

The  
Scottish  
Guardianship  
Service



# PRACTICE FRAMEWORK

April 2013

scottish  
refugee  
council

aberlour  
scotland's children's charity

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The Scottish Guardianship Service is delivered in partnership by the Scottish Refugee Council and Aberlour Child Care Trust. We would like to acknowledge and thank the funders who have made this possible, including:



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Version 1: 26 April 2013



## **FOREWORD, by Kathleen Marshall, April 2013**

“The Guardian ... showed Sami a large colour world map and asked Sami if he understood what this represented. He did not. His Guardian spent time explaining that this was the world seen from above. She used the lines on the map to explain the concept of borders and of immigration control. She also showed Sami where the UK was ...” *Case study 18, page 65*

When I read this case study, the penny dropped about how critical the role of the Guardian is. How can a young person, separated from their family and thrust into a very different culture, engage meaningfully with processes critical to their life, if their experience is so different that the questions put to them are meaningless?

When I got the call inviting me to serve as independent chair of the Project Advisory Group for the pilot Scottish Guardianship Service, my interest was quickly aroused. During my time as Scotland’s first Commissioner for Children and Young People (2004 – 2009), I had been involved in many issues relating to children caught up in the asylum and immigration systems, so I was already aware of the plight of “separated children” (a term that includes trafficked children who may or may not be seeking asylum). I was one of those calling for the establishment of a guardianship system to fulfil our duties under international law and our broader responsibilities as caring people. “Human rights” are not just legal texts: they are about extending human warmth and dignity to those who may be de-humanised by being viewed primarily as problems or statistics.

The evaluation of the pilot identifies the significance of the warm and trusting relationships that developed between Guardians and young people in helping them to recount their experiences in ways that underpinned their credibility and achieved positive outcomes. This Framework document shows how the Guardians achieved this. A glance at the contents page will show how rich it is in terms of information and experience, which will be invaluable to anyone embarking upon a similar enterprise. It portrays a caring relationship that has a clearly defined and time-critical purpose of accompanying a disoriented child through a maze of people, places and decisions. The modules which the young people work through provide an important focus.

Critical to the success of the pilot project was the involvement of the young people in shaping the service. The UN Convention on the Rights of the Child insists that the views and wishes of children are a critical part of any decisions about their best interests. The experience of The Scottish Guardianship Service has confirmed the truth of this insight and has vindicated the faith of the funders who have so energetically supported this service with their good will as well as their money. Thanks are due to them, to the Scottish Refugee Council and Aberlour Child Care Trust who developed the service, to the Guardians for their total commitment to it, and to the young people for teaching us how to be truly human.

## DEFINITION OF A GUARDIAN

***A Guardian is someone who accompanies children and young people when they claim asylum or are trafficked and are cared for by health, education and welfare services. A Guardian will help a child or young person to be actively involved in decisions that affect their life and to get the help they need, when they need it. A Guardian is on the child's side, can explain what is happening to them, will listen to their views and experiences and speak up for them when needed. A Guardian will also help a child or young person to plan their future, whether in the UK or elsewhere***

## INTRODUCTION

### Who are separated children?

The United Nations High Commissioner for Refugees (UNHCR) definition of separated children is:

***“Separated children” are children, as defined in article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.***

The term separated child and unaccompanied asylum seeking child have been often used incorrectly and interchangeably. An Unaccompanied Asylum Seeking Child (UASC), predominantly a Home Office term, is a young person, deemed to be under 18 years of age who is claiming asylum. Trafficked children may or may not claim asylum depending on their individual case and the term separated child encompasses both groups of vulnerable young people and is used throughout this document.

### History of the Scottish Guardianship Service

When separated children arrive, they are often unable to understand the language, culture or the way of life in Scotland. As well as being in the care system, they are also immediately subjected to immigration control and nearly always to the mechanisms of the asylum process. The personal testimonies of this highly vulnerable group of children make it clear that often they do not understand the processes that will determine their future nor do they feel that they can actively participate in them.

The Scottish Guardianship Service was initially developed as a pilot service testing a hypothesis or model of Guardianship for separated children.<sup>1</sup> The service is a joint partnership project by Scottish Refugee Council and Aberlour Childcare Trust who are experts in their respective fields.

It was developed specifically in the Scottish context but hinged on elements that the architects believed were universal and transferable. Its development was a response to the concerns of a range of interested parties (including service providers, academics and

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<sup>1</sup> The Scottish Guardianship Service operated as a pilot project from September 2010 until the end of March 2013. The service was delivered in partnership by Scottish Refugee Council and Aberlour Child Care Trust and funded by the Big Lottery Fund Scotland, Paul Hamlyn Foundation and the Scottish Government. In February 2013, the Scottish Government announced that it would fund Scottish Refugee Council and Aberlour Child Care Trust to deliver a core Guardianship service from April 2013 for three years after the successful completion of the pilot.

policy makers) that the existing arrangements failed to adequately meet the needs of this highly vulnerable group of children and young people. These concerns were evidenced in research commissioned by the Scottish Refugee Council in 2006.<sup>2</sup>In particular, it was noted that separated children were unable to properly understand the asylum and welfare processes and that as a consequence, their ability to participate in these was seriously undermined. This had significant implications in relation to a number of key aspects of their lives. It could, for example, mean that their ability to present information concerning their asylum claim was curtailed or limited, with the result that the claim might inappropriately fail or that protections, opportunities and supports (as set out in the Scottish Children's Charter) relating to their wellbeing were not consistently put in place.

### **International, national and regional policy drivers**

There are several international, national and domestic instruments that oblige member states to provide a Guardian for separated and trafficked children. These include:

- UNHCR Guidelines
- United Nations Conventions for the Right of the Child
- EU Directive 2011/36/EU of the European Parliament and of the Council 5<sup>th</sup> April 2011 <sup>3</sup>
- EU Reception Directive (2003) Article 19(1)
- EU Qualification Directive (2004) Article 30(1) and (2)

The project is consciously developed around the following Scottish programmes:

- Getting it Right for Every Child (GIRFEC);<sup>4</sup>
- Scottish Social Services Council code of practice<sup>5</sup>

This service also contributes to the Scottish Government's National Outcomes as follows:

- Our young people are successful learners, confident individuals, effective communicators and responsible citizens;
- Our children live longer, healthier lives;
- The life chances for children, young people and families at risk have improved;
- Our children have the best start in life and are ready to succeed; and
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

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<sup>2</sup> See This is a Good Place to Live and Think About the Future Hopkins and Hill , 2006

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

<sup>44</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

<sup>5</sup> <http://www.sssc.uk.com/Codes-of-Practice/sssc-codes-of-practice-for-social-service-workers-and-employers.html>



## PURPOSE OF THE PRACTICE FRAMEWORK

This framework provides a practice-led record of the work of the Guardianship Service. It aims to:

- Provide accountability for the performance of the service with reference to aspects of young people's experiences
- Act as a record of the practice approach and methods used by the service
- Be a resource for staff looking to develop or learn about practice in related fields of work
- Be a training resource for new Guardians or those assisting Guardians
- Assist continuous professional development as the service develops new resources, processes and tools for their work





# **CHAPTER 1 - GUARDIANSHIP**

## **1.1 The Scottish Guardianship Service**

The Scottish Guardianship Service works with children and young people who arrive in Scotland unaccompanied and separated from their families. The service supports separated children and young people who are seeking asylum or who may have been trafficked.

The service has its main office base in Glasgow, but is a Scotland-wide service. It offers face-to-face support and outreach support for all separated children in Scotland who have made themselves known to the authorities. It also supports Local Authorities and external agencies providing information, advice and guidance about children in the asylum and immigration processes.

The overall aim of the Scottish Guardianship Service is to improve the separated child's experience and understanding of the immigration and welfare processes and to ensure they receive services appropriate to their needs and entitlements.

### **A Partnership Project: About the Business Partners**

The Scottish Guardianship Service is run in partnership by two specialist voluntary sector organisations.

#### **Scottish Refugee Council**

Scottish Refugee Council is an independent charity dedicated to providing advice, information and assistance to asylum seekers and refugees living in Scotland. They also provide specialist services in areas such as integration, women's issues, community engagement, the media and the arts.

They play a leading role in policy development and campaign on refugee issues to ensure that Scotland plays a full role in meeting the UK's legal and humanitarian obligations under the 1951 United Nations Convention on Refugees.

#### **Aberlour Child Care Trust**

Aberlour is the largest - solely Scottish - children's charity providing help to over 6,000 of Scotland's most vulnerable children, young people and their families each year. A dedicated team work across the country in more than 40 services, from Stranraer to Elgin & Aberdeenshire. Help is given to children and young people who need additional care and support to achieve their potential and to live safe, fulfilling lives. Aberlour has adapted and customised its services in response to the changing needs of vulnerable

children, young people and their families for almost 140 years, since the Aberlour orphanage was established in 1875.

## 1.2 Eligibility Criteria

If a young person has become known to the authorities after the 1<sup>st</sup> September 2010 and is seeking asylum or has been a victim of trafficking, they may be referred to the Scottish Guardianship Service in order to receive support from a Guardian.

- The Guardianship Service works with young people who arrive **in Scotland** as a separated child **under 18** years of age
- are a **new presentation** to the authorities after 1<sup>st</sup> September 2010
- are seeking asylum or have been trafficked from **outside the EU**
- are currently being treated as a child under 18 but are **age disputed** and are undergoing an age assessment

Referrals to the service can be made from any Local Authority or agency in Scotland. The referral form can be found on the Aberlour website.<sup>6</sup>

## 1.3 Standards of Guardianship

Whilst there is no definitive model of Guardianship, Goeman *et al* (2011) have identified ten core standards of Guardianship.<sup>7</sup> The independent external evaluation of the Scottish Guardianship Service, carried out during its pilot phase by Professor Heaven Crawley of the University of Swansea and Professor Ravi Kohli from the University of Bedfordshire evidences (in blue type), that the Scottish Guardianship Service performs the following in relation to these standards for performance measurement:

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<sup>6</sup> [www.aberlour.org.uk/scottishguardianshipservice.aspx](http://www.aberlour.org.uk/scottishguardianshipservice.aspx)

<sup>7</sup> Goeman M, van Os C, Bellander E, Fournier K, Gallizia G, Arnold S, Gittrich T, Neufeld I, Uzelac M (2011) *Core Standards for Guardians of Separated Children in Europe. Goals for Guardians and Authorities*, Leiden: Defence for Children – ECPAT The Netherlands, available at: [www.defenceforchildren.nl/images/69/1632.pdf](http://www.defenceforchildren.nl/images/69/1632.pdf)

## Core Standards of Guardianship Practice (Goeman et al 2011)

<b>Standard 1: The Guardian advocates for all decisions to be taken in the best interests of the child, aimed at the protection and development of the child.</b>
<i>The Guardian is able to advocate, assess and adjust the best interest of the child on a regular basis, involves all relevant actors and ensures that the assessment of the best interest of the child is based on the views of the child and the individual circumstances.</i>
<b>Standard 2: The Guardian ensures the child's participation in every decision which affects the child.</b>
<i>The Guardian provides information in a child friendly way and checks if the child understands and recalls the information, listens carefully to the child and ensures plans are based on the views of the child and shared with the child, is open to feedback and manages expectations.</i>
<b>Standard 3: The Guardian protects the safety of the child.</b>
<i>The Guardian gives the highest possible priority to the child's safety, knows the signals of child abuse and trafficking, acts and reports upon signals of any harm or danger, ensures the child knows he/she is welcome to voice anything concerning his/her safety, only breaks the confidentiality norm when a child is at risk, ensures victims get appropriate treatment and is open to being monitored on own behaviour.</i>
<b>Standard 4: The Guardian acts as an advocate for the rights of the child.</b>
<i>The Guardian is an assertive, committed watchdog, dedicated to defending the rights of the child, shows emotional strength, opposes decisions which are not taken in the best interests of the child and pursues fair procedures concerning the child.</i>
<b>Standard 5: The Guardian is a bridge between and focal point for the child and other actors involved.</b>
<i>The Guardian keeps in contact with all relevant actors, ensures to be informed about all decisions which have an impact on the child and is where necessary present at meetings, assists in establishing links with the child's community and developing relationships that give the child a sense of belonging to a family or group.</i>
<b>Standard 6: The Guardian ensures the timely identification and implementation of a durable solution.</b>
<i>The Guardian ensures the identification of a durable and safe solution and challenges others to prove that their proposed solutions take the best interest of the child as a primary consideration, supports the reunification of the child with his/her family and supports the integration of the child in the host country when this is in the best interests of the child, defends safety guarantees when a child is returned and prepares the child for all predictable changes which will occur after turning eighteen.</i>
<b>Standard 7: The Guardian treats the child with respect and dignity.</b>
<i>The Guardian demonstrates appropriate behaviour, treats the child unprejudiced with respect to the child's identity, privacy and cultural differences, supports the child in developing peer relationships and shows a flexible approach tailored to the individual needs of the child.</i>

**Standard 8: The Guardian forms a relationship with the child built on mutual trust, openness & confidentiality.**

*The Guardian is always honest with the child, keeps his/her promises and keeps all information confidential unless it is necessary to break confidentiality to keep a child safe, pays attention to verbal and nonverbal communication, is empathic towards the child and gives moral support and makes clear to the child that a child who disappears is always welcome to return.*

**Standard 9: The Guardian is accessible.**

*The Guardian can be reached easily, lives near enough to the child to be able to respond quickly to difficulties, sees the child as soon as possible after his/her appointment and pays visits to the child on a frequent basis and communicates in a way which fits the age and development of the child, making use of interpreters whenever necessary and contacts the child to keep in touch also when there is no specific need to do so.*

**Standard 10: The Guardian is equipped with relevant professional knowledge and competences.**

*The Guardian is proactive in identifying learning and development needs, manages his/her caseload and available resources, is accountable, works according to a set methodology, knows personal and professional limits, seeks support and counselling whenever necessary and is open to supervision and monitoring.*



## **CHAPTER 2 - THE ROLE OF THE GUARDIAN**

### **2.1 The Role of the Guardian**

*A Guardian is someone who accompanies children and young people when they claim asylum or are trafficked and are cared for by health, education and welfare services. A Guardian will help a child or young person to be actively involved in decisions that affect their life and to get the help they need, when they need it. A Guardian is on the child's side, can explain what is happening to them, will listen to their views and experiences and speak up for them when needed. A Guardian will also help a child or young person to plan their future, whether in the UK or elsewhere.*

Young people will be allocated a Guardian to:

- assist the young person to understand, participate and navigate the complex immigration, legal and welfare processes
- act as a link between all services and professionals that are involved in their life
- help the young person to understand the roles and responsibilities of these professionals
- advocate on their behalf and ensure young people's voices are heard within the various systems
- Help the young person to plan for their future either in the UK or elsewhere

### **2.2 The Importance of Protocols**

A protocol was drafted between the Scottish Guardianship Service, Glasgow City Council Asylum Assessment Team and the then Regional UK Border Agency (UKBA) with the aim of improving inter-agency working, clarifying responsibility for key tasks when working with separated children and young people and clarifying procedures for ensuring that tasks are carried out effectively. This protocol plays an important role in consolidating and cementing the understanding of service providers about the role of the Guardian, not least because it can be used as a point of clarity where disagreements or tensions arise. The protocol can be used with other Local Authorities as young people present across Scotland. The protocol may be found in *Appendix 1*.

### **2.3 Selecting and Training Guardians**

Having secured funding for the pilot service, detailed discussions were undertaken to identify the skills and training Guardians would need. Separated young people were involved in developing the job descriptions and were in fact asked to draw their idea of a Guardian. A key element of the recruitment process was an opportunity for prospective candidates to participate in a group activity with young people. The young people were then asked to provide feedback on their preferred candidates and this was given

significant weight within the recruitment process, alongside a more formal application and interview stage.

All Guardians must demonstrate an ethos which is in keeping with Aberlour and Scottish Refugee Council's own aims and objectives. It was recognised from the early stages of the project that Guardians also require specialist skills and knowledge in both child development and welfare and immigration law. These require not only relevant personal qualities but the completion of formal training, registration with appropriate regulation bodies and continued professional development.

### **Office of Immigration Services Commissioner Registration**

Registration with the Office of Immigration Services Commissioner is a requirement for the service and all of the Guardians.

All Guardians are registered with the OISC and are expected to achieve level 2 registration as soon as possible after joining the service.<sup>8</sup>

The Guardians are mentored and supervised in accordance with the OISC rules, codes and standards and the Guardians must complete the required number of CPD hours each year.

### **Job Descriptions and Guardian's Knowledge Framework**

Full job descriptions, person specification and the Guardian's Knowledge Framework can be found at *Appendices 2, 3 and 4*. The job purpose was written thus:

- To improve the experience of the asylum process for children and contribute to the development of inter-agency practice to ensure it serves the specific needs of separated children, establishing a model of good practice.

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<sup>8</sup> The requirements to practice at OISC Level 2 are set out at [http://oisc.homeoffice.gov.uk/how\\_to\\_become\\_a\\_regulated\\_immigration\\_adviser/guidance\\_on\\_competence/oisc\\_level\\_2/](http://oisc.homeoffice.gov.uk/how_to_become_a_regulated_immigration_adviser/guidance_on_competence/oisc_level_2/)

## CHAPTER 3 - THE PRACTICE MODEL

### 3.1 Scottish Guardianship Service Practice Model

The practice model (see fig 2 below) that has been developed and implemented draws upon research, theory and practice experience to set out an approach that can better meet the needs of separated children and young people.

The Guardianship project has developed a child-centred practice model based around the needs of separated children and young people. Young people have been consulted regularly to help develop the service to meet their needs. Young people's views have been invaluable in shaping the service and improving service delivery. It is important that young people see that their views are listened to and their views are used in continuous improvement processes and influencing wider policy at government level. Young people have been supported and encouraged to talk to Ministers and Senior Civil Servants when appropriate opportunities arise.

The work of the service is broadly categorised within three domains: Asylum; Wellbeing; Social Networks. Guardians work across these domains in a variety of roles.

**Figure 1 : Domains of Work**



*(Graphic produced by R Kohli, 2012)*

The practice model consists of 14 individual modules which are linked to the three domains. Most young people will proceed through most of these modules, however there are some which focus on specific issues such as age assessment or trafficking. These will only be shared with young people if they are relevant to their circumstances, for example, if they have been identified as a potential victim of trafficking.



**FIGURE 2 : THE PRACTICE MODEL**



The Guardianship practice model incorporates the Getting it Right for Every Child (GIRFEC). This approach combines knowledge, theory, and good practice and provides a framework to help understand a young person's whole world and helps to assess, plan and deliver support to young people in a consistent way.

### **3.2 Theoretical underpinning of the Scottish Guardianship Service Approach**

The following section is intended to outline the theoretical framework that Guardians draw upon to understand the context experienced by a separated child and which assists them to plan and act in their interest.

Below is a summary of some key areas of theory related to child development and welfare which are relevant when working with *all* children and young people, giving particular consideration to their relevance in relation to separated children. It is not intended to be a comprehensive study of these subjects, rather to explain the knowledge-base and approach of the Guardianship Service in its work with separated children.

### **3.3 Attachment**

Attachment is the bond which is formed between an infant and a primary care giver, it forms the basis of a child's perception of the world and itself in relation to others.

Research has demonstrated that the consequences of these early childhood experiences can last a lifetime, and can result in a variety of outcomes for the child. For example, a child who loses their main care giver or parents (either through death or separation) when they are very young, or who is brought up in neglectful or abusive circumstances, is likely to face more serious psycho-social difficulties than someone who grows up in a happy, loving family and who only later experiences the threat or incident leading them to flee their home country.

#### **Why is attachment theory relevant to our work?**

Having a comprehensive overview of a young person's background is helpful in comprehending both the extent and quality of attachment they are likely to have formed in their early years, and the possible impact on their development, their current presentation, coping skills and their ability to form and sustain relationships with others.

In the context of the refugee population, poverty, conflict, separation from or loss of loved ones, persecution, violence and torture are all possible factors which could impact upon a child's early attachment experiences - in terms of the availability and quality of care by adults around them. This must be kept in mind when working with children arriving in the UK seeking protection. The presence or absence of secure attachment bonds formed in early childhood is a key determinant of how people will cope with later trauma, both in childhood and into adulthood.

