complaint fairly

If you make a complaint, the local authority must provide you with details of its complaints procedure and, where relevant, information about advocacy services

*This briefing should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from a regulated legal adviser*