Much of the reading the Guardians have undertaken in respect of both the issues of attachment and resilience is contained within Resilience: A framework for Positive Practice <http://www.Scotland.gov.uk/Publications/2005/05/1812009/00103> and Adolescence: Assessing and Promoting Resilience Bridgid Daniel (2012) Child Development for >? Care and Protection Workers (2011) and Safeguarding Children Living with Trauma and Family Violence (2009)

## Scottish Guardianship Service's Approach

While some of the effects of negative early experiences may never be mitigated, the provision of warm, trusting and consistent relationships with other adults in a young person's life can serve to replace, or at least compensate for the absence of, key attachment figures. This is one of the aims of the Scottish Guardianship Service. From their point of arrival in Scotland, each young person is allocated a Guardian who seeks to establish and develop a relationship of trust and warmth. The Guardian offers information and guidance, as well as practical and emotional support, when the young person most needs it, and ensures they are receiving the help and care from others they require. ***Put simply, the aim is that an 'unaccompanied' child feels 'accompanied'.***

Beyond the individual relationship with their Guardian, the ethos of the service is that the whole project should offer a 'secure base'. Young people should come to the offices and be made to feel 'at home', both in terms of relations with all the staff who work there and the kind of interactions which take place. Young people are encouraged to join staff at the lunch table over a cup of tea, or some food to promote a homely and informal environment. The conscious aim is to create a place where young people are at ease in a safe space, where they feel they can come for complex advice or just a chat, and to restore a sense of safety and 'belonging'. This is not about blurring professional boundaries, but about replacing some of what has been lost.

### 3.4 Resilience

The development of supportive and protective relationships is part of the wider concept of developing resilience. Resilience is taken to mean 'normal development under difficult conditions' and that, as well as being a positive outcome in itself, will be an enabler of other possible outcomes. The Scottish Guardianship Service recognises that although it may not be possible to protect young people from further adversity, and while it may not always be possible to provide an ideal environment for them, building resilience should enhance the likelihood of a better long-term outcome.

A resilience-led perspective tends to be optimistic and pragmatic. It fosters the belief that change is possible – even in unpromising conditions – and that it may start in simple ways. The concept of resilience offers a more positive alternative to the older 'deficits-based' models of working, and the focus is on strengths and protective factors. It is not simply about certain children being strong or hardy (although this has a part to play) but about how an interaction of factors can serve to increase or decrease the risk that a child will cope with adversity, and about the opportunity to consciously 'build in' 'protective factors' which will reduce the impact of adversity on a child or young person.

The fundamental principles are:

- change comes through supportive relationships

- change also comes through new ways of thinking about problems and possibilities
- change can come from the ordinary and the everyday; it doesn't have to come from specialist or clinical resources
- change may come from a single opportunity or positive turning point which leads into other good things
- change comes from tapping into the strengths in a young person's circumstances

### **Why is resilience theory relevant to the service's work?**

Upon arrival in the UK, separated children are without most, if not all, of the factors which promote resilience. At the same time, they may have experienced things, either 'pre-flight' or on their journey here, which have posed a risk to their physical, mental, emotional and spiritual well-being. Upon arrival, they face a whole new set of challenges – learning a new language, isolation, lack of understanding of systems, processes and their place within these, an unfamiliar culture, poverty, exclusion and possibly racism on the part of individuals and institutions. All these factors, in combination with the impact of their experiences and the sense of loss and separation from the families, home and community can compromise the coping abilities of even the strongest and most resourceful child. Separated children face on-going challenges and uncertainty; and building their resilience is an important factor to help prepare them for the future, whatever that may be.

### **Scottish Guardianship Service's Approach**

The Guardians role and remit, along with others, is to promote healthy development and positive outcomes for separated children and this involves looking at those factors within the child, their family (even if separated) and the wider community that promote the characteristics of a strong, healthy and resilient individual.

The service draws on models, enabling the practical application of resilience theory and focusses on ways to strengthen what are identified as the three fundamental building blocks of resilience.

1. A secure base whereby the child feels a sense of belonging and security
2. Good self-esteem, that is, an internal sense of worth and competence
3. A sense self-efficacy, that is a sense of mastery and control, along with an accurate understanding of personal strengths and limitations

In their practice Guardians draw upon the *Resilience Matrix* (part of the Getting it Right for Every Child (GIRFEC) National Practice Model) to identify and assess resilience.<sup>9</sup>

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<sup>9</sup> <http://www.scotland.gov.uk/Resource/Doc/1141/0109967.pdf>

The following grid is a useful tool to help map out the key domains in a young person's life that can have an impact on a young person's resilience. This tool can help to identify strengths and build upon the weaker areas in a young person's life.

**Table 1**      *Mapping a resilience-based approach*

<b>Resilience domain</b>	<b>GIRFEC (using the SHANNARI indicators<sup>10</sup>)</b>	<b>Ascertaining the child's situation</b>
Secure base	Is the young person safe and nurtured?	Does the young person have at least one trusted adult in their life? Who are the important people to the young person and what do they provide?
Education	Is the young person achieving?	Does the young person attend and enjoy school/college? Is s/he learning and/or attaining? Is s/he managing the educational environment?
Friendships	Is the young person respected and included?	Does the young person have at least one positive peer relationship? Does s/he have opportunities to meet other young people?
Talents and interests	Is the young person encouraged to become healthy and active?	Are the young person interests and talents being encouraged? Does s/he have opportunities to become involved in activities? Is s/he developing their abilities leading to increased self-esteem and confidence?
Positive values	Is the young person being encouraged to become responsible?	Is the young person encouraged to act responsibly? Are there positive pro-social role models? Are they helped to make the right choices and avoid/reduce risk taking behaviour? Is s/he aware of risks? Do they have hopes and goals for the future?
Social competencies	Is the young person encouraged to be respected and responsible?	Does the young person have good social and communication skills? Has s/he learned problem solving and coping strategies? Does s/he have a sense of self-efficacy? Does s/he have empathy with others? Can s/he seek help?

<sup>10</sup> SHANNARI represents the indicators Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included and provide a language and framework that describes the basic requirements that a child needs to grow and thrive.

### 3.5 Trauma

The word 'trauma' can be used in a variety of contexts. Clinically, it can be defined as *"a disordered psychic or behavioural state resulting from mental or emotional stress or physical injury"*<sup>11</sup>

#### Why is trauma relevant to our work?

A significant number of the young people with whom the Guardian work have a history of experiences that are commonly understood to have potentially traumatic effects. These can include sexual violence, torture, bereavement of family members and physical injury. This is likely to have had a significant impact on their psychological and biological regulatory process. Some of the young people in the service have been formally diagnosed with Post Traumatic Stress Disorder and have benefited from therapeutic services from the NHS and Freedom from Torture.

A past history of trauma or traumatic experiences can impact upon a person's ability to understand and participate in asylum decision-making processes. For example, as Bogner et al demonstrate, trauma can affect asylum claimants' ability to recount their story and recall significant elements of their claim.<sup>12</sup>

#### Scottish Guardianship Service's Approach

Guardians are not qualified to diagnose trauma but seek to ensure that young people who would benefit from therapy are identified and assisted to access services. Guardians proactively enquire about a young person's wellbeing: how safe they feel, the quality of their sleep and their ability to concentrate. This approach is consistent with a Guardian's role in ensuring that separated children receive the help that they need when they need it and specifically that their rights under article 39 UNCRC<sup>13</sup> and article 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>14</sup> are met. It is also consistent with a Guardian's role to ensure that separated children are afforded meaningful opportunities to actively participate in the asylum determination process. A young person's wellbeing is monitored in conjunction with social workers, residential workers, teachers and lawyers. There have been occasions when Guardians have been instrumental in identifying psychological factors that impacted upon a young person's ability to meaningfully participate in the asylum

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<sup>11</sup> Merriam-Webster Dictionary

<sup>12</sup> Bögnér, D, Herlihy, J & Brewin, C (2007) 'The Impact of Sexual Violence on Disclosure during Home Office Interviews' *British Journal of Psychiatry* 191 (7) pp. 75-81

<sup>13</sup> Article 39 States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child

<sup>14</sup> Article 12 The right to health, specifically "the highest attainable standard of physical and mental health"

process. This resulted in specialist reports being funded through legal aid to assist in informing decision makers in relation to a young person's immigration status.

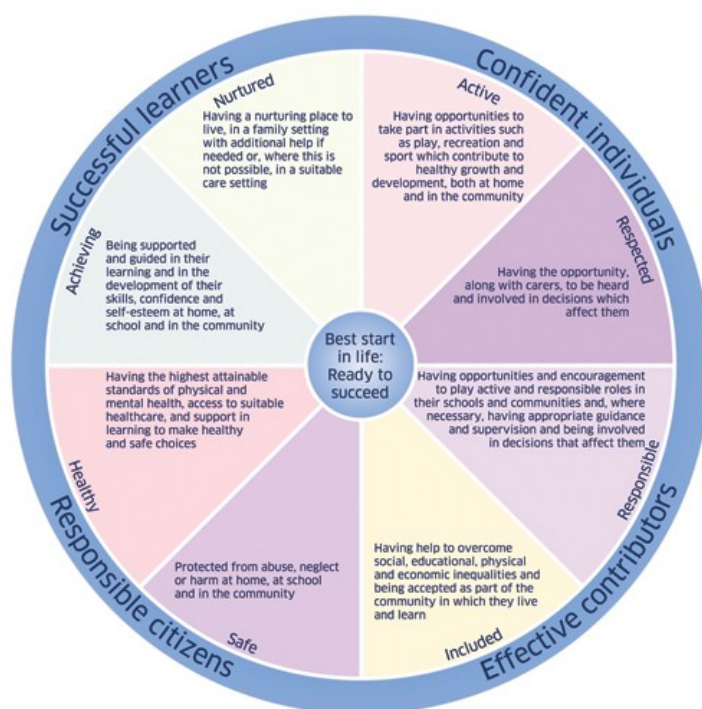
### 3.6 *Getting it Right for Every Child (GIRFEC)* – Approach: Core Values and Components

In the Scottish context all work with children and young people, especially with children who are deemed to be children in need, should recognise and follow the GIRFEC principles. Application of the framework is intended to impact upon children and young people in quite specific ways (noted below) and it is intended that these aims are reflected in both what the service does and how it does it.

This ensures that children:

- understand what is happening and why
- have been listened to carefully and their wishes have been heard and understood
- are appropriately involved in discussions and decisions that affect them
- can rely on appropriate help being available as soon as possible
- will have experienced a more streamlined and co-ordinated response from practitioners<sup>15</sup>

The Guardianship Service shares the same value base that is explicitly described within the GIRFEC framework and all of the Core Components are directly applicable to its work.



<sup>15</sup> Scottish Government (2012) *Getting it Right for Children and Families - A guide to Getting it right for Every Child*



### **3.7 Key Elements of the Service's Approach**

The service has integrated the theories described above into a holistic and multi-disciplinary approach to its work with separated children and young people. The approach comprises six key elements which are described below:

#### **A Rights-Based Approach**

The service aims to employ a rights-led approach to work with separated children and young people. In practice this means reviewing how separated children are treated and ensuring that this meets and surpasses the requirements and standards of relevant agreements. This position is derived from the United Nations Convention on the Rights of the Child (UNCRC) which not only speaks to the general rights of all children, but also recognises the specific additional rights of child refugees. The importance of the UNCRC is highlighted within *Getting it Right for Every Child*, the defining and overarching policy basis for services for all children in Scotland, and it will also be put into statute within the foreseeable future so that a range of agencies and bodies will be required to have regard to its individual articles. The Scottish Guardianship Service's role in relation to the UNCRC is acknowledged in *Doing the Right Thing – Progress Report 2012*, the Scottish Government's statement of activity and planning relating to the implementation of the UNCRC.

This focus upon rights, and the entitlements that flow from them, means that the Guardianship Service aims to apply the UNCRC within its own practice and to ensure that it is enacted in the practice of those other agencies whose responsibilities have a bearing upon separated children and young people.

#### **A Focus upon Outcomes**

The service focuses on making a tangible difference to the lives of the young people with whom it works. It has benefited from being able to commission an external evaluation through the development of internal evaluation systems and the use of consultation with partners and young people themselves, this has helped to measure the effectiveness of its work.

The Guardianship Service has two main intended outcomes. These are:

1. Separated children working with the project will have a significantly improved experience of the immigration and child welfare processes.

Supported by a Guardian they will have:

- demonstrated at key points understanding of how these processes work
- participated actively within the processes and made informed decisions about their future
- received services and responses appropriate to their needs and entitlements

2. The Guardianship Service will develop a child-centred model of practice that:

- promotes improved interagency working within the immigration and child welfare processes, meeting relevant UNHCR guidelines
- improves the quality of information upon which the UKBA decision-making process is based
- provides benefits that would be applicable outwith an exclusively Scottish context.

In addition, the service uses the GIRFEC Wellbeing Indicators as key references for their work. These indicators (healthy, achieving, nurtured, active, respected, responsible, included, safe) provide a language and framework that describes the basic requirements for a child's needs to grow and thrive and can be used to measure the impact of the work the Service undertakes.

### Ecological Approach

In keeping with the good practice advocated in both GIRFEC and *The Framework for Assessing Children in Need and their Families* (DoH) the Scottish Guardianship Service draws on an ecological theory to understand the separated child or young person. This involves considering the young person as being (both currently and historically) in an environment characterised by successive layers of influences and systems, all of which have an effect upon their life. In turn, both the young person and their carers are seen as influencing that environment.

The service makes use of tools that utilise this approach, in particular the *My World Triangle*. This offers a method to allow systematic discussion and building a picture of the young person's life and to begin to note areas of strength and of need.



## **Integration and Social Capital**

The ecological approach connects with another key idea contributing to the developing theoretical base of the service, that of 'social capital'. This concept is helpful in understanding the connections that develop as a separated young person integrates into new networks and communities. The successful development of relationships and their value as a personal and collective resource are important factors for separated young people who are trying to find ways of sustaining themselves and of creating arrangements that provide a meaningful quality of life. The concept suggests there are different types of social capital; bridging, linking, and bonding; which can provide helpful ways to map how a separated young person is connected to others. It is also a useful tool to measure how they young person has progressed from their initially isolated and dependent position to being well supported and independent. This also has relevance in considering the idea of integration and how separated young people and existing networks or communities respond to each other.

## **Effective Relationships and Nurturing Environment**

The Scottish Guardianship Service works proactively, consistently and respectfully with young people who face an uncertain future. Through all stages of the young person's 'journey' the Guardian can remain a stable and consistent person in the separated child's life and accompany them until a durable solution is found.

For Guardians to be effective in helping separated children and young people to navigate and manage the complexities of the asylum process, the welfare processes and the effects of dislocation they generally require to develop purposeful, warm and supportive relationships with the separated child. Their ability to facilitate good outcomes for a young person depends upon establishing trust and co-operation and this in turn requires effective and open communication, insight and empathy. The quality of the professional relationship between a Guardian and young person is therefore an important factor in enabling success.

The Guardians' aim to demonstrate a warm and accepting attitude towards separated young people. Providing a welcoming, comfortable and safe environment helps to create a relaxed and caring space where work can safely and confidently take place. Basic indicators of care, such as the provision of hot drinks, warm toast, small treats, soup or healthy food and a caring attitude modelled by staff, all contribute to this. Such an approach is an important factor in creating the conditions where young people can feel safe to work with the sensitive and difficult issues involved.

## **Partnership Working**

The Scottish Guardianship Service is one of a range of agencies and individuals who have a role in working with separated children. Each has a particular area of expertise and operation and some, such as the Local Authority social work department, have important statutory overarching duties and responsibilities. Guardians constitute one part of the team of people who are dependent upon each other's contribution to ensure

the wellbeing and rights of the separated child. Such 'teamwork' thinking plays an important part in the approach that all of these services should employ within a *Getting It Right For Every Child* model, and the Scottish Guardianship Service values and promotes effective partnership working wherever this is possible.



## **CHAPTER 4 - ADVOCACY, CASEWORK AND STRUCTURED THEMED MODULES**

### **4.1 Advocacy and Casework**

The Scottish Guardianship Service is one part of a wider system intended to provide a broad range of support to separated children. Its contribution is distinguished by its emphasis upon advocacy within a casework model which encompasses working directly with the young person in the following areas:

- information and advice provision
- maximising participation in matters that affect the young person
- working closely with other involved agencies
- facilitating planning and decision making by the young person

Advocacy and casework roles can be very broad and the precise detail of how they work in practice will be determined by the particular needs and experiences of the individual young person. Broadly, however, they fall within ten core tasks:

1. Provide information, advice and guidance
2. Provide independent, consistent and good quality support
3. Help you people actively contribute to processes
4. Help young people to make informed decisions
5. Ensure that the voice of the young person is heard and understood by those working with them
6. Help solve problems and resolve disagreements
7. Negotiate on the young person's behalf
8. Ensure young people's rights are upheld
9. Assist with the production and co-ordination of documentation
10. Provide acceptance, warmth and encouragement to the young person to promote self-worth

The Guardian's effectiveness in relation to these will in large part depend upon how well they have been able to develop a comprehensive picture of the young person's life. It follows that an important part of their work will be to collate information that is relevant to understanding the young person's personal and family history, experiences (particularly as these relate to their asylum claim or care and protection needs), strengths and capacities and preferences and views. The information gathered may be used for a variety of purposes, including: contributing to assessments of age; contributing to asylum claims; contributing to assessments of need; influencing how processes are managed and arranged; identifying trafficking concerns and identifying rights issues.

Young people may be asked to discuss highly distressing and difficult subjects and to accept advice concerning matters that potentially carry great significance. For a

Guardian to be properly effective the separated child has to be able to develop trust and confidence in them. This means that the Guardian-child relationship has to be well managed on both the professional and inter-personal levels. Guardians are aware that vulnerable young people are more likely to see the person than the role they are performing; separated young people not infrequently describe Guardians as being like family members. They are aware of the need to present and manage boundaries. This principle applies to work with all vulnerable groups and the development of a positive, warm, well managed and accountable relationship is crucial in achieving the purposes of the work.

The Guardians do not duplicate the work of other agencies but they do share a common framework of interests and concerns and will potentially have a role in most of the relevant processes that are led by other professionals. In some instances this means directly assisting a particular agency (for example in contributing information that may assist with an age assessment) and in others it will be to assist the young person to influence or even challenge an agency view or procedure (such as advising or enabling a young person to appeal a decision). Managing these different components of the Guardian role and maintaining good working relations with a range of agencies who all have regard for the young person's best interests is an important and potentially challenging task. Guardians are expected to work with a professional approach which maintains a focus on the young person's best interests whilst respecting the commitment and responsibilities held by the various agencies working with separated young people.

Set out below are two case studies to illustrate the types of casework and advocacy Guardians undertake. These are followed by some key practice points that are thought to be particularly relevant to work in this area.

#### **Case study 1: Age Disputed and assessed as over 18**

*Husain was age assessed as being over 18. As a consequence he could no longer be supported by Social Services and had to move out of Local Authority care and onto adult services and Home Office support and accommodation. The Guardian advocated for social work to continue accommodating Husain until the asylum support application had been processed to prevent him from having to access temporary initial Home Office accommodation. The Guardian provided the necessary information for the asylum support application to the Home Office, also requesting that Husain was accommodated in a particular area of Glasgow due to his vulnerabilities stemming from being a former unaccompanied asylum seeking child. When a dispersal flat was made available for Husain he moved directly into it. This reduced the amount of appointments, accommodation moves and eased the transition and anxiety for Husain.*



## Practice Points

Guardians need to be proactive and planning ahead is important to ensure that opportunities are taken to improve and influence the experience of the asylum and welfare process for separated children.

### **Case study 2: Challenging policy and practice**

*UKBA conducted a substantive interview with a young person who answered all the questions put to them by the case owner. At no point in the interview did the case owner raise the subject of the young person having had fingerprints taken in Italy. The young person received a refusal on their asylum claim but was granted Discretionary Leave until she was 17½. The refusal letter stated that the young person's credibility had been severely damaged by the fact that the young person had fingerprints taken in Italy but had not divulged this information to UKBA. The Guardian was concerned that UKBA had not followed their own guidance in respect to allowing the young person the opportunity to respond to any inconsistency during the substantive interview and raised the issue with the young person and with the young person's permission contacted the legal representative. The legal representative requested a further interview. Although a second interview was not permitted the young person was given the opportunity to provide a statement addressing the issue of the fingerprints.*

## Practice Points

Guardians need to have a comprehensive understanding of the asylum process and UKBA's policy instructions, guidance and practice to be able to monitor, advocate and challenge when appropriate and necessary, and must do this through the recognised channels.

## 4.2 Introduction to Modules of Work

This section of the Practice Manual describes the key modules that are undertaken by Guardians:

1. Confidentiality and Information Management
2. Orientation
3. People in my Life
4. This is my Story
5. Understanding Asylum
6. Asylum Process
7. Trafficking
8. Trafficking Process
9. Understanding Age Assessment



10. Planning for my Future
11. Social Networks and Integration
12. Rights and Entitlements
13. Social and Welfare Processes
14. Credibility

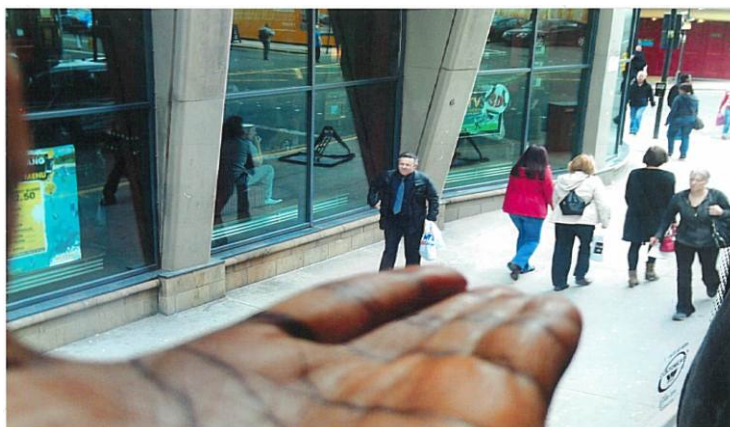
The principle aim of these modules of work is to increase knowledge and understanding. With this, the young person is better equipped to navigate the many systems that operate in respect to separated children.

The modules represent different dimensions of the issues and processes that affect separated children. They provide a way of systematically structuring work so that the young people are better prepared with the necessary information and understanding required to participate in and manage the tasks presented to them at any given time. The modules also provide an opportunity to consider how best to ensure their rights are safeguarded in any particular area. The modules are not discrete nor are they undertaken in a strict sequence although some of the most basic, such as Confidentiality and Orientation will generally be covered first.

When a young person first arrives or is discovered there is generally a burst of activity. Several important processes are initiated in relation to the child's asylum claim and welfare arrangements and a number of agencies quickly become involved. One of the Guardian's first tasks therefore is to determine the optimal level of involvement so that the young person can be as well informed and participative as possible without feeling overwhelmed or asked to do things that are at that point beyond their capacity. It is partly in recognition of the sheer difficulty of what is asked of separated children and young people that Guardians aim to be as supportive and advocative as possible in their work with them at this time. The Guardian will particularly check to gauge the young person's capacity to understand the information they are given, whether there are any indicators of mental health problems or learning difficulties and whether there are any indicators to suggest trafficking. The use of the modules therefore has to be flexible to take a holistic view of how the young person is coping.

## Module 1

### Confidentiality and Information Management



#### Description

This module begins at the point of first contact. Its aim is to help the young person understand the principles of how information concerning them should be managed in the range of situations they will encounter. This is achieved by increasing the young person's knowledge, understanding, skills and confidence. The concept of confidentiality, what limits apply and how to share information sensitively and appropriately is explained. The topic will need to be regularly revisited as the young person encounters other professionals and agencies. The module addresses both what is expected of the young person and the agencies working with them.

#### Intended Outcomes:

1. Increased knowledge about how personal information is managed and how information may be used
2. An understanding of who has the right to ask for personal information and why this information is being sought
3. Developing strategies for managing formal and informal situations that involve personal disclosure
4. Increased confidence about managing disclosure situations
5. Developing understanding of the type of questions that may be asked
6. Developing particular understanding in relation to safeguarding and asylum matters

#### Key points

- Beware of information overloading and start with the basics.
- Assume that information will need to be repeated many times to be retained.
- When checking if something is understood don't accept a simple 'yes'. Check that the young person can explain or repeat the point back to you.
- Help the young person form their own narratives that can be used to deal with informal situations.

- Staff should match the information they provide with the young person's current stage, requirements and abilities so that they have the appropriate information for their phase of the process.
- Be aware of particularly sensitive issues or situations that will arise and help the young person to plan and prepare.
- Explain why information is being sought from the young person and link this discussion to later discussions around credibility.
- Confidentiality may have to be breached if there are any child protection concerns or if there is a significant safety issue.

### **Case Study 3: Confidentiality and Information Sharing**

*Malia was brought into the UK by traffickers for the purpose of sexual exploitation. She was allocated to a Guardian who began explaining the various processes and issues around confidentiality, disclosure and information management.*

*Malia was at first very withdrawn and quiet and required a lot of intense support. Having just turned 18, social work support was no longer available and she came to rely heavily on the Guardian who escorted her to the various appointments related to her trafficking identification and asylum application.*

*When Malia complained of having a sore knee but felt worried about making a doctor's appointment the Guardian agreed to help her have it checked and accompany her to the appointment. At the doctor's appointment Malia was asked the usual and expected questions but the Doctor, on picking up that Malia was a newly arrived asylum seeker, became very interested in what had brought her to Scotland. The doctor began asking more detailed questions about how Malia had escaped and Malia, having become very used to answering questions asked by the social workers, police, UKBA officers and legal representatives began to give detailed accounts of her exploitation. The Guardian intervened to ensure that the questions being asked were relevant to Malia having a sore knee and the doctor admitted that she had just become interested in Malia's story. The Guardian reminded Malia and the doctor that the appointment was not at all related to the asylum or trafficking issue.*

*Having witnessed how readily Malia had answered unnecessary and unrelated questions at a medical appointment, and how readily she told strangers her 'story', the Guardian became concerned about Malia sharing information about herself, placing herself in difficult and risky situations and about her right to privacy. It was recognised that Malia was trying to please everyone by trying to be open and continually answering questions about her situation. The Guardian consequently revisited the work on confidentiality and information sharing with Malia to review who needed information from her. In this way, Malia could become confident of why information was being sought and for what purpose and able to gauge when it was relevant to discuss personal information and when it might not be. Malia was soon observed to be much more confident in sharing personal information. She would check why information was being sought, how it would be recorded and made more informed and appropriate choices about how she would share her information.*

## Module 2

### Orientation



### Description

This module is undertaken in all cases and complements the work undertaken by the young person's social worker and others providing care and support. Its purpose is to ensure that the young person is provided with a basic knowledge and understanding of key points relating to people, places and culture that are necessary both for their safety and wellbeing. It is a precursor to the more in depth integration work (and *People in my life*) which follows later. Helping the young person to orientate to their new circumstances can be time consuming as it often involves travel and teaching by showing. Currently Guardians undertake this orientation work but it is hoped that volunteers would be able to undertake some of this work in the next phase of the service

### Intended Outcomes:

1. Young person remembers faces and names and better understands the agencies roles and remits
2. Young person is able to say their address
3. Young person develops a small vocabulary of key terms
4. Young person has a basic understanding of where they are in relation to key places
5. Young person develops strategies to stay safe and feel safe
6. Young person develops knowledge of how to get essential help
7. Young person develops basic diary and time management skills

### Key points

- The orientation work carried out by the Guardian is intended to fulfil their key responsibilities relating to the initial asylum and welfare processes as opposed

to a more general induction which is primarily the responsibility of the care and support agencies

- A central part of this module is checking for gaps in knowledge or skills that could put a young person at risk
- Remember that some young people have come from remote, rural areas and under-developed countries and may be confused and unaware of western developed lifestyles
- Where a risk assessment flags significant concerns these will be communicated to the responsible social worker. This does not prejudice in any way agency policies and procedures in respect of child protection

#### **Case Study 4: Understanding the Western World**

*Mercy was abducted from a very remote West African village. When she finally escaped from the family she had been forced to work for she was accommodated initially in a bed and breakfast. Realising that Mercy was very isolated, disorientated and bewildered her Guardian spent a lot of time walking around the city centre with Mercy in order to orientate her. It became clear very quickly that everyday things confused Mercy. For example she was spending money on bottled water because she didn't know she could drink water from the taps in the accommodation. She didn't know that lighting and electricity would work at night. Mercy had very little concept of money and time and had never experienced pedestrian crossings, nor got on and off an escalator. Mercy needed a lot of support to become acquainted with everyday technology, methods of transport and how to handle money, buy food and to keep herself safe.*



## Module 3

### People in My Life



#### Description

This module forms part of the introductory work with the young person but it continues throughout the Guardian's involvement with them. Its aim is to build a picture of key people in the young person's life. It focuses upon those who have contact via involvement in the welfare and asylum systems. Actual and potential key individuals are recorded via a mapping process. This process is used to explore who might be able to assist the young person with specific tasks related to their immigration status or provide more generalised individual support.

#### Intended Outcomes:

1. Young person has increased understanding of processes
2. Young person has increased understanding of the roles and responsibilities of individuals within these processes
3. Young person understand the extent of peoples availability and when and how to contact them
4. Young person has increased ability to match potential resources to needs
5. Young person has developed an understanding that will enable them to better participate in decisions that affect them

#### Key points:

- Pace the provision of information to avoid confusion
- Repeatedly check comprehension
- Use visual cues that can prompt recollection
- Ensure that the information provided relates to current or proximate situations

- Include work that allows the young person to understand the timing and sequencing of events

### **Case Study 5: People in my Life**

*Mohammed arrived in Scotland and was immediately referred to the Local Authority and quickly allocated a Guardian. Highly traumatised and the victim of physical, emotional and sexual abuse Mohammed entered both the trafficking identification and asylum systems. Within just three days he had met his social worker, a social care worker, residential key worker, residential staff, a legal representative, three police officers, a child protection lead and his Guardian. Mohammed appeared very confused and fatigued when he first met his Guardian and was wary. The Guardian met Mohammed in his new home and then went for a walk to acquaint him with his immediate surroundings. When they returned the Guardian sourced an interpreter and spent a long time with Mohammed looking at all the professionals' roles and remits and discussed the first stages of the asylum and trafficking identification processes. She then asked Mohammed to tell her what he believed the various roles to be in order to check his understanding.*



## **Module 4**

### **This is My Story**



#### **Description**

This module progressively gathers information regarding the young person's life. It includes personal and family history, identity and heritage, explores why they left their country of origin and how they made their way to the UK. The module aims to build a comprehensive picture of the young person. This will be used to assist in compiling the asylum statement, informing involved professionals of the young person's attachments and concerns and promoting their resilience and sense of identity.

#### **Intended Outcomes:**

1. Recording the young person's family and community networks in preparation for the asylum statement and also, where appropriate, age assessment
2. Promoting young person's sense of self within their new environment
3. Understanding the young person's level of education
4. Being alerted to child protection and trafficking concerns
5. Understanding how the young person's past experiences affect their current attitudes, feelings and behaviour
6. Identifying areas of unmet need
7. Empowering the young person to find their voice and tell their story in their own words
8. Building resilience

#### **Key points**

- It is crucial that the work undertaken in this module is co-ordinated with the work of other professionals as part of an agreed plan so that the young person is not being asked the same questions by different professionals and the Guardians assist with this
- Be aware that a young person's story may change over time as they begin to recover, trust and gain confidence and understanding

- Question assumptions about how kinship terms are used, for example - the terms brother, uncle and aunt; very often there is a different cultural context and understanding of these terms
- Recognise the significance of trauma, separation and loss in the lives of young asylum seekers
- Recognise that telling their story is often a very tiring process and young people may only be able to manage bite-sized chunks in any one session
- Allow the young person control over how they disclose and respect their boundaries
- Punctuate stories of adversity and trauma with remembering better times
- Encourage young people to reflect upon times when they have demonstrated strengths
- Recognise that young people are very often under instruction from smugglers, agents and traffickers not to tell their stories and are told that if they do there will be life-threatening ramifications on either themselves or surviving family members
- Spend time with the young person bringing them back into the present and reflecting upon their current safety following sessions remembering traumatic events
- Ensure that young people are aware that if they find the process of disclosure brings on trauma symptoms then there is support available and that they could be referred for specialist counselling

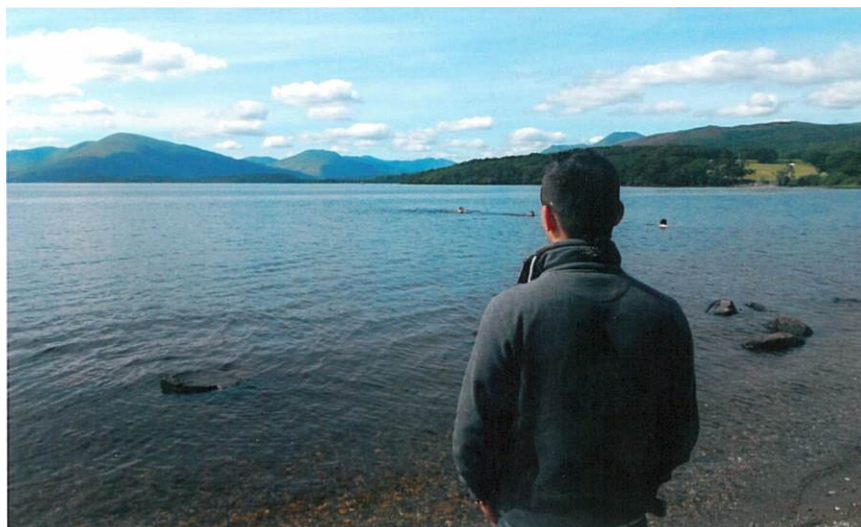
#### **Case Study 6: Providing Clarity to a Statement**

*Honor had begun the asylum process as an adult and was referred to the Scottish Guardianship Service when the Local Authority agreed to age assess him. Honor had already completed a witness statement with his lawyer and submitted his asylum claim to UKBA.*

*His Guardian read through the asylum statement with him. The Guardian was aware that the young person had lived in a house with a large extended family, including 8 uncles, before fleeing his country of origin. The Guardian found the statement difficult to follow as it referred to an uncle throughout, without specifying whether this was a singular uncle or several different people. The Guardian sat down with the young person and completed a family tree as a way of describing his family composition. The Guardian compiled details of all the young person's uncles including their name, immediate family details, occupation and order of age. This information was passed to the legal representative prior to the substantive interview which he included in a letter for the young person to present to his UKBA caseowner on the day of his substantive interview.*

## Module 5

### Understanding Asylum



#### Description

This module explores the concept of 'asylum', and other related terms. Its purpose is to enable the young person to understand what it means and what rules and tests are applied in determining whether someone may be granted asylum or another form of international protection in the UK. Work relating to this module is begun early in the course of the Guardian's involvement. The module has a particular importance as it provides the basis for subsequent modules relating to *asylum process* and *credibility*. The Guardian will explore the legal definition of the word asylum and how this is derived. It will also consider different types of immigration status and their implications including what happens when people become undocumented.

#### Intended Outcomes:

1. Young people have a clear and accurate understanding of the term *asylum*
2. Young people understand tests pertaining to asylum applications and understand the criteria applied to claims for international protection
3. Increase understanding so that the young person is able to provide relevant information relating to their claim and understands why they have to recount and disclose their story
4. Dispelling myths and misunderstandings about what the term means, providing a potted history of asylum to contextualise the situation
5. Examine general migration and the migration of young people, and the reasons by why young people are forced to flee other countries, to create a sense that the young person's situation is not unique

#### Key points

- Like other aspects of work this subject needs to be regularly re-visited to ensure the young person has retained an accurate understanding

- There are numerous myths that circulate amongst young asylum seekers and these will need to be challenged on an on-going basis
- An accurate understanding of the legal concept of asylum is essential for the young person to make sense of the asylum process and where their application may fit within it
- Guardians need to keep up to date with changes in case law , related policy and process

### **Case Study 7: Understanding Asylum**

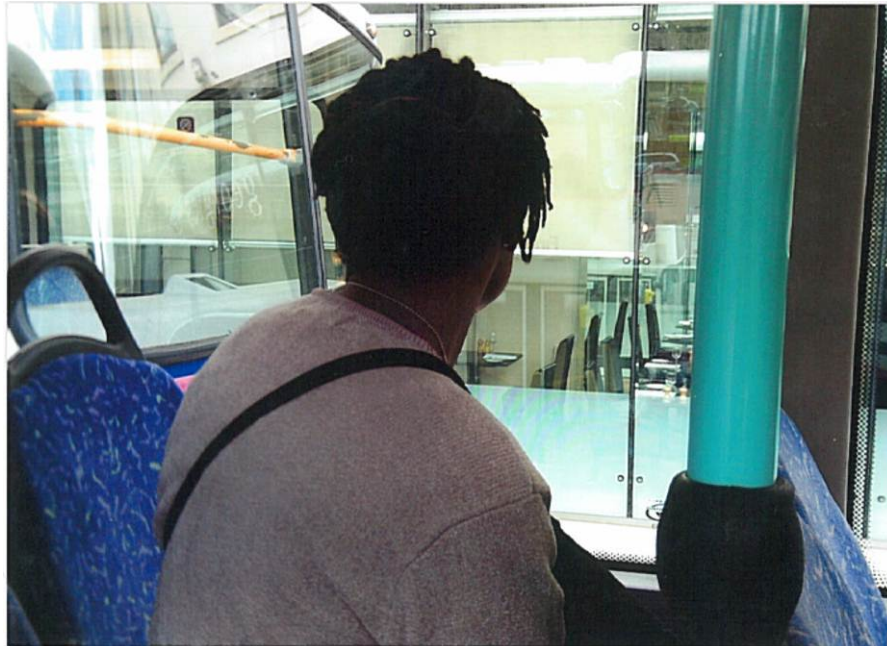
*Hawa was diagnosed with Post-traumatic Stress Disorder (PTSD) very soon after her arrival in the UK. She presented as extremely fearful. She attended a few appointments with her legal representative who explained the concept of asylum to her. Hawa was unable to understand or retain any of this information and therefore was unable to give instruction on whether or not she wanted to claim asylum. The legal representative was unable to take the case further at that stage.*

*Through discussions with her Guardian it transpired that Hawa did not know what a country was and had no concept of crossing borders or immigration control. The Guardian took time to explain what a country was and used visual aids, such as a map and explained that there are different rules in different countries. Hawa came from a background where abuse is common and the authorities are corrupt. She was surprised when her Guardian explained that there are laws against abuse in the UK and that the police and other authorities work to protect people from abuse. Her Guardian explained that when people are unsafe in their own country and their country is unable to protect them, then they are often forced to flee to another country to be safe and that is called seeking asylum.*

*This interaction constituted a small first step in Hawa's journey to develop a subjective sense of safety in the UK and a crucial first step in her developing an understanding of what it means to claim asylum.*

## Module 6

### Asylum Process



#### Description

This module explains the asylum process, and other related matters. Its purpose is to enable the young person to understand how their claim will be managed, what will be expected of them and how they can best ensure that they are able to give a full account of their situation so the decision maker has as much information as possible to make the correct decision. Guardians will orientate and familiarise the young person with the people and places involved. An overview of the process is provided early on in the Guardian's contact and this is followed by specific consideration of each stage in advance of it occurring. This module is task specific in approach and Guardians aim to ensure the young person is prepared for each event on a step by step basis. The module also links closely to *This is my story* which provides much of the information required to ensure a properly prepared and presented asylum claim.

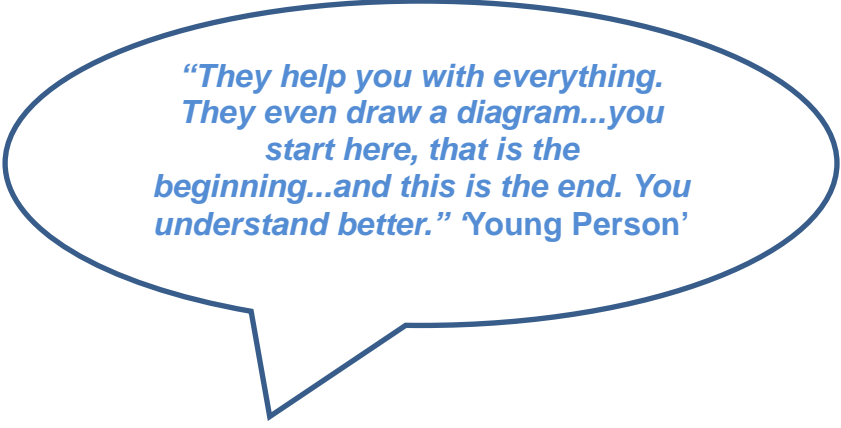
#### Intended Outcomes:

1. Existence of an accurate understanding of the asylum process
2. Increased understanding so that the young person is able to provide relevant information relating to their claim
3. Managing anxiety through increased familiarisation with people and places involved in the process
4. Informed participation in asylum processes
5. An awareness of relevant timescales and the young person is able to manage and work with these



## Key points

- Like other aspects of work this subject needs to be regularly re-visited to ensure the young person has retained an accurate understanding
- There is a need to strike a balance between ensuring the young person has an overview of the process and providing more detailed information and preparation as each stage begins
- Preparation is required so that at each stage the young person is able to provide the key information that relates to their situation and is able to respond to likely questions, in particular questions relating to their credibility
- A central part of the Guardian's role in this module is to enable the young person to assist the case owner and the legal representative to gather the fullest and most accurate picture of their history
- Facilitating young people's visits to venues where interviews and any appeal hearings will take place enables them to feel more confident at these events



*"They help you with everything. They even draw a diagram...you start here, that is the beginning...and this is the end. You understand better." 'Young Person'*

### Case Study 8: Asylum Process

*Zara arrived from Somalia aged 16. Zara could not articulate any of her story on first arrival and complained of severe headache and digestive problems. Zara had no understanding of the concepts of asylum or sanctuary and had never seen a map before and could not identify where her country was in relation to other countries. Having ensured that Zara had been taken to relevant health appointments the Guardian started working with her on the asylum process and broke the entire process into bite-sized chunks recognising that Zara was only able to cope with very small pieces of information at any one time. This needed to be repeated over and over again.*

*The Guardian utilised several visual aids including asylum process map which used pictorial aids to demonstrate what happened at each stage of the process. The Guardian explained the purpose of the screening interview, the Statement of Evidence Form (SEF) and the substantive interview so that Zara was prepared for what to expect. Zara gained confidence and was soon able to understand and explain the stages of the asylum process.*

## **Module 7**

### **Trafficking**



#### **Description**

This module is used by Guardians where a young person is displaying indicators that they may have been the victim of trafficking and/or exploited. It explores the concept of trafficking and child exploitation. This work is undertaken at the point where concerns arise. It considers agency definitions and looks at how trafficking is dealt with as a child protection issue. The module aims to help the young person to understand what is meant by the term and its significance in this country. The module also explores, where necessary, any lack of understanding or confusion on the part of the young person as to whether what has happened to them has in fact been exploitative. The discussion of a definition of trafficking involves considering why it is wrong and how it contravenes both the young person's rights and international expectations about how young people should be treated.

#### **Intended Outcomes:**

1. Understanding of what is meant by the term trafficking
2. Understanding the significance of trafficking in the international protection and child welfare processes
3. Providing an opportunity to respond to emerging needs stemming from the experience of being trafficked
4. Supporting the young person to relate their experiences
5. Eliciting information that can assist the planning of services and supports
6. Development of a 'survivor' rather than 'victim' perspective



## Key points

- A young person may not be aware that they have been trafficked and it is important that this is discussed with their social worker as to the appropriateness of delivering this module
- As with discussing other aspects of the young person's experiences it is likely that this work will touch on highly personal and sensitive subjects
- The young person may not immediately see what has happened to them as having been exploitative
- Exploring these subjects may raise dilemmas for the young person as they try to judge what is safe to discuss and acknowledge
- Much of this work will link with what has been discussed in the earlier module, Confidentiality and Information Sharing
- It should be remembered that in situations where a child has been trafficked it may not be necessary to go down the route of an asylum claim and the case should be discussed with a legal representative to ensure that all possible options are considered
- It must be remembered that the traffickers may have used frightening threats including ritual and emotional abuse to deter the young person from telling the truth. The young person may never be able to tell all of what has happened to them and this should be accepted by workers
- There is a risk of criminalisation; the young person may have been forced to undertake criminal activities whilst being exploited. They may be detained which raises difficulties around access and on-going face-to-face contact

### Case Study 9: Understanding the Concept of Trafficking

*Ali had been trafficked for the purpose of domestic servitude and had been internally trafficked around the UK. He came from a background where there was no welfare state or conception of children's rights and it was difficult for him to make sense of his exploitation. He thought that the people who were keeping him in servitude were doing him a favour by putting a roof over his head and providing food.*

*Upon his presentation to the authorities he was not aware that what he had experienced is understood as trafficking or that a crime had been committed against him. His social worker, lawyer and Guardian worked together to help him begin to make sense of his experiences and engage in the trafficking processes. He cooperated with the police but was still worried that his disclosure could get his traffickers and their families into trouble. As his understanding of trafficking evolved, his Guardian played a word game with him exploring the meaning of terms including safety and exploitation. The exercise facilitated a good discussion and the word 'tricked' really resonated with him and helped him to recognise that he had been mistreated. Consequently, he further disclosed to his Guardian some of the control mechanisms that had been employed by his traffickers and consented to this information being shared with the relevant professionals.*

## **Module 8**

### **Trafficking Process**



#### **Description**

This module explains the trafficking process and other related matters. Its purpose is to help the young person understand, manage and participate in the processes that are applied when someone is thought to have been trafficked. When trafficking is suspected the Guardians will act as one of a team of professionals who have responsibility to act on the child's behalf. The work of this module therefore is co-ordinated with that of others. Guardians may be the first to hear information from the young person which raises suspicions of trafficking and so need to bring concerns to the attention of the statutory agencies as well as ensure that the young person's immediate protection needs are responded to.


#### **Intended Outcomes:**

1. Young people have an accurate understanding of trafficking processes, investigations and timescales
2. Increased understanding of how information relating to trafficking may be used
3. Empowering young person to find a voice and tell their story in their own words
4. Provision of appropriate services in response to the effects of being trafficked
5. Young people better manage the anxieties caused by being trafficked
6. Supporting young people to decide not to run away and to consider alternatives
7. Ensuring young people do not feel alone or isolated

## Key points

- Trafficked children are under great pressure due to the interaction of criminal, exploitation and child protection issues and the young person may try to keep some sense of control by limiting or withholding information
- Recognise that young people are very often under instruction from traffickers not to tell their stories and are told that if they do there will be life-threatening ramifications on either themselves or surviving family members
- The highly sensitive nature of some of the events experienced by trafficked children make discussion difficult and further complicate the use of interpreters
- Coordination of work with statutory agencies makes good communication essential

## Young person's quote:



*"I just described my issues then she [the Guardian] put me in the path and told me the steps I needed to follow." (Young Person)*

## Case study 10: Understanding the Trafficking Process

*Eni was trafficked into the UK for the purposes of sexual exploitation. She immediately entered both the trafficking identification and asylum processes. Eni presented as fatigued and bewildered and suddenly had a raft of appointments including health checks and interviews to attend. The police wanted to interview Eni and she was very frightened she was going to be treated as a criminal or hurt. Eni explained that the police where she came from were corrupt and aggressive and dealing with the police could be a terrifying experience. The Guardian worked closely with Eni and used visual aids to determine who all the professionals were and what their role and remit was in Eni's life.*

*The Guardian bought a diary for Eni and wrote down all the appointments, encouraging Eni to tick them off as they happened so she could understand that she was in a process and moving forward. The Guardian attended several of the appointments with Eni and noticed that just small gestures like taking her for a hot drink and small treat before and afterwards made a huge amount of difference to Eni being able to answer questions and with how she coped during appointments and interviews. In total Eni spoke to 15 different professionals and had over thirty appointments and interviews before being identified as a trafficked child and granted refugee status.*

## **Module 9**

### **Understanding Age Assessment**



#### **Description**

This module will be required in cases where a separated child undergoes an age assessment. Disputes may arise when there is a question as to whether the young person is over or under the age of eighteen and also where there is disagreement as to whether they are under the age of sixteen years. Whilst the responsibility for undertaking an age assessment rests with the relevant local authority, Guardians will have an important role in both contributing to the assessment and supporting the young person during it. The timescales for age assessments are short and the implications of the assessment are major. The determination of age will have significant effects upon, firstly, how the young person's asylum claim will be dealt with and, secondly, the welfare entitlements of the young person. It is important therefore that age assessments be properly informed and conducted. Guardians can assist in this by passing on information from the young person that is relevant, contributing their own observations regarding the young person's presentation and speaking for the young person to ensure that the assessment process is competent and holistic.

#### **Intended Outcomes:**

1. Young person understands the purpose and process of an age assessment and the implications and consequences when their age is disputed
2. Contributions to age assessments that provide a good quantity and quality of information
3. Scrutinised processes that are compliant and encourage good practice
4. Ensuring that young people have the opportunity to respond to any information or opinion that appears to suggest that they are not the age they claim to be

#### **Key points**

- Age assessment is not a scientific measurement but is a matter of judgement which is best informed by a broad range of information about the young person

- Credibility is an important factor in the formation of judgements and young people should have an opportunity to respond to any points that challenge their account
- Guardians may find themselves as having the most 'quality' time with the young person during the age assessment period and so may be in an important position to contribute
- An age assessment decision has significant consequences and so the Guardians role, as advocate and promoter of the young person's rights and entitlements, is an important one
- As part of their role as advocates and 'navigator', a Guardian may often be asked to act as an appropriate adults during interviews in accordance with the requirements of case law

### **Case Study 11: Impact of Age Assessment**

*Waqas was trafficked into Scotland for the purpose of domestic servitude and having escaped was referred to the Scottish Guardianship Service by a Local Authority. He was quickly assessed as being over 18 and the Local Authority tried to transfer him to adult accommodation. This was prevented by intervention from the legal representative, with the support of the Guardian, who had identified particular vulnerability.*

*Waqas was unaware that he had undergone an age assessment and did not know what the ramifications of being found to be over eighteen would be. When his legal representative advised him of the content of the age assessment he felt betrayed by both his social worker and carer. He refused to engage with anyone who worked for social services or any of the carers who had contributed to his age assessment. He was withdrawn from school and prevented from engaging in leisure activities due to the dispute over his age, which had a significant impact on his wellbeing and particularly his mental health. Waqas frequently stated he could trust no one.*

*The Guardian played an essential role in assisting him to understand his rights to appeal the age assessment determination and to accessing welfare services, particularly education and health services. The Guardian managed to build a trusting relationship with Waqas through spending a lot of time with him in formal and informal settings, allowing him to vent his frustration and being a consistent support when other services became unavailable to him. A great deal of work was undertaken with Waqas on how to express his wishes and access his rights appropriately.*



## Module 10

### Planning for my future



#### Description

It is important to discuss the future with young people even if that future has a large degree of uncertainty. Some young people may ultimately hope that they can safely return to their country of origin whilst others may envisage themselves creating a new life in the United Kingdom. Elements of this module are likely to be required in nearly all cases as a significant number of asylum cases are refused and, even if discretionary leave is granted, there is an expectation that many of the young people will eventually have to leave the United Kingdom.

There are a great many variables in each asylum case and so any general approach must be tempered by an understanding of the particular circumstances that apply. For example these might relate to the perceived strength of the asylum claim or perhaps the young person's ability or willingness to consider the possibility of a return. Irrespective of these the Guardian will anticipate all potential outcomes and this means working with uncertainty and using parallel planning as a means of preparing the young person as fully as possible. Gauging when and how to introduce this subject requires informed judgement as to the young person's capabilities. It involves finding a balance between understanding and respecting the young person's fears and maintaining hope with being realistic and pragmatic. Central to the work of this module is the recognition of the young person's right to be respected and to have their dignity maintained throughout what may be a very difficult and challenging time.

Some returns may be relatively straightforward however in circumstances where a young person's return is enforced it is very likely that concerns will be raised about their future safety and wellbeing. This means that there will probably be situations where the focus moves from what some may consider is 'right' for that young person to what is 'least-worst' and the dilemmas this poses for the young person and supporting staff



may be profound. This is a complex and difficult area and the young person may require a high level of support in the run up to a return.

### **Intended Outcomes:**

1. Young people have opportunity to discuss their future plans and aspirations
2. Young people understand the possibility of repatriation
3. Guardian is honest with young person throughout process and looks at the ramifications of enforced return with young person
4. Young person is prepared in the event of a return
5. Support the young person to constructively consider issues that may be distressing or difficult
6. Help the young person to develop plans and strategies that will assist them if returned to their country of origin
7. Put arrangements in place within the country of origin to make return easier for a young person
8. Enable returning young people to have photographs and mementoes of UK friends and experiences and, where possible and appropriate, to maintain contacts in the UK
9. Ensure that the young person has been able to exercise their rights in relation to a return

### **Key points**

- Preparation for return involves both building personal resilience and planning practical measures
- The development of English language and other educational skills may be valuable assets for a young person returning to their country of origin
- Literacy in a young person's own language is as important as learning English but it is difficult to source and access this type of educational resource
- Cultural knowledge of the UK and paid or voluntary work experience in the UK may also be a useful resource that can be used on return
- Some of the psychological processes relating to involuntary return may be similar to those of loss and negative change. As with other experiences of 'loss' the effects can be mitigated
- The 'parallel planning' approach should commence from when a Guardian first starts working with a young person.

### **Additional Resources**

- See Aberlour website for additional information and practical tips on Returns (including Third Country returns)

## **Case Study 12: Planning for my Future**

*Lucas, 17, was refused asylum but had, with the support of his Guardian and legal representative, submitted an appeal. Not knowing what the outcome would be, his Guardian supported Lucas to start planning for all eventualities. The Guardian discussed all the options available to him including voluntary return. Lucas advised his Guardian that if he was refused at court he was planning to go “underground”. This was thoroughly explored with Lucas; together they looked at how Lucas would survive if he became undocumented. They also discussed where Lucas wanted to live and what he wanted to do if he was given status. Lucas had not been through a formal Pathway Plan but the Guardian and Lucas together recorded what he would do in any outcome from court. Lucas decided that should the appeal be dismissed, he would seek to explore voluntary return.*

### **Intended Outcomes:**

1. Development of an understanding of relevant basic rights, entitlements and responsibilities
2. Development of an understanding of how to access information concerning rights related issues
3. Development of an understanding of where and how to access their rights and entitlements
4. Evidence of rights being effectively asserted and observed

### **Key points**

- The concept of ‘rights’ can be complicated and quite abstract and so it is helpful to use real life examples that show practical applications
- A sense of having rights is intrinsic to the young person having a sense of self-worth
- There can be benefit in taking small steps initially to help develop confidence and skills
- Balancing consideration of rights with responsibilities within discussion can be a useful way of encouraging reciprocity
- Part of the purpose of this module is to assist young people to be active rather than passive in relationship to services and supports received
- Helping young people to consider the quality of services they receive and suggest how it could be improved

### **Case Study 13: Right and Entitlements**

*Raman arrived in England in early 2012 aged 17. He travelled to Scotland because he knew a family friend from his home country who was living in rural Scotland, he was too frightened to remain in England alone.*

*His friend contacted the Scottish Refugee Council (SRC) for advice and they contacted the local authority to notify them that he had presented there. Raman was advised by a social worker however, that they “didn’t deal with over 16s”. SRC referred the young person to the Scottish Guardianship Service for support and assistance.*

*The Guardian contacted the social worker and advised them of the local authority’s responsibility towards Raman, while acknowledging that this would be unfamiliar territory for a rural authority. A copy of the UKBA Guidance on local authorities’ responsibilities towards unaccompanied children was forwarded to the relevant manager and the case was referred to a senior practitioner.*

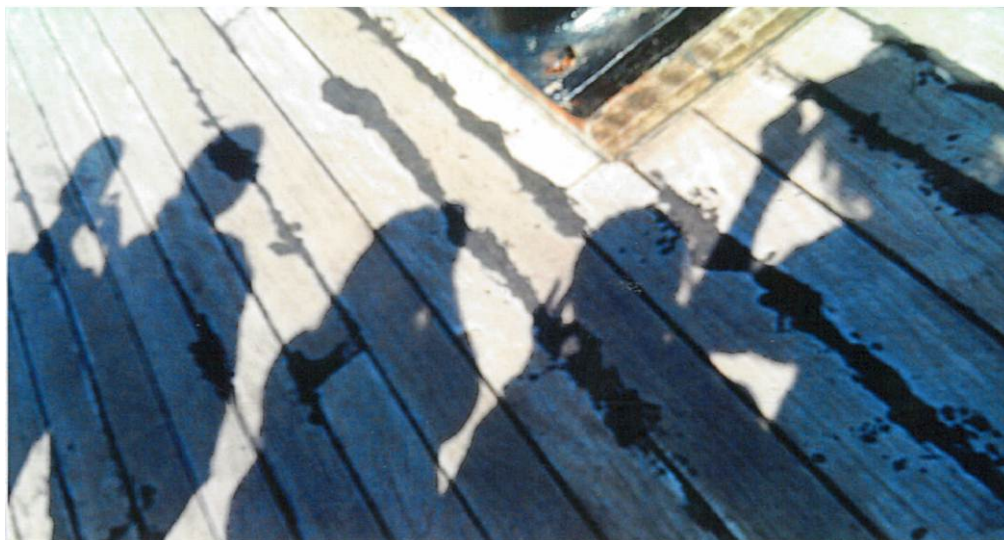
*The Guardian liaised with the allocated social worker to explain their responsibilities in terms of accommodation and financial support, liaising with UKBA, and facilitating contact with a specialist immigration lawyer.*

*This intervention ensured that the young person received the accommodation and support they required, assisted a social work team which was unfamiliar with this client group to understand their responsibilities and also supported them in working effectively with the young person.*

*Although in this initial contact the Guardian had intervened directly on behalf of Raman, he learnt that he had rights and discussed both his rights and responsibilities with his Guardian. Raman became confident and empowered to exercise his rights and know who he needed to contact when he needed further assistance with regard to accommodation and support.*

## **Module 11**

### **Social Networks and Integration**



#### **Description**

This module is intended to assist separated young people to make the social connections, relationships and transactions that are necessary for their general wellbeing. Whilst being particularly important to the young person such successful connections also have important benefits for others, both separated migrants and the indigenous community, as the balance between ‘recipient’ and ‘contributor’ becomes more even. The term ‘integration’ is therefore used here not only to refer to the young person’s process of developing cultural competence and belonging but also refers to the way by which agencies and communities to respond positively to their difference and appropriately adapt.

The development of social networks and integration is multi-dimensional and will encompass all aspect of the young person’s life. In this module Guardians will be mindful of the age and stage of the young person, recognising that some tasks will need to be completed or needs met before they are able to expand their horizons.

This module will start early on in the Guardian’s involvement and involve parallel processes. Whilst the outcome of the asylum claim may be uncertain the young person will not be able to simply put their life on hold and it will still be necessary for them to invest in new relationships and commitments. This is obviously complicated by the uncertainty of what the future may hold but successful and supportive social inclusion will assist the young person to develop some of the resilience necessary to deal with any later adversity that may arise.

#### **Intended Outcomes:**

1. Young person has a plan to encourage networks and integration
2. Young person is involved in a range of protective and supportive relationships

3. Young person is actively encouraged to develop cultural competence through becoming more familiar with a range of individuals and settings
4. Assisting agencies understand and meet the needs and respect the rights and entitlements of separated young people
5. Identifying opportunities and developing aspirations
6. Affirming a sense of self-worth through facilitating a positive social role
7. Acting as a broker and advocate to help the young person 'join' activities and associations
8. Encouraging independence

### **Key points**

- Small steps will be necessary before large ones
- There will be great variation between young people as to how independent and confident they become
- Language skill will be a key determinant of integration
- Volunteering opportunities may provide multiple benefits for both the young person and others
- Generally, the benefits of belonging will outweigh the disbenefits of coping with a failed asylum claim without a good support network
- Agencies have duties towards young people in need to take account of their particular circumstances

### **Case Study 13: Social networks and integration**

*Blessing arrived in Scotland and immediately presented as struggling badly with adjusting to life in Scotland. The allocated Guardian, having made sure that Blessing had had all her health issues identified, invited her to a participation night and because it would be her first time attending the group arranged to meet with her and bring her to the group. The Guardian had made sure that young people who spoke Blessing's language were attending the group and made sure Blessing was not left alone for any part of the night. Blessing quickly made friends with two other girls from the group and the Guardians liaised to allow the girls to attend mini workshops together, where appropriate, to generally discuss the asylum process and other issues.*

## Module 12

### Rights and Entitlements



#### Description

This module is required in all cases. The purpose is to assist the young person to understand their rights and entitlements and to consider some of their responsibilities. It focuses upon both overarching rights that relate to the general principles of how a young person should be treated as well as applied rights in specific contexts such as legal and welfare processes. The module aims to reflect the growing emphasis on rights based approach to securing better outcomes for children in Scotland.

#### Intended Outcomes:

1. Developing an understanding of relevant basic rights, entitlements and responsibilities
2. Developing an understanding of how to access information concerning rights related issues
3. Developing of an understanding of where and how to access rights and entitlements
4. Evidence of rights being effectively asserted and observed

#### Key points

- The concept of 'rights' can be complicated and quite abstract and so it is helpful to use real life examples that show practical applications
- A sense of having rights is intrinsic to the young person having a sense of self-worth
- There can be benefits to taking small steps initially to help develop confidence and skills
- A balanced consideration of rights and responsibilities within discussion is a useful way of encouraging reciprocity
- Part of the purpose of this module is to assist young people to be active rather than passive in relationship to services and support received



- Help young people to consider the quality of services they receive and suggest how it could be improved

#### **Case Study 14: Right and Entitlements**

*Raman arrived in England in early 2012 aged 17. He travelled to Scotland as he knew a family friend from his home country who was living in rural Scotland, as he was too frightened to remain in England alone.*

*His friend contacted Scottish Refugee Council (SRC) for advice and they contacted the Scottish Local Authority where the young person now was, to notify them that he had presented there, but was advised by a Social Worker that they “didn’t deal with over 16s”. SRC referred the young person to the Guardianship Service for support and assistance.*

*The Guardian contacted the Social Worker and advised them of the local authority’s responsibility towards the young person, while acknowledging that this would be unfamiliar territory to a rural authority. The Duty Team worker advised the Guardian to contact their manager, which the Guardian did, attaching the UKBA Guidance on local authorities’ responsibilities towards unaccompanied children.*

*Upon finally speaking to the manager the case was referred to a senior practitioner. The Guardian liaised with the allocated Social Worker to explain their responsibilities in terms of accommodation and financial support, liaising with UKBA, and facilitating contact with a specialist immigration lawyer.*

*This intervention ensured that the young person received the accommodation and support they required, assisted a social work team which was unfamiliar with this client group to understand their responsibilities and also supported them in working effectively with the young person. Although in this initial contact the Guardian had intervened on behalf of Raman, he learnt that he had rights and discussed both his rights and responsibilities with his Guardian and became confident and empowered enough to exercise his rights and to know who he needed to contact when he needed further assistance with regard to accommodation and support.*

## Module 13

### Social and Welfare Processes



#### Description

This module is required in all cases and begins at the point where the young person becomes known to the Scottish Guardianship Service. The purpose is to assist the young person to understand the various processes that apply to how their needs are assessed and met and how these relate to their rights and entitlements. The work is intended to enable the young person to participate as fully as possible in the processes. In providing this module the Guardians are mindful of the *Getting it Right for Every Child* National Practice Model and how this applies in the context of a separated child. This means that they will address both general processes of welfare and others that are specific to young asylum seekers.

#### Intended Outcomes:

1. Existence of a good understanding of the range of social and welfare processes
2. Young person understands about the looked-after and accommodated system
3. Help develop an understanding of key points relating to how the professionals make assessments and come to decisions
4. Young person actively participate in these systems
5. Service planning takes proper account of the young person's needs and concerns
6. Young person is able to form and express opinions on care matters that affect them
7. Support the young person to be active in shaping the services they receive

## Key points

- The provision of information needs to be balanced with the young person's capacity to take it on board so initially at least, the focus will be on key facts and issues
- The young person's unfamiliarity with welfare processes mean that they will often depend heavily on others, particularly Guardians, to speak on their behalf or to rely upon their advice in personal decision making. This means a Guardian's advocacy will often be informed by both the views of the young person and their own assessment of whether a welfare process could be more effective or responsive. It will be important to be able to account for how these two factors interact
- Discussion of the purpose of certain services or processes could potentially raise issues that may be sensitive or distressing. This has implications for how the discussion is conducted (including the use of interpreters), gender consideration and the personal and cultural meaning of the young person's experiences

### Case Study 14: Understanding the Welfare Process

*Amal, having received refugee status and reached 17 and a half had been told she would have to change accommodation. She had been heavily supported in her accommodation and was nervous about "moving on". A Pathway Plan had been started but there were concerns about the young person's level of input. Amal had started working so it was difficult to find time to complete the plan with the social worker within the working day.*

*Amal's Guardian talked her about independent living and where she felt she would need help. Amal expressed that she was concerned about feeling safe living alone and was not very good with budgeting. The Guardian worked with Amal intensively looking at how she could make herself feel safe and what she would need to feel secure in new accommodation. They also looked at resources Amal could use to learn to budget and improve her cooking skills.*

*The Guardian worked on the missing parts of the Pathway Plan with Amal and submitted this to the social work department. Amal asked the Guardian to meet with her and the new supported carer so that she remembered all the things she wanted to say. There was a delay in the transition to the new home and Amal became very frustrated and was directing her anger inappropriately towards the staff at her initial accommodation. The Guardian helped Amal look at the situation objectively to understand what was happening and causing the delay and to leave the accommodation provider on good terms. The Guardian visited several times in the first week of her move and helped to make the rooms to Amal's liking whilst talking her through next steps. Despite Amal being settled in her new home and having reached 18 the Guardian kept Amal's file open at her request as she works towards integration and feeling she no longer relies on the service for support.*

## Module 14

### Credibility



#### Description

This module is required in all cases where an asylum claim, age assessment or court proceeding is in process. The purpose is to assist the young person to understand what is meant by the term 'credibility' and how it has a bearing upon decision making in processes that affect him/her. It explores the myths and misinformation that is circulated by agents and traffickers and the motivation that lies behind these. It also looks at the way in which anxiety, lack of understanding or coercion can undermine a young person's confidence in giving a full account and how this can be handled. The module also considers the factors that enhance credibility and how cultural factors, that might influence how someone's demeanour is perceived, can be misunderstood.

#### Intended Outcomes:

1. Development of a good understanding of what 'credibility' means
2. Young person has the ability to apply the term to their own circumstances
3. Young person develops an understanding of how to best convey their account of what has happened and look at what helps to effectively communicate their account
4. Counteract the undermining effects to credibility that can result from adopting stories supplied by traffickers and agents
5. Young person understands how errors, gaps in information or deliberate untruths may be interpreted
6. Consider general points about what helps and hinders credibility and how issues relating to documentation may affect them

## Key points

- The work of this module may become complicated by a need on the part of the young person to think that they are 'believed' by the Guardian
- As a general principle Guardians in their professional role are not expected to draw a final conclusion as to whether they themselves believe or disbelieve any given aspect of the young person's account. However they will always take it seriously and be aware of its potential truthfulness, evaluate confirmations and contradictions and work to ensure that the young person is able to best communicate their case
- Scenarios can provide a safe way of hypothetically exploring situations that may have similarities to the young person's experience
- The effects of misinformation or survival strategies upon the young person may be powerful and entrenched
- Contradictions that may be apparent to workers may not be so to some young people
- Full disclosure of events may take time and be initially tentative
- Issues to do with personal and cultural understanding can give rise to apparent contradictions which in fact have straightforward explanations
- When appropriate, acknowledge that there may have been circumstances in the past where the young person has found it necessary to deceive to protect themselves from serious harm; explore how this fits with wider issues of credibility



### **Case study 15: Credibility**

*Anthony was referred to the Scottish Guardianship Service and attended a number of appointments with the legal representative at which the Guardian was present. Anthony initially said that he had been stopped in another country on the way to the UK and his fingerprints had been taken. He advised that he had given his true name and date of birth when this occurred. The legal representative explained the concept of credibility and the young person confirmed that he understood this.*

*The Guardian subsequently re-visited the concept of credibility with Anthony explaining what it meant, how it would be assessed by UKBA and why it is so important to be honest. This explanation prompted Anthony to share information that he had lied about his age when stopped by the authorities of another country on the way to the UK. He did so because he was frightened and was advised by the interpreter that they would let him go if he told them he was an adult.*

*Anthony was reluctant to admit that he had lied previously as he felt uncomfortable about this. The Guardian was able to discuss the importance of this information with him and help him to understand that it is more important to tell the whole truth than to try to cover up a lie already told. Anthony agreed that the information should be shared with the legal representative and included in the Statement of Evidence Form which was sent to UKBA.*

*During subsequent appointments, Anthony gradually admitted that some other information given to police in previous meetings had been incorrect and that he wanted to highlight this in his statement. Anthony's account and asylum claim was accepted as being credible by UKBA and he was granted Refugee Status.*



## CHAPTER 5 - THE IMPORTANCE OF COMMUNICATION

### 5.1 Interpreting and Beyond

#### Meeting the Communication needs of Separated Children

A principle barrier to communication with young people, as with adults entering the asylum process, is that many do not speak or understand English. However, focusing solely on the provision of interpreting and translation support can mean that young people's other communication needs are overlooked or ignored.

Factors that prevent effective communication, even where an interpreter is present, can include:

- Limited formal education leading to low levels of literacy or numeracy.
- Inexperience in dealing with administrative and 'official' tasks and situations.
- Fear and mistrust of adults in positions of authority.
- Physical and mental health issues, including the after-effects of trauma.
- Vocabulary or expressions that do not have exact equivalents or meanings and so cannot be fully translated.
- Cultural differences, which may be compounded by age and gender.

Sourcing and providing appropriate interpreting support is vital but it does not resolve all of the communication barriers young people may face.

This section will consider good practice in the use of interpreters and how Guardians have worked to overcome the additional communication barriers identified above will then be examined.

It is recognised throughout, that communication is a shared process. For a young person to feel able to disclose their past experiences and confidently discuss their future plans, they must trust and feel comfortable with the listener. This view is supported by academic research, which has found that the listener must provide "patience, empathy, acceptance and non-judgmental listening" for disclosure to be possible (Bögner, 2007). Guardians and other people working with separated children must be committed to these principles and be able to apply them in practice for good communication to be achieved.

### 5.2 Interpreting

The internal guidance given to interpreters and workers can be found in *Appendices 1 and 2*. The service has developed and tested good practice guidance since the pilot began.

### **5.3 Trust and Authority**

Many young people will have experienced abuse or discrimination from adults in positions of authority, including family members. They may be unused to dealing with authority figures or feel that they cannot express any disagreement or ask questions as this will have negative consequences for their case.

Gender differences may make these problems particularly acute for young women due to differences in the societal expectations of women's roles.

Young people may have been coached by traffickers, agents or other adults in the community to tell a certain story or not to disclose details to officials.

Young people may perceive even support services to be 'official' and be unwilling to engage in open discussions with workers, particularly if they are concerned that workers or interpreters may disclose details of their cases to other members of their community.

#### **Strategies**

Guardians spend time with young people at the earliest opportunity discussing and explaining in simple language the concept of confidentiality. Every young person who uses the service has signed a confidentiality mandate, but they will only be asked to do so once the Guardian is confident that they fully understand the meaning of this.

The Services have been designed to create a welcoming and interactive environment. Young people's art work is displayed around the offices. The offices are used for social evenings during which young people are encouraged to use the kitchen and other facilities. This creates a sense of belonging and comfort which can encourage young people to communicate freely.

### **Case Study 16**

Azar was becoming very frustrated with his social worker, believing that she was not doing enough to find him suitable accommodation. The social worker was also frustrated as she was genuinely investing time and energy in resolving some of the accommodation issues the young person had but communication between the two was difficult. The young person's life was chaotic and he sometimes did not attend appointments arranged by the social worker. When he did, he would often present at her office unplanned so there was no interpreter. The social work office was very busy and Azar would become stressed while waiting; communication felt rushed and ineffective for both parties.

The Guardian invited the young person and the social worker to an appointment at the Scottish Guardianship Service to discuss the issues. After the meeting both parties commented that this was the most effective communication they had ever shared. Both parties were more relaxed, Azar felt that he was in a familiar, non-threatening environment and that he had his social worker's attention without the competing demands so evident in her own office. The social worker too felt that she'd had appropriate time and space to discuss the issue with Azar and, because he was more relaxed he was better able to listen and recognise that his social worker wanted to help.

Guardians understand the importance of body language and the impact this can have on their ability to communicate with separated children. When communicating with separated children it is important to ensure that the tone of voice, posture and gestures used are open, friendly and non-threatening.

Guardians have developed tools which help young people to talk about their past experiences in ways that can be fun. For example, young people were asked to create their own family tree using stickers and drawings. As well as creating a relaxed environment, the young people are able to provide important information at their own pace and in their own words.

### **5.4 Literacy and Numeracy**

Young people's past educational attainment is very variable. Although some have progressed to secondary school and are confident learners, many have only limited literacy and numeracy. However, they may be ashamed of this and so be unwilling to discuss or admit it. This can further limit their ability to understand legal and administrative systems and processes.

#### **Strategies**

Guardians never assume that a young person is able to read, write or do simple calculations. During initial meetings, various methods are used to assess literacy to adapt to the ability of the young person.

Guardians should reassure young people that it is not shameful if they are not literate and, as part of a holistic approach to the young person's wellbeing, will help them to access learning opportunities appropriate to their age and past educational history.

Guardians ensure that paperwork is explained verbally and use visual aids where necessary. Translated materials should be provided to young people who request these but never give leaflets to young people without checking that they will be useful to them.

### **Case study 17**

Sara had fled domestic servitude to claim asylum in the UK. During her first appointment with a Guardian, Sara was asked simply if she could count from one to ten in her own language. When Sara told her Guardian that she could not, the Guardian then asked about her schooling and found out that she had only attended three years of primary school so could not read or write.

The Guardian was then able to focus on non-written forms of communication, for example using pictures to help Sara to communicate her feelings and emotions at different stages of the process. She also worked with Sara to access literacy classes at a local college.

## **5.5 Linguistic Limitations**

Language is a complex form of communication. It involves acquiring a range of skills to understand not just words but perceptions, concepts and abstract ideas. A concept is typically associated with a corresponding representation in a language. However, some concepts do not have a linguistic representation that can be easily translated, which in turn makes it more difficult to understand depending on a person's native language.

For example, the concept of a map can be very challenging for a young person to understand. Having the whole of the world represented on a piece of paper is confusing for a young person who has never seen a map before; therefore the concept of this representation is lost.

### **Strategies**

Guardians explore every concept they introduce with care. Simple explanations have been developed to explore ideas and concepts rooted in a Western European cultural context and which rarely have exact equivalents in other languages. Examples of these include: social work, legal representation, independent advice, immigration control.

Pictures, flipcards and other interactive activities can be used to make sure that young people have fully understood not just the words we used, but the concepts that the words describe.

### **Case Study 18**

When Sami first met with his Guardian, he had recently attended a screening interview and had told UKBA that he had not passed through any other countries on his way to the UK even though he had travelled by land.

The Guardian felt this was unusual and, in fact impossible. She showed Sami a large colour world map and asked Sami if he understood what this represented. He did not. His Guardian spent time explaining that this was the world seen from above. She used the lines on the map to explain the concept of borders and of immigration control. She also showed Sami where the UK was and then was able to explain the meaning of the acronym UKBA.

After this, Sami was able to show his Guardian that he had crossed through some other countries on his way to the UK. He described his route and means of travel in far more detail as the map assisted him to remember and articulate his complicated journey by air and sea.

His Guardian communicated this to his legal representative in advance of his substantive interview. This improved Sami's chances of being found 'credible' by UKBA who might otherwise have interpreted his vague answers about his journey as indicative of a false story.

## **5.6 Cognitive Ability and Health Needs**

Sometimes Guardians identify concerns relating to a young person's health or cognitive ability that may need medical or other professional attention.

Past experiences of trauma and abuse might cause young people to experience symptoms such as trouble remembering, flashbacks, moments of disassociation and nightmares.

Young people might complain of physical health problems that impair their ability to listen and participate during appointments, for example headaches, backaches and digestive problems. Guardians might also become aware of potential mental health issues or identify that a young person may have additional learning needs.

### **Strategies**

As part of their initial and on-going holistic assessments, Guardians regularly ask about indicators of mental and physical health. Simple self-assessment exercises are used to identify any problems the young person may have and the Guardian will discuss possible referrals to doctors and other health professionals where concerns are raised.

If a Guardian has serious concerns for a young person, the Guardian will share these with the other professionals involved in that young person's life and involve the young

person in discussions about any treatment or further assessments that might be appropriate.

### **Case Study 19**

A young person referred to the Scottish Guardianship Service appeared to lack the cognitive ability and skills required to recall, understand and process information.

Her Guardian raised concerns with her UKBA case owner. However as there were no medical reports or specialist assessments available prior to the substantive interview, UKBA did not have the opportunity to consider this information.

The young person was subsequently refused asylum but granted leave to remain until the age of 17 ½.

The young person told her Guardian that she had found it difficult to understand, recall and remember information or to participate fully in the asylum process. Her Guardian contacted other professionals involved in the young person's life including teachers and social workers. All of them supported the view that the young person had not been able to participate effectively in asylum procedures.

After discussion with the young person herself, the Guardian was able to broker agreement that a neurophysiological assessment should be carried out. The legal representative successfully obtained legal aid for this. The assessment was conducted in the Scottish Guardianship Service office and was used to support the young person's request for an extension of leave when she turned 17 ½.

## **5.7 Cultural Differences**

It is important to be aware that basic communication skills that are second nature to people from the western world are not necessarily commonplace in other cultures. Shaking someone's hand, as a form of greeting, can be an acceptable, non-verbal way to say hello and welcome someone, but could equally be an unacceptable method of greeting elsewhere, particularly between a female and a male.

Maintaining good eye contact when talking to someone is usually, in the UK, considered to be good practice. This is not always the case when communicating with someone from another culture. Maintaining eye contact with an older person or between a man and a woman can be regarded as an inappropriate form of communication. Young people who do not maintain eye contact for these reasons may wrongly be perceived as untrustworthy or disengaged.

### **Strategies**

It is impossible to predict with certainty how a person from a specific country, ethnic group or religion will react to certain situations. Some young people may be very keen



to assimilate 'western' cultural practices and will not wish to be 'singled out' for special treatment.

The best person to guide a worker regarding cultural sensitivity is the young person themselves. If a Guardian feels that a certain situation or mode of communication may be uncomfortable for a young person, it is best to ask them directly how they feel.

Guardians will also work with young people to help them to understand that certain behaviours and attitudes cannot be condoned by the service, as we work within an Equalities framework. This may involve challenging young person's own actions, for example if a young person makes a homophobic or racist remark to another service user.

## **5.8 Conclusion**

Guardians undertake an ongoing holistic assessment of a young person's needs and abilities, which includes their communication needs. As the examples above demonstrate, using various strategies and methods to meet these needs enables Guardians to build strong relationships of trust and mutual respect with young people. This has been found to be the most important pathway to good communication.

Despite this, there will be occasions where a young person is clearly upset or embarrassed by certain topics. In such cases, Guardians should use techniques recommended by H. Crawley to safely contain moments of distress: "reassurance, empathetic support, carefully framed questions, encouragement and shifting the topic" (Crawley 2012, p. 57). This is vital if young people are to be helped to safely disclose and process the events which brought them to the UK and which may be important to their asylum and human rights claims.

## CHAPTER 6 - CONCLUSION

The process of supporting children and young people who may have experienced events which are unimaginable to most people here in the UK through the process of claiming asylum and establishing themselves in a new country and culture, is no straightforward task. The effects of past experiences on young people may only be compounded by the uncertainties of the asylum system and process and the implications this has for their sense of safety in here and now. The importance of 'stabilisation' (ECRE, 2002)<sup>1</sup> – namely helping people establish routines and 'ordinary' daily life – as key to promoting a sense of security and 'normality', but this is not as straightforward when so many things are in flux and so 'not normal'. Add to this the fact that most of the young people the service works with are still going through the physical, mental and emotional developments which take place during adolescence, which alone can prove challenging.

The Guardianship Service Pilot Project has been a unique opportunity to test a variety of theoretical frameworks in the context of work with a diverse and complex group of service users. Much of the Guardians' work has developed through trial and occasional error; and no theory or research can adequately explain the positive impact that very small actions can have upon the wellbeing of a young person – from a smile to a cup of tea, it has been clear to us that the service relies on far more than paperwork and checklists to successfully engage and help young people in Scotland.

However, it is hoped that through this detailed framework, the work of the Service will be documented and can be used both now and in the future by partners in the UK and beyond to support separated children and to improve their life chances.

The need for support should never, however, blind us to the resourcefulness of separated children. Labelling all such children as inherently vulnerable is neither productive nor accurate. Instead, as this practice framework is based on resilience demonstrates, there is a need to build on young people's own strengths in order to equip them for the next steps in their journeys. For while professionals cannot protect separated children from the uncertain future which they face once they reach our shores, we can and must try to 'anchor' them against the tide.

<sup>1</sup>[www.ecre.org/component/downloads/70.html](http://www.ecre.org/component/downloads/70.html) Towards a European Resilience Programme.

## Protocol between SGS, UKBA and Glasgow City Council Social Work

Draft Protocol between Scottish Guardianship Service, Local Authorities in Scotland and the UK Border Agency (UKBA)	
<b>Title</b>	<b>Title:</b> Roles, responsibilities, tasks, communication & information sharing protocol <b>Version:</b> 0.3
<b>Originator</b>	<b>Originated by:</b> Catriona MacSween – (Service Manager), Chris Perkins (Team Leader – Glasgow City Council Asylum Assessment Team ) and Fraser Lawson (UKBA) <b>Original copy held by:</b> Catriona MacSween
<b>Approval</b>	<b>Approved by:</b>
<b>Circulation</b>	<b>Issued by:</b> Catriona MacSween <b>Issue date:</b> 25/11/10 <b>This document is operational from:</b> 01/09/10 <b>Issued to:</b> Asylum Assessment Team, Karen Dyball (GCC), Fraser Lawson (UKBA), Guardians, Ken Nesbit(Aberlour), Clare Tudor (SRC)
<b>Review</b>	<b>Review by:</b> Catriona MacSween, Chris Perkins and Fraser Lawson <b>Review Date:</b> 03/01/13

## 1.0 Background

The aim of this protocol, drafted jointly by the Scottish Guardianship Service, Glasgow City Council Asylum Assessment Team and UKBA, is to clarify who is responsible for the key tasks when working with separated children and the procedures involved in ensuring that the tasks are carried out effectively. This will provide clarity for all stakeholders about how agencies will work together to support separated children. The protocol is broken down into specific sections in relation to the legal, immigration and welfare processes.

The sections have been highlighted in green to represent which agency has the lead role and responsibility in the specific area. This will predominately be the Local Authority Social Work Department, who have the statutory responsibility to care for the young people but who may delegate specific tasks to the Scottish Guardianship Service if required. The Local Authority Social Work department will always be recognised as having statutory responsibility for the care of separated young people and will always retain the care management role.

This document provides a practical guide for key agencies to work together as a model of good partnership based practice. This document seeks to harmonise the work of the key agencies and provide clear communication and information sharing protocols.

**NOTE:** The document does not include the detail of ongoing support provided to young people involved in age dispute cases or who are aged 18+. Young people who have had their age disputed will continue to be supported by the Guardianship Service if they

are challenging the age assessment decision or process. Young people who were referred to the service before they were 18 but become 18 + and are no longer supported by the Local Authority Social Work department will be eligible for continued support from the Guardianship Service. In these cases the tasks (not the statutory responsibility) of the Social Worker will automatically fall to the Guardian if appropriate and relevant.

The Protocol is a short but detailed statement of:

- *What tasks the relevant agencies are going to perform*
- *How the tasks will be undertaken*
- *Who will be responsible for ensuring these tasks are carried out*
- *When and where the tasks will be undertaken*

### **The Aims of the Guardianship Service**

- The Guardianship Service main aims are to:
  1. support the young person to improve their knowledge, understanding and participation within the asylum, trafficking, legal and welfare processes
  2. to ensure young people access their rights and entitlements within the various processes they become involved in
  3. to ensure that the young person uses their time effectively whilst in the UK, build their skills and confidence, resilience and overall wellbeing through participation in groups and other activities
  4. assist the young person to plan for their future and to prepare the young person for whatever the outcome, whether it is integration or return
- If the Guardian becomes aware of any child protection concerns or immediate risk to the child's safety or wellbeing Social Work and residential staff will be informed immediately.
- Any disclosure of information will be passed to Social Work as a priority and Social Work will be responsible for deciding which agencies/individuals need to be made aware of any such information e.g. Residential staff, UKBA, health and educational professionals and will ensure that the information is passed on timeously and appropriately.
- All children involved in the project will have given informed consent to receive support from the Guardianship Service. A confidentiality mandate will be signed by all young people who have been allocated to a Guardian confirming that they have consented to relevant information being shared and the child will be consulted throughout any decision making process.
- A confidentiality mandate will be faxed to UKBA within 5 working days of the young person's referral to the Guardianship service and UKBA will be informed of the name and contact details of the allocated Guardian.

## 2.0 Arrival of Child

### Child presents via Scottish Refugee Council

If a child presents at Scottish Refugee Council (SRC) a Guardian will immediately collect the child from SRC and will escort them directly to the Asylum Assessment Team (AAT) office in Glasgow.

#### The Guardian will be responsible for:

- Obtaining relevant information including any concerns from SRC caseworker regarding the young person
- Ensuring the safe transfer of the child from SRC to AAT
- Providing a brief overview to Social Work of any concerns or disclosed information
- Observing the initial interview with the Social Worker and young person to gather further information
- Explaining the Guardianship Service briefly to young person and leaving a Guardianship leaflet with the child
- Escorting the young person to their accommodation along with the social worker if required
- Escorting the child to hospital if urgent medical assistance is required a (in this case the guardian will inform the Social Work department immediately)
- Escorting young person back to SRC in the event of an age disputed case -where social work believe the young person is manifestly older than their stated age and are not willing to undertaken a full age assessment because of physical appearance

#### The Social Worker will be responsible for:

- Booking an interpreter for the initial interview if required
- Obtaining information about the young person from the Guardian
- Interviewing the young person and assessing their immediate needs
- Arranging initial residential placement for young person and informing the Guardian of the placement and providing contact details
- Providing financial support to young person
- Faxing a screening request to UKBA
- Arranging for legal advice about the young person's rights and immigration status

### Child arrives via the Local Authority Social Work Department

#### The Social Worker will be responsible for:

- Faxing a screening request to UKBA
- Phoning or faxing the referral of child to Scottish Guardianship Services within 2

<p>working days from the day of arrival</p> <ul style="list-style-type: none"> <li>• Providing a verbal update to the Guardian about any relevant information or concerns</li> <li>• Providing details of the allocated Social Worker and residential placement address to the Guardian</li> <li>• Arranging legal advice to inform the young person of their rights and immigration status</li> </ul>
<b>The Guardian will be responsible for:</b>
<ul style="list-style-type: none"> <li>• Obtaining information from the referral and a verbal update from the allocated Social Worker about the young person</li> <li>• Arranging an initial appointment with the young person by working day 3 of arrival to explain the service and role of a Guardian</li> <li>• Providing an information pack and advice about immigration processes and legal representatives to the Social Worker if required</li> <li>• Faxing a confidentiality mandate to UKBA and the social worker within 5 working days of the young person's referral to the Guardianship service and UKBA and social work will be informed of the allocated Guardian and contact details</li> </ul>

### **3.0 If the young person has indicators suggesting they may be the victim of trafficking**

<b>The Social Worker will be responsible for:</b>
<ul style="list-style-type: none"> <li>• Providing a verbal update to the Guardian about any relevant information, identified trafficking indicators, concerns, safety measures or risks</li> <li>• Eliciting information from the young person that can assist the planning of services and supports</li> <li>• Arrange for Child Protection or Vulnerable Young Person (VYP) meeting or equivalent to take place</li> <li>• Submit National Referral Mechanism (NRM) form to the competent authority (i.e. UK Human Trafficking Centre and UKBA) if appropriate</li> <li>• Arranging for legal advice about the young person's rights and immigration status</li> <li>• Contact police and support young person with police interview if required</li> <li>• Liaise with regional UKBA to keep them informed of progress of case</li> </ul>
<b>The Guardian will be responsible for:</b>
<ul style="list-style-type: none"> <li>• Explaining to the young person about what may have happened to them (i.e. trafficking, exploitation) and the risks they face if they go missing or return to their trafficker</li> <li>• Helping the young person to understand the concept of trafficking , exploitation ,</li> </ul>



means of control

- Seeking the young person's views about what makes them feel safe
- Helping the young person to understand the significance of trafficking in the immigration and child welfare process
- Supporting the young person to relate their experience of trafficking if appropriate
- Eliciting information that can assist the planning of services and supports
- Completing GCC Child Trafficking Assessment form with information about the young person and send to the Social Worker and the Child Protection team
- Attending any Child Protection or VYP meetings as required
- Liaising with police if required
- Liaising with regional UKBA to keep them informed of progress of case
- Supporting Local Authorities with understanding the trafficking process and providing information if required
- Faxing a confidentiality mandate to UKBA within 5 working days of the young person's referral to the Guardianship service and UKBA will be informed of the allocated Guardian and contact details

#### 4.0 Age Assessments and Age Disputes

##### The Social Worker will be responsible for:

- Consulting the Age Assessment practice guidance and using the appropriate form to record the assessment
- Helping the young person to understand why an age assessment is being conducted and what the age assessment process is and provide the age assessment leaflet to young person
- Advising the young person that they can have an appropriate adult present in their age assessment interviews
- Informing the appropriate adult that an assessment will be undertaken and giving at least two working days' notice of any such assessment taking place
- Requesting a written report from the Guardian and other professionals/agencies to support the age assessment process if required
- Communicating the age assessment decision in written and verbal form, in detail to the young person and facilitate the young person to identify and comment on any inaccuracies prior to submission to UKBA

##### The Guardian will be responsible for:

- Acting as an appropriate adult throughout any age assessment interviews if required, in consultation with the relevant Local Authority
- Explaining the role of the appropriate adult to the young person
- Helping the young person to understand why an age assessment is being conducted and what the age assessment process is. Ensuring they have an age

assessment leaflet and have understood it's content

- Explaining the outcomes and ramifications of an age assessment decision
- Explaining the entitlements to services based on the outcome of any age assessment
- Explaining the written age assessment decision in detail and helping the young person to identify and comment on any inaccuracies prior to submission to UKBA
- Providing a copy of the age assessment to the young person's legal representative with the young person's permission
- Explaining how to correctly challenge an age assessment decision through recognised processes if required – the Guardian will continue to support young people if they choose to challenge the decision until the final outcome
- Encouraging a positive relationship between the young person and social worker where age dispute undermines this
- Explaining the next steps if they have to move on to access adult support and to claim asylum as an adult. The Guardian may assist with the initial stages of this if required
- Providing advice, guidance and support about the age assessment process to Local Authorities if required

## 5.0 Legal Representative Appointments

### The Social Worker will be responsible for:

- Arranging appropriate Legal Representation for young person prior to the screening interview
- Ensuring a Social Worker or Guardian can be present at all lawyers appointments
- Informing the Legal Representative which responsible adult/s will be accompanying the child to the appointment/s
- Sharing any relevant information about the appointment with the Guardian if the guardian was not in attendance - this will be undertaken within 2 working days of the appointment.

### The Guardian will be responsible for:

- Working with the young person to prepare them for the meetings with their Legal Representative including discussing the Legal Representatives' role, remit and responsibilities
- Helping the young person understand the legal and immigration processes
- Preparation work around the young person's statement in conjunction with the Social Worker and Legal Representative
- Sharing information and progress on the life story/statement with the Legal Representative and Social Worker

- Attending Legal Representatives appointments if and when required
- Debriefing with young person after legal appointment
- Sharing relevant information about the appointment with Social Workers if they were not in attendance within 2 working days
- Co-ordinating information, letters of support, evidence for the young person in relation to their asylum or trafficking case
- Offering the facility for ensuring that all documentation is kept safely, securely and is at the same time immediately available

## **6.0 Family Tracing**

The Social Worker will be responsible for:
<ul style="list-style-type: none"> <li>• Exploring family networks in the country of origin with the young person</li> <li>• Providing advice and information about the Red Cross tracing and messaging service</li> <li>• Supporting young person to access the Red Cross services if required</li> <li>• Providing family tracing information to the young person's solicitor to send to UKBA as part of UKBA's statutory duty under regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005</li> </ul>
The Guardian will be responsible for:
<ul style="list-style-type: none"> <li>• Exploring family networks available to the young person in their country of origin</li> <li>• Assisting young person to draw a comprehensive family tree</li> <li>• Provide advice and information about the Red Cross tracing and messaging service</li> <li>• Support young person to access Red Cross services if required</li> <li>• Provide family information to young person's Social Worker and Legal Representative if appropriate</li> <li>• Providing family tracing information to the young person's solicitor to send to UKBA as part of UKBA's statutory duty under regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005</li> </ul>

## 7.0 Screening Interview

### The Social Worker will be responsible for:

- Attending the screening appointment with the young person
- Ensuring a Responsible Adult can be in attendance at the screening interview if unable to attend themselves. This should, ideally be the Guardian
- Informing the Guardian of the screening date and time regardless of whether the Guardian is attending or not to ensure they can inform and prepare the young person
- Informing UKBA screening team of the person who will be the responsible adult in attendance at the appointment
- Faxing a copy of the screening interview to the Guardian within 2 working days if they were not in attendance
- Sharing information about the appointment with the Guardian if the Guardian was not in attendance. This should be undertaken within 2 working days

### The Guardian will be responsible for:

- Preparation work with young person prior to their screening interview
- Attending screening interview if required
- Faxing a copy of the screening interview document to Social Work within 2 working days if the Social Worker was not in attendance
- Sharing information about the appointment with Social Work if the Social Worker was not in attendance within 2 working days
- Reviewing screening interview with young person and highlighting any issues to legal representatives and social worker

## 8.0 Substantive Interview

### The Social Worker will be responsible for:

- Discussing with the young person what their preferred venue would be for their substantive interview, eliciting any concerns the young person may have and sharing these with the allocated Guardian
- Liaising with UKBA case owner to alleviate any concerns the applicant may have about attending their substantive interview at UKBA offices
- Submitting any change of venue request to UKBA and providing all supporting documents and information for the UKBA case owner to consider
- Communicating the UKBA case owners decision about the venue request to the relevant parties to ensure that any alternative arrangements can be made
- Ensuring a Responsible Adult can be in attendance at the substantive interview

with the young person, ideally the Social Worker or Guardian or both

- Ensuring the case owner at UKBA is informed which responsible adult/s will be accompanying the young person to the interview
- Informing the Guardian if a joint interview has been arranged ensuring the Guardian has been informed and a suitable time arranged so that the Guardian can attend
- Informing the Guardian of the Substantive Interview date regardless of whether they are attending or not
- Faxing a copy of the substantive interview transcript to the Guardian within 1 working day if the Guardian was not in attendance
- Sharing information verbally about the interview within 2 working days if a Guardian was not in attendance
- Reviewing the transcript of the substantive interview with young person, Guardian and the Legal Representative as soon as possible after the interview and informing UKBA of any inaccuracies

**UKBA will be responsible for:**

- Considering any requests for the substantive interview to be conducted outside UKBA in a venue chosen by the young person
- Communicating their decision on location of interview to the Social Worker, the Guardian and the Legal Representative
- Advising if there are any issues with the Responsible Adult/s attending
- Informing all relevant parties of any interview date i.e.. the Social Worker, the Guardian and the Legal Representative. If the UKBA case owner has provided two interview dates and these dates are unsuitable for a joint interview then either the Social Worker or Guardian should attend with the young person to avoid delays
- Asking the applicant at the end of the substantive interview how they would like their decision served to them and then liaise with Social Work and the Guardian to serve the decision taking into account the applicant's wishes

**The Guardian will be responsible for:**

- Preparation work with the young person prior to their substantive interview using checklist based on Immigration Law Practitioners Association's (ILPA) best practice guidance
- Discussing with young person what their preferred venue would be for their substantive interview, elicit any concerns the young person may have and share with the Social Worker
- Attending and supporting the young person at the substantive interview if requested
- Providing a room and refreshments at the Guardianship office if this is the young persons preferred venue and UKBA have agreed to interview in an alternative location
- Faxing a copy of the substantive interview to Social Work within 2 working days if the Social Worker was not in attendance

- Sharing information verbally about the interview with the Social Worker if the Social Worker was not in attendance within 2 working days
- Reviewing the transcript of the substantive interview with young person, Guardian and the Legal Representative as soon as possible after the interview and informing UKBA of any inaccuracies

## **9.0 The Decision**

### **The Social Worker will be responsible for:**

- Liaising with UKBA case owner regarding how the young person has chosen to have the decision on of their asylum application served
- Communicating the asylum or trafficking decision to the young person if requested by young person
- Ensuring young person has had the decision explained to them and that they understand the decision
- Inviting the Guardian to attend the decision meeting if requested by young person
- Sharing information about the decision with the Guardian if the Guardian was not in attendance within 1 working day
- Faxing a copy of the decision letter to the Guardian if the Guardian was not in attendance within 2 working days

### **The Guardian will be responsible for:**

- Preparation work with the young person prior to their decision to ensure the young person understands all possible outcomes, including any changes to their rights and entitlements
- Liaising with UKBA case owner as to how the young person has requested their decision to be served
- Attending the decision meeting and delivering the decision if requested
- Discussing the decision with the young person to ensure full understanding
- Sharing information about the decision with the Social Work department if the Social Worker was not in attendance within 1 working day
- Faxing a copy of the decision letter to Social Work if the Social Worker was not in attendance within 2 working days
- Discussing with young person the next steps and whether they have a right of appeal
- Supporting young person to respond to the refusal grounds if required



## 10.0 Appeal Hearing

### The Social Worker will be responsible for:

- Ensuring a responsible adult accompanies the young person to the appeal hearing
- Sharing information about the appeal hearing within 2 working days if a Guardian was not in attendance
- Debriefing after the appeal hearing with the young person to ensure that they understood everything and to ascertain if they have outstanding concerns

### The Guardian will be responsible for:

- Preparation work with the young person prior to their appeal hearing
- Visiting the Immigration Asylum Chamber (IAC) with the young person prior to the hearing
- Requesting reasonable adjustments to the court via the Legal Representative at a minimum of 2 weeks before the hearing date e.g. Request judge to come off the bench if there are any concerns in regards to the young person's wellbeing at court
- Attending the appeal hearing with young person if requested
- Sharing information about the appeal hearing within 2 working days if a Social Worker was not in attendance
- Debriefing after the appeal hearing with the young person to ensure that they understood everything and to ascertain if they have outstanding concerns

## 11.0 Return to Country of Origin (COO)

### The Social Worker will be responsible for:

- Discussing with young person their future options and the decisions open to the UKBA caseworkers
- Supporting young person to prepare for possible return to COO
- Contact other agencies in the COO that may be able to assist with the care and support of the young person if removed from the UK
- Ensuring all legal avenues have been explored and exhausted
- Attending joint meetings with the young person, Guardian and any relevant agencies
- Liaising with UKBA and the Guardian on facilitating any return

### The Guardian will be responsible for:

- Discussing with the young person their future options e.g. Assisted Voluntary Return (AVR), planning for future in COO, and consequences of non-compliance with UKBA, access to public funds
- Discussing with young person the process and procedures they may face if

returned

- Completing the Returns Personal Action Plan with young person
- Attending Red Cross Family Tracing and Messaging Service interviews/ meetings if appropriate
- Liaising with Refugee Action if young person wishes to discuss or apply for AVR
- Preparing young people with the practicalities of possible removal to the COO e.g. contact phone numbers, email addresses, mobile phone
- Contact other agencies in the Country of Origin that may be able to assist with the care and support of the young person if removed from the UK
- Ensuring all legal avenues have been explored and exhausted
- Attending joint meetings with the young person, their Social Worker and any relevant agencies
- Cooperating and liaising with UK Border Agency and social work on facilitating any return

## 12.0 Third Country cases

### The Social Worker will be responsible for:

- Liaising with the young person's UKBA caseowner and UKBA Third Country team about the young person's case to ascertain whether the young person has been fingerprinted or claimed asylum in another country
- Communicating all information and developments to the Guardian and young person
- Explaining the Third Country rules to the young person and discuss the possibility of them being returned to another country
- Providing any supporting letters to the Legal Representative about the young person's support needs and best interests if required
- Arranging planning meetings to ensure that the young person's reception arrangements are appropriate to meet the young person's needs
- ;Liaising with UKBA Third Country Team with regard to the young person support needs and best interest and participate in any conference calls

### The Guardian will be responsible for:

- Explaining the Third Country rules to the young person and discussing the possibility of them being returned to another country
- Preparing young people with the practicalities of possible removal to the Third Country e.g. contact phone numbers, email addresses, mobile phone
- Communicating all information and developments to the Social Worker and young person
- Liaising with the young person's UKBA caseowner and UKBA Third Country team if

required

- Liaising with the young person's Legal Representative to ensure that they are aware of any Third Country implications
- Providing any supporting letters to the Legal Representative about the young person's support needs and best interests if required
- Contacting other agencies in the Third Country that may be able to assist with the care and support of the young person if removed from the UK
- Attending planning meetings to ensure that the young person's reception arrangements are appropriate to meet the young person's needs
- Providing Third Country guidance and information to Local Authorities if required

### 13.0 Looked After and Accommodated Review (LAAC)

#### The Social Worker will be responsible for:

- Arranging a LAAC review within relevant timescale and inviting relevant parties with adequate notice
- Inviting young person and explain their right and option to attend
- Ensuring all relevant parties including the Guardian is consulted as part of the process of assessment
- Providing a written copy of the report a minimum of 2 working days prior to the LAAC review so that the Guardian can answer any questions or queries the young person might ask or raise
- Sharing information about the LAAC review within 2 working days if a Guardian was not in attendance

#### The Guardian will be responsible for:

- Attending LAAC reviews
- Contributing to the LAAC review if requested by Social Work
- Reviewing the LAAC report prior to the meeting and discuss with young person
- Supporting young person with their understanding of the process before, during and after the meeting
- Assisting young person to complete the 'Have your say' form if required
- Advocating for young person or assist them to express their views or concerns
- Debriefing after the review with the young person to ensure that they have understood everything and to ascertain if they have any outstanding concerns

**14.0 Vulnerable Young Person (VYP), Core Group meeting or equivalent**

<b>The Social Worker will be responsible for:</b>
<ul style="list-style-type: none"> <li>• Arranging a VYP, Core group meeting or equivalent and inviting relevant parties with adequate notice if required</li> <li>• Supporting the young person to understand the need for the meeting and what will happen at the meeting</li> <li>• Deciding if child will be present – if child does not attend deciding how they can still contribute</li> <li>• Taking the lead role and chairing this meeting</li> <li>• Inviting relevant parties to the meeting, including the Guardian at a time that is convenient to all parties</li> <li>• Sharing information about the meeting within 2 working days if a Guardian was not in attendance</li> </ul>
<b>The Guardian will be responsible for:</b>
<ul style="list-style-type: none"> <li>• Attending the VYP, Core group meeting or equivalent if required</li> <li>• Submitting a report for the meeting if requested by Social Work</li> <li>• Supporting young people with their understanding of the process before, during and after the meeting</li> </ul>

**15.0 Education**

<b>The Social Worker will be responsible for:</b>
<ul style="list-style-type: none"> <li>• Making early referral to education provider through established protocols</li> <li>• Ensuring all educational needs are supported and issues addressed through initial assessments and ongoing support planning</li> <li>• Making links with guidance teachers</li> </ul>
<b>The Guardian will be responsible for:</b>
<ul style="list-style-type: none"> <li>• Linking young people into additional education and social provisions if required in consultation with the relevant Local Authority</li> <li>• Ensuring young person is accessing appropriate education</li> <li>• Liaising with British Red Cross regarding suitability/access to Chrysalis Project</li> <li>• Accompanying young people &gt; 16 to first educational or social placements if necessary</li> <li>• Making links with guidance teachers</li> </ul>

## 16.0 Health

The Social Worker will be responsible for:
<ul style="list-style-type: none"> <li>• Facilitating a medical check on arrival</li> <li>• Ensuring that young people are referred and registered at local health services as soon as practicable</li> <li>• Providing Support for young people to initial appointments and thereafter if required</li> <li>• Carrying out health needs assessments, an ongoing element of an individual's care plan</li> <li>• Facilitating medical appointments if necessary</li> <li>• Facilitating safe transfer of young person's medical files to an alternative GP if moved to a different area</li> </ul>
The Guardian will be responsible for:
<ul style="list-style-type: none"> <li>• Accompanying young person to health appointments in relation to their immigration case if required</li> <li>• Accompanying young person to health appointments at the request of Social Work or young person</li> <li>• Assisting young person to register with a GP and/or dentist if not supported by Social Work</li> <li>• Advocating for access to any health services where health concerns are not being met</li> </ul>

## 17.0 Transition at 18

The Social Worker will be responsible for:
<ul style="list-style-type: none"> <li>• Ensuring young person is prepared for any move on and transition at 18</li> <li>• Ensuring young person has explored support options and accesses if eligible</li> <li>• Provide supporting letters to assist young person to access future support</li> <li>• Providing clear plans about future support or contact from the Local Authority Social Work department after 18 years old</li> </ul>
The Guardian will be responsible for:
<ul style="list-style-type: none"> <li>• Meeting the young person at least 3 months prior to them turning 18</li> <li>• Discussing where they are in the immigration and legal process</li> <li>• Reviewing their support entitlements and assisting the young person to apply for any eligible support entitlements</li> <li>• Discussing with young person their future options</li> <li>• Providing clear plans about future support from the Guardianship Service or contact from the Local Authority Social Work department after 18 years old</li> </ul>

- Discussing and exploring the prospects of return if appropriate

## 18.0 Extension to Discretionary Leave, Refugee Status or Humanitarian Protection

### The Social Worker will be responsible for:

- Ensuring young person is aware of their immigration status ending
- Ensuring that the legal representative is aware of the young person's status coming to an end and an appointment is arranged
- Discussing with young person their future options
- Assisting young person to prepare for extension
- Providing supporting letters to assist young person to access future support

### The Guardian will be responsible for:

- Meeting the young person at least 6 months prior to them turning 17 ½
- Meeting the young person at least 2 months prior to their LTR or HP ending
- Discussing where they are in the immigration and legal process
- Discussing with young person what an extension to leave involves
- Assisting young person to prepare for any extension applications
- Liaising with the young person legal representative if required
- Discussing with young person their future options
- Discussing and exploring the prospects of return if appropriate
- Offering the facility for ensuring that all documentation is kept safely and available

## 19.0 Participation Groups

### The Social Worker will be responsible for:

- Discussing with the Guardian any concerns relating to a young person attending Guardianship Participation Groups and any safeguards or arrangements that could assist with these. Such concerns might, for example, relate to the existence of an on-going child protection or trafficking investigation, a dispute regarding a young person's age or the young person having additional needs. Consideration of relevant information would allow these to be managed appropriately
- Providing written communication to the Guardian about any identified concerns or risks about young people attending participation groups



**The Guardian will be responsible for:**

- Discussing with the Social Worker and Guardians any concerns relating to a young person attending a Participation Group and any safeguards or arrangements that could assist with these
- Communicating participation activities to young people and supporting young people to attend if required
- Risk assessing participation activities and putting in place appropriate safety measures

## JOB DESCRIPTION

### Job Purpose

To improve the experience of the asylum process for children and contribute to the development of inter-agency practice to ensure it serves the specific needs of separated children, establishing a model of good practice.

### Principal Accountabilities

- Provide a consistent point of contact to support unaccompanied children through the asylum process from the first point of contact.
- Have a working knowledge of the legislation affecting the care and requirements of separated children and support children in their journey throughout their stay in Scotland.
- Ensure the child is fully prepared for and can participate and be understood in all the legal processes and meetings in relation to their asylum status.
- Have a good understanding of the roles and responsibilities of each agency involved with separated children and develop learning across the agencies, to promote effective joint working.
- Help the child present their case contributing to the development of tools and techniques to support them and, where appropriate, their key worker in this task.
- Respond to referrals within 48 hours liaising with the Scottish Refugee Council and social work to ensure initial assessment, immediate support needs and notifications to relevant bodies are addressed.
- Engage with young people to help them develop interpersonal and practical skills, confidence and self-esteem, problem solving and conflict resolving abilities and to enable them to participate fully in having their needs met and participate in opportunities to develop.
- Assist in the assessment, planning and delivery of services to support the individual's care and support needs including child protection and where appropriate, advocate on behalf of child.

### **Scope of Planning and Organisation**

The majority of young people will not have English as a first language and for many the social structures and culture will be unfamiliar. The Guardian requires planning communication and accessing appropriate resources.

The Guardian will be responsible for managing their own case load. There are a number of time critical events in the asylum process and it will be the Guardian responsibility to ensure the young person is fully prepared and able to participate in these events. The Guardian will be required to work closely with the immigration authorities, social work, lawyers and the Scottish Refugee Council.

Guardians are required to be proactive in planning their work. They need to be flexible in order to meet planned dates and responses whilst also dealing with new work and new information and disclosures from active cases.

They are required to maintain accurate records and contribute to reports and monitoring and evaluation of the service.

### **Scope of Judgement and Decision-Making**

Guardians are expected to take responsibility for identifying critical issues for young people and ensuring they are effectively represented. These young people are involved in a complex legal process and the obtaining and presenting of information is critical. The Guardian needs to make informed decisions and, where necessary, intervene to ensure the rights of the child are protected.

Many of the young people will have experience of considerable trauma and have communication and trust issues. The Guardian must be able to make rapid judgements and take appropriate actions.

Whilst there is a clear framework of policies and procedures, the worker is expected to be able to use their judgement in managing risk and keeping young people safe.

The Guardian will bring child protection and any issues that relate to a change of evidence in relation to the asylum status must be brought to the attention of the Service Manager.

The Guardian is part of an outreach service and will be involved in lone working. This may be in service users' homes or undertaking tasks in another setting.

**GUARDIAN PERSON SPECIFICATION**

<b>QUALIFICATIONS</b>	<ul style="list-style-type: none"> <li>• A relevant professional qualification to SCQF level 8</li> <li>• OISC to level 2</li> <li>• Equivalent knowledge acquired by other means (this will not apply where there are externally specified qualifications for the post e.g. SSSC)</li> </ul>
<b>EXPERIENCE</b>	<ul style="list-style-type: none"> <li>• Working with young people/children at risk</li> </ul>

**KNOWLEDGE/SKILLS**

The post holder must be able to demonstrate knowledge of issues relevant to separated children and the asylum process

<b>Knowledge:</b>	<ul style="list-style-type: none"> <li>• Anti-discriminatory practice</li> <li>• Effects of trauma, deprivation and environment on young people</li> <li>• Child care law and child protection/vulnerable groups</li> <li>• Asylum law and immigration law the implications of all of the processes</li> <li>• Human and child development</li> <li>• Children's and vulnerable groups' right and responsibilities</li> <li>• Social policy and its application asylum and social care</li> <li>• Legislation and policy in relation to trafficking</li> <li>• Physical, sexual and mental health knowledge</li> <li>• Social work theories and methods of intervention</li> <li>• Local knowledge in respect of available services such as social work supports, education and leisure</li> </ul>
<b>Skills:</b>	<ul style="list-style-type: none"> <li>• Good verbal and written skills and the ability communicate clearly and sensitively with colleagues, children and other agencies</li> <li>• Assimilate complex and challenging information</li> <li>• Self-motivation, team working and ability to use initiative</li> <li>• IT skills including communications and office applications</li> </ul>
<b>Ability to:</b>	<ul style="list-style-type: none"> <li>• Put into practice child-centred values and to empower children/young people</li> <li>• Recognise and respond to the effects of deprivation, trauma and the environment on service users' functioning</li> <li>• Work within established systems of work, including the ability to manage difficult and challenging behaviour</li> <li>• Initiate, engage in, and promote meaningful activities for service users</li> <li>• Develop and maintain appropriate relationships, with</li> </ul>

	<p>children and young people colleagues and other agencies</p> <ul style="list-style-type: none"> <li>• Engage in reflective practice</li> <li>• Deliver services in a way which enables and empowers the service user</li> <li>• Undertake assessment of need and risk</li> <li>• Prioritise competing demands in a varied workload on an ongoing basis</li> <li>• Debrief and deal with trauma</li> </ul>
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## Knowledge Framework of the Guardian

Domains	Knowledge sets	Application	Skills	Values <sup>16</sup>
Human growth and change	<ul style="list-style-type: none"> <li>Physical development</li> <li>Cognitive development</li> <li>Emotional development</li> <li>Attachment and secure base</li> <li>Tasks of adolescence</li> </ul>	<ul style="list-style-type: none"> <li>Age assessment</li> <li>Needs assessment</li> <li>Safety and wellbeing</li> <li>Assessment of maturity and autonomy</li> <li>Using child development as a key framework for understanding needs, tasks and conditions</li> <li>Understanding the importance of 'the child at the centre'</li> </ul>	<ul style="list-style-type: none"> <li>Learning</li> <li>Observation</li> <li>Information collation</li> <li>Theory to practice</li> <li>Assessment</li> <li>Planning</li> </ul>	<ul style="list-style-type: none"> <li>Competence</li> <li>Cultural competence and social diversity</li> <li>Service</li> <li>Dignity and worth</li> </ul>
Cultural awareness	<ul style="list-style-type: none"> <li>Country and culture of origin and/or heritage</li> <li>Ethnicity</li> <li>Language</li> <li>Understanding of the specific issues affecting refugees and migrants</li> </ul>	<ul style="list-style-type: none"> <li>Understanding the individual - their identity and their context</li> <li>Respecting and promoting their rights</li> <li>Understanding the importance of the relationship between individual and community</li> </ul>	<ul style="list-style-type: none"> <li>Openness to learn</li> <li>Ability to see how cultures are socially constructed</li> <li>Ability to respect diversity</li> <li>Recognising potential for bias and misunderstanding</li> <li>Capacity for empathy and insight</li> </ul>	<ul style="list-style-type: none"> <li>Cultural competence and social diversity</li> <li>Dignity and worth</li> <li>Respect for human rights and self determination</li> </ul>
Trauma and adversity	<ul style="list-style-type: none"> <li>Child protection</li> <li>Trafficking</li> <li>Separation and loss</li> <li>Effects of dislocation</li> <li>Isolation</li> <li>Risk assessment</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring safety and promoting wellbeing</li> <li>Managing issues relating to adversity within an understanding of refugee issues</li> <li>Developing supports in response to needs</li> </ul>	<ul style="list-style-type: none"> <li>Assessing information</li> <li>Managing distress</li> <li>Re-framing information, perceptions and events</li> <li>Working with risk</li> <li>Interagency working</li> <li>Working with complexity</li> </ul>	<ul style="list-style-type: none"> <li>Challenging the abuse of power</li> <li>Ensuring protection for vulnerable people</li> <li>Equal treatment without prejudice or discrimination</li> <li>Importance of human relationships</li> </ul>

<sup>16</sup> Derives from: SSSC Code of Practice (Employees); BASW Code of Ethics; NASW Code of Ethics



Domains	Knowledge sets	Application	Skills	Values <sup>17</sup>
Resilience	<ul style="list-style-type: none"> <li>• Protective factors</li> <li>• Indicators</li> <li>• Scaling</li> <li>• Networks of support</li> </ul>	<ul style="list-style-type: none"> <li>• Managing issues relating to resilience within an understanding of refugee issues</li> <li>• Developing service self-evaluation processes</li> </ul>	<ul style="list-style-type: none"> <li>• Identifying strengths</li> <li>• Identifying opportunities</li> <li>• Encouraging and supporting</li> <li>• Measuring progress</li> </ul>	<ul style="list-style-type: none"> <li>• Competence</li> <li>• Importance of human relationships</li> <li>• Promoting fair access to resources</li> </ul>
Learning	<ul style="list-style-type: none"> <li>• Components of learning</li> <li>• Competence</li> </ul>	<ul style="list-style-type: none"> <li>• Effective communication</li> <li>• Supporting the development of knowledge and skills</li> <li>• Developing tools and resources</li> </ul>	<ul style="list-style-type: none"> <li>• Learning</li> <li>• Applying theory to practice</li> <li>• Interpersonal skills</li> <li>• Developing tailored solutions</li> <li>• Recognising success and mastery</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural competence and social diversity</li> <li>• Competence</li> </ul>
Social Capital	<ul style="list-style-type: none"> <li>• Forms of social capital</li> <li>• Relationship with integration</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding how social networks develop and operate</li> <li>• Framing integration and social network tasks</li> <li>• Contributing to service self-evaluation</li> </ul>	<ul style="list-style-type: none"> <li>• Thinking conceptually</li> <li>• Using social maps</li> <li>• Planning</li> <li>• Finding opportunities and resources</li> </ul>	<ul style="list-style-type: none"> <li>• Competence</li> <li>• Importance of human relationships</li> <li>• Dignity and worth</li> </ul>
Rights	<ul style="list-style-type: none"> <li>• UNCRC (General and specific)</li> <li>• Safeguards</li> <li>• Exercising responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>• Promoting rights to ensure entitlements</li> <li>• Scrutinising processes to protect best interests</li> <li>• Using a rights framework to promote self-worth and responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• Identifying rights issues</li> <li>• Identifying strategies for challenges to breaches of rights</li> <li>• Advocating for young people</li> </ul>	<ul style="list-style-type: none"> <li>• Dignity and worth</li> <li>• Respect for human rights and self determination</li> <li>• Accountability</li> </ul>

<sup>17</sup> Derives from: SSSC Code of Practice (Employees); BASW Code of Ethics; NASW Code of Ethics

Domains	Knowledge sets	Application	Skills	Values <sup>18</sup>
Law	<ul style="list-style-type: none"> <li>Immigration and asylum</li> <li>Child welfare</li> <li>Good practice guides</li> </ul>	<ul style="list-style-type: none"> <li>Working competently with frameworks of powers, duties and responsibilities</li> <li>Supporting and representing the young person's case</li> </ul>	<ul style="list-style-type: none"> <li>Working with legal concepts and procedures</li> <li>Providing information to assist cases</li> <li>Asserting the young person's rights</li> </ul>	<ul style="list-style-type: none"> <li>Competence</li> <li>Service</li> <li>Respect for human rights and self determination</li> </ul>
Professional Practice	<ul style="list-style-type: none"> <li>Standards and accountability</li> <li>Resources</li> </ul>	<ul style="list-style-type: none"> <li>Critically assessing the practice of self and others against expected standards</li> <li>Being appropriately accountable to young people and agencies</li> <li>Holding other professionals appropriately accountable on behalf of young people</li> </ul>	<ul style="list-style-type: none"> <li>Assessment and judgement</li> <li>Advocacy</li> <li>Applying general principles to specific situations</li> <li>Resource finding</li> <li>Creativity</li> </ul>	<ul style="list-style-type: none"> <li>Competence</li> <li>Service</li> <li>Respect for human rights and self determination</li> </ul>
Key processes (Asylum)	<ul style="list-style-type: none"> <li>Application</li> <li>Processing</li> <li>Appeal</li> <li>Deportation/Returns</li> </ul>	<ul style="list-style-type: none"> <li>Understanding and working with the policies and procedures that determine agency practices to support best interests</li> <li>Critically assessing the application of processes by agencies</li> <li>Maximising opportunity for young people</li> </ul>	<ul style="list-style-type: none"> <li>Communication</li> <li>Collating and sifting information</li> <li>Parallel planning</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>Competence</li> <li>Service</li> <li>Respect for human rights and self determination</li> </ul>

<sup>18</sup> Derives from: SSSC Code of Practice (Employees); BASW Code of Ethics; NASW Code of Ethics

Domains	Knowledge sets	Application	Skills	Values <sup>19</sup>
Key processes (Social Welfare/ Education/ Health)	<ul style="list-style-type: none"> <li>• GIRFEC National Practice Model</li> <li>• LAAC</li> <li>• Supported Accommodation</li> <li>• Education of refugees and migrant children and young people</li> <li>• Supporting volunteering</li> <li>• Preparing for and supporting employment</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding and working with the policies and procedures that determine agency practices to support best interests</li> <li>• Maximising opportunity for young people</li> <li>• Critically assessing the application of processes by agencies</li> <li>• Utilising core practice models</li> </ul>	<ul style="list-style-type: none"> <li>• Negotiation</li> <li>• Communication</li> <li>• Interagency working</li> <li>• Advocacy</li> <li>• Resource finding</li> </ul>	<ul style="list-style-type: none"> <li>• Competence</li> <li>• Service</li> <li>• Respect for human rights and self determination</li> </ul>
Political context	<ul style="list-style-type: none"> <li>• Wider factors relating to refugees</li> <li>• Advocacy</li> <li>• Influencing policy and practice development</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding how wider trends and decisions impact upon individuals and groups</li> <li>• Enabling young people's voices to be heard</li> <li>• Contributing to learning in the academic, policy and practice worlds</li> </ul>	<ul style="list-style-type: none"> <li>• Influencing</li> <li>• Publicising</li> <li>• Advocacy</li> <li>• Creativity</li> </ul>	<ul style="list-style-type: none"> <li>• Reducing disadvantage and exclusion</li> <li>• Contributing to the creation of a fairer society</li> </ul>

<sup>19</sup> Derives from: SSSC Code of Practice (Employees); BASW Code of Ethics; NASW Code of Ethics

## Appendix 4

Domains	Knowledge sets	Application	Skills	Values <sup>20</sup>
Evaluation and improvement	<ul style="list-style-type: none"> <li>• Logic models</li> <li>• Evaluation processes</li> <li>• Young people's participation</li> </ul>	<ul style="list-style-type: none"> <li>• Ensuring practice is evidence led and outcome focussed</li> <li>• Derive learning from direct practice experience</li> <li>• Enabling service co-design and participation</li> <li>• Ensuring accountability and measurement of service effectiveness</li> </ul>	<ul style="list-style-type: none"> <li>• Conceptual thinking</li> <li>• Reflection</li> <li>• Willingness to promote change</li> <li>• Organisation</li> </ul>	<ul style="list-style-type: none"> <li>• Maintaining and expanding competence to provide a quality service</li> <li>• Reducing disadvantage and exclusion</li> <li>• Partnership and empowerment with users of services and with carers</li> </ul>
Self-management	<ul style="list-style-type: none"> <li>• Working autonomously and accountably</li> <li>• Continuous personal learning and development</li> <li>• Core values and behaviours</li> <li>• Communication and relationship building</li> </ul>	<ul style="list-style-type: none"> <li>• Developing efficient and effective working practices</li> <li>• Ensuring the knowledge is sufficient, valid and relevant</li> <li>• Understand and enacts appropriate values and ethical standards</li> <li>• Ability to appropriately engage with others and communicate purposefully</li> </ul>	<ul style="list-style-type: none"> <li>• Learning</li> <li>• Interpersonal</li> <li>• Communication</li> <li>• Organisation</li> </ul>	<ul style="list-style-type: none"> <li>• Honesty, reliability and confidentiality</li> <li>• Maintaining and expanding competence to provide a quality service</li> <li>• Be accountable for the quality of work and take responsibility for maintaining and improving knowledge and skills</li> </ul>

<sup>20</sup> Derives from: SSSC Code of Practice (Employees); BASW Code of Ethics; NASW Code of Ethics

## GUIDING PRINCIPLES

### Internal evidence given to all interpreters

Scottish Guardianship Service recognises the importance of providing reliable, accurate and professional language support to the young people with whom it works.

Language concordance – where a young person and Guardian speak a common language or have access to interpreting services – enables the Guardian to:

- Hear and understand the young person's views.
- Ensure that vital information is communicated accurately between all parties.
- Build a relationship of trust and comfort with a young person.
- Demonstrate to a young person that they are receiving professional attention and that their views and opinions are important.
- Identify and try to rectify any areas of miscommunication that may have affected young person's previous interactions with other agencies.

### Skills & Professionalism

It is recognised that the translation of words and meaning across cultures and languages is a complex process. Workers and interpreters require specific skills in order for interpreting sessions to be successful. **All Guardians receive training on working with interpreters and adhere to good practice guidelines before, during and after interpreting sessions.**

**It is not recommended that family members or friends are used as interpreters.** Professional interpreters are booked through external agencies and formal feedback is provided on performance, both to commend skilled interpreting, or to raise any issues. Feedback is equally welcome from interpreters after sessions but any problems should be raised appropriately.

The aim of interpreting is to facilitate communication between young people and their Guardians. Although interpreters are expected to respect professional boundaries at all times, there are occasions where interpreting the exact words given may not be sufficient and **appropriate input from interpreters as to cultural meanings or misunderstandings is welcomed.**

### Selecting Interpreters and Continuity of Provision

Wherever possible, a young person's views and preferences are taken into account when booking interpreters. **Factors such as gender, age, religion and local dialect can be vital** to ensure that meaningful communication is achieved.

Guardians usually work with a young person over an extended period. **Continuity of interpreting should be maintained if possible**, where a young person has

indicated that they are comfortable with a particular interpreter. This assists to build a relationship of trust.

Whilst respecting the need for interpreters, **it is also important for young people to build up their English language skills.** For social and other interactions, interpreters are usually absent to provide opportunities for young people to gain confidence in their English language skills and to feel less inhibited when socialising with their peers.

### Forms of language

**Acronyms and jargon should be avoided wherever possible.** However, it should be checked that both the interpreter and young person do understand any acronyms that are commonly used by professionals e.g. UKBA; and each word of the acronym should be explored individually if this is necessary.

**Interpreters are discouraged from putting a young person's words into more adult language.** This can have a detrimental effect on the young person's case, as it can lead to confusion or to suspicions that an account has been fabricated or 'learnt' by a young person. Anything written down that is used to communicate a young person's account to other people or organisations, **uses language which mirrors as closely as possible the young person's own expressions and words.**

### Beyond Interpreting: Overcoming other Barriers to Communication

A multitude of factors can affect a young person's ability to express him/herself or to understand the information provided by others. The examples below illustrate some of the methods that the Scottish Guardianship Service has developed to overcome these.

#### What we ask of Interpreters

This guidance is provided to interpreters at their first contact with the service.

#### Booking appointments

We appreciate the difficulty of managing appointment times around each other but ask you to refrain from accepting a booking when you know or suspect that you won't be able to work for the full time requested.

If you can't make a booked appointment please make sure you contact us or the interpreting agency to let us know and give as much notice as possible.

### Mobile Phones

- Mobile phones should be on silent at all times.
- Your phone should not be on vibrate as this can be equally distracting.
- It is not acceptable to answer a phone during a session - even just to say 'Can I call you back?'

### Confidentiality

Any details discussed within an appointment are strictly confidential. It is not appropriate to share information or events pertaining to clients with anyone. Any breach of confidentiality will be taken extremely seriously.

### Our Model of Interpretation

We primarily wish our interpreters to interpret in a consecutive and linguistic mode. This means that we require you to interpret as accurately as possible what is said without adding your own information to this, leaving anything out, or responding directly to the service user. If you feel strongly that the worker has missed something then ask for a break to note this, or speak to them separately after the appointment.

If you do feel that the worker or young person requires some cultural information or guidance for communication to be achieved please raise this with the worker in the first instance. The worker will confirm whether or not this should be explored.

We will address the children and young people in the first person when talking to them. We would appreciate if you ensure consistency in this and interpret in the same way.

You will be interpreting for children and young people. As far as possible, please ensure that you interpret the words spoken by the young person without transforming what is said into a more adult language. If any words or phrases are difficult to interpret, please explain and discuss with the worker.

### During an Appointment

If a worker needs to leave the interview room – please remind them that you should not be left alone with service users. This is both parties' responsibility.

Please give all your attention and focus to the appointment during the time that you are booked. It is not acceptable to take phone calls, or to look at diaries or other written materials during the appointment.

If you have agreed to the times of the appointment it is not acceptable to leave early.

We understand that you may have interpreted for the child or young person on previous occasions and it is possible that the child or young person may look to you for support. However, it is imperative that you maintain professional boundaries at all



times. If you feel uncomfortable in any way during or after the session, please discuss this with one of our workers.

### **Our Commitment to Interpreters**

All workers with the service should adhere to these principles. If you feel that any worker has not done so, please raise this with the worker directly in the first instance. This should be done in private and after, rather than during, an appointment.

If you are not satisfied or have further concerns, please write to or phone the Service Manager, Catriona MacSween – [catriona.macsween@aberlour.org.uk](mailto:catriona.macsween@aberlour.org.uk) or 0141 445 8659.

### **Before an Appointment**

All of our workers respect and understand the complexity of an interpreter's role. We will treat any interpreter coming to the service with professionalism.

We will make bookings as early as possible and provide clear instructions for meeting places if this is to be outside the main office base.

We are committed to providing a brief initial overview prior to an appointment where we will inform the interpreter of any issues or problems that may arise during the session.

If for any reason a young person refuses the services of a particular interpreter, we will inform the interpreter of this and give them an opportunity to respond to any concerns if this is appropriate.

### **During the Appointment**

We will ensure that the interpreter is comfortable and that seating arrangements facilitate communication.

We will confirm with the young person and interpreter that they understand each other and will never expect an interpreter to conduct an interview in a language or dialect that they are not comfortable with.

We will never ask interpreters for their views on the veracity of a young person's story nor will we ask for opinions on the young person's country of origin or linguistic abilities.

We will attempt to respect the booking times given. If we feel that the appointment is likely to overrun, we will advise the interpreter of this at the earliest opportunity and confirm whether or not they are able to stay on.

If we have to leave the room during the appointment, we will ask the interpreter to accompany us.

If the young person becomes upset at any point, we will offer all parties an opportunity for a break.

### **After the Appointment**

Our workers will always de-brief with interpreters after an appointment. Where an appointment has involved the discussion of distressing topics, we will offer interpreters the opportunity to discuss this with a worker and to use our own rest facilities (tea, coffee etc) if we are in the main office base.

We will sign timesheets quickly and process payments as efficiently as possible.

Where an interpreter wishes to provide feedback on our service or any aspect of our work, we will provide opportunities for this. We will provide constructive feedback to interpreters if they request this.

## GLOSSARY

<b>AIT</b>	Asylum & Immigration Tribunal
<b>Appellant</b>	A person who is appealing against the Home Office decision to refuse their case for asylum.
<b>Asylum Screening Unit</b>	Home Office department that holds preliminary interviews with in-country asylum seekers to establish a person's identity, prior to a full interview on the details of the case.
<b>Certified Claim</b>	Some refused asylum claims are "certified" by the Home Office, which means that the person has only limited appeal rights. The conditions for certification are so wide that it can be applied to virtually any claim.
<b>CTD</b>	Convention Travel Document or "blue document". People with refugee status use this document to travel overseas. Holders of a CTD cannot travel to the country from which they sought asylum.
<b>Dublin Convention</b>	EU agreement that aims to ensure that only one EU Member State considers an individual's asylum application. It provides a framework for deciding which member states that should be and confirms the right of Member States to return asylum seekers to "safe" third countries.
<b>Discretionary Leave to Remain</b>	This is a status awarded to people who have been refused refugee status and who do not fulfil the criteria for HP but are allowed to stay in the UK for other reasons. It is only awarded in very limited circumstances, sometimes to separated young people (unaccompanied minors – under the age of 18 who have made an application for asylum in the UK) and at this stage they are allowed to work and access mainstream welfare.
<b>EAL</b>	English as an Additional Language (specialist language support for children in schools who do not speak English as their first language).
<b>EEA</b>	European Economic Area (members are all EU states plus Norway, Liechtenstein and Iceland).
<b>ESOL</b>	English as a Second or Other Language (specialist language tuition for UK residents who do not speak English as their first language).
<b>EU</b>	European Union (member states are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and UK).
<b>Exceptional Leave to Remain (ELR)</b>	Since been replaced by Humanitarian Protection and Discretionary Leave to Remain. This status was granted to port asylum seekers who did not meet the Convention, but who were allowed to remain

in the UK for other reasons, e.g. because it would be dangerous for them to return to their home country at that time.

**Family Reunion**

People granted Refugee Status are entitled to family reunion, i.e. to have their spouse and dependent children brought from their country to live with them in the UK.

**Humanitarian Protection**

Since April 2003 this status has been awarded to people who have been refused refugee status but cannot be returned to their country of origin as they face serious risk to life or person or of inhuman or degrading treatment or punishment. It is awarded for a five-year period and at the end of this time, the circumstances of the case are reviewed. If circumstances are unchanged, a person with HP can apply for ILR. People with HP status are allowed to work and access mainstream welfare systems and family reunion (3 year periods may still be seen).

**IOM**

International Organisation for Migration. Organisation that, among many other responsibilities internationally, is responsible for promoting and arranging the voluntary return and re-integration programme available to asylum seekers that wish to return to their country of origin.

**In-country Applicant**

A person who applies for asylum after passing through immigration control, for example, as a student, visitor or illegal entrant.

**ILR**

You can be granted Indefinite Leave to Remain for different reasons such as working in the country for five years or arriving on a marriage visa and living here for two years with your spouse. Refugees used to be given ILR but now get five years leave to remain. People who have been allowed to stay because of the Case Resolution/ Legacy Review are granted ILR. This *does not* mean they are refugees and they do not have any entitlement to refugee travel documents or family reunion. Gateway refugees receive ILR.

**Judicial Review**

Court of Session examination of whether the law has been correctly applied (in an asylum decision, or any other decision by a public body).

**National Asylum Support Service (NASS)**

Home Office department set up in 1999 to administer the new asylum seekers' support system. Now referred to as UKBA Asylum Support.

**Naturalisation**

A process of applying to become a British citizen after five years' legal residency in the UK. (Three years' residency if married to a British citizen).

**Office of the Immigration Services Commissioner**

The regulatory body for immigration advisers.

**Over Stayer**

A person who has remained in the UK for longer than they have permission, e.g. whose visa has expired.

<b>Permission to Work</b>	Permission to work in the UK is automatically granted to any person (and their spouse and children) with refugee status, ILR, HP or DLR. An immigration rule states that if you have been waiting for an initial decision on your asylum claim for more than 12 months then you can apply for permission to work until you receive your initial decision.
<b>Port Applicant</b>	An asylum seeker who makes their claim for asylum at port of entry, before passing through immigration control.
<b>RCO</b>	Refugee community organisation (hundreds throughout the UK).
<b>Re-foulement</b>	Signatories to the 1951 UN Convention on Refugees are committed to “non-refoulement” of recognised refugees. This means not returning them to a country where they would be in danger.
<b>Refugee</b>	A person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”. Definition quoted from the 1951 UN Convention on Refugees.
<b>Refugee Status</b>	This status is given when an individual has applied for asylum in the UK and has been recognised by UKBA as meeting the definition of a refugee set by the UN. Since 30/08/05 Refugee Status is only ever awarded for five years. Just before the five years have elapsed their case will be reviewed. It maybe that they can apply for ILR (see below) and this will trigger the review. Technically having been awarded five years limited leave to remain their case could be reviewed at any time. If, following the review, they are still deemed to be in need of protection, they will then be eligible for ILR.
<b>Refused Asylum Seeker</b>	Sometimes known as appeal rights exhausted (ARE), this applies to someone who has applied for asylum but has been refused a form of protection by the UK Government and whose case does not attract any further right of appeal.
<b>Safe Third Country</b>	The Home Office deems certain countries to be places where a refugee is safe from persecution: all EU states, Canada, the US, Switzerland and Norway. If an asylum seeker travels through any of these states en route to the UK, s/he may be returned there on “safe third country” grounds. NB This is distinct from the White List of countries (see below).
<b>Settlement</b>	When a person is granted Indefinite Leave to Remain (ILR), this is sometimes also described as “settlement”. The term is also used to mean the process by which refugees become full and equal members of society, accessing mainstream services without disadvantage.

<b>Temporary Admission</b>	Immigration status given to port asylum seekers who are not taken into detention, but are allowed to enter the UK.
<b>UASC</b>	Also known as an unaccompanied minor or separated young person, this is someone under the age of 18 who arrives in the UK without a guardian, has no adult relative to care for them within the UK, and makes an application for asylum. They will not enter the UKBA asylum support system, instead they will be referred to social work or their local authority.
<b>UKBA</b>	United Kingdom Border Agency. The department of the Home Office that deals with all immigration issues.
<b>UNHCR</b>	United Nations High Commissioner for Refugees.
<b>White List Countries</b>	Also called the Non-Suspensive Appeals List. List of countries that are deemed to be essentially free from persecution. Any asylum application from these countries will be processed through the detained fast-track system. If the applicant is refused asylum they will be entitled to appeal the decision, but the appeal will not prevent their removal from the UK. Countries include India, South Africa and Nigeria for males.

## REFERENCE MATERIAL

Throughout the duration of the pilot phase of the project a large library of material has been developed and maintained.

The Guardians subscribe to a number of newsletters including the ILPA mailing list and the Migrant Children's Project monthly newsletter to keep them abreast of any changes and news within the asylum sector and also receive Scottish children's and Social Work sector monthly magazines and publications.

Useful material and material referred to in this Practice Framework may be found in the following resources:

**Scottish Guardianship Material including both independent evaluation reports can be found at:**

[www.aberlour.org.uk/scottishguardianshipservice.aspx](http://www.aberlour.org.uk/scottishguardianshipservice.aspx) and  
[http://www.scottishrefugeecouncil.org.uk/policy\\_and\\_research/responding\\_to\\_policy/guardianship\\_project](http://www.scottishrefugeecouncil.org.uk/policy_and_research/responding_to_policy/guardianship_project)

### **Guardianship**

Goeman M et al (2011), Core Standards for Guardians of Separated Children in Europe; Goals for Guardians and Authorities for Defence for Children available at:  
[www.defenceforchildren.nl/images/69/1632.pdf](http://www.defenceforchildren.nl/images/69/1632.pdf)

'Watch over me', ECPAT report 2011  
[http://www.ecpat.org.uk/sites/default/files/watch\\_over\\_me.pdf](http://www.ecpat.org.uk/sites/default/files/watch_over_me.pdf)

### **Asylum:**

Seeking Support: A Guide to the Rights and Entitlements of Separated Children, Coram Children's Legal Centre, Fourth Edition 2012 see also  
[http://www.childrenslegalcentre.com/index.php?page=migrant\\_children](http://www.childrenslegalcentre.com/index.php?page=migrant_children)

Care for Unaccompanied Minors: Minimum standards, risk factors and recommendations for practitioners, ENGI 2012 see also <http://www.engi.eu/>

Working with Refugee Children Current Issues in Best Practice, ILPA, May 2011  
Working with Young people subject to immigration control: Guidelines for Best Practice, second edition, H Crawley for ILPA, 2012

### **Social Work Practice:**

<http://www.sssc.uk.com>



**Regulation:**

[www.oisc.gov.uk](http://www.oisc.gov.uk)

**Age Assessment:**

When is a child not a child, H Crawley, ILPA, 2007

Age Assessment Practice Guidance : An Age assessment Pathway for social workers in Scotland see also

[http://www.scottishrefugeecouncil.org.uk/news\\_and\\_events/latest\\_news/1725\\_scottish\\_refugee\\_council\\_launches\\_guidance\\_to\\_help\\_social\\_workers\\_assess\\_age\\_of\\_young\\_people\\_seeking\\_asylum](http://www.scottishrefugeecouncil.org.uk/news_and_events/latest_news/1725_scottish_refugee_council_launches_guidance_to_help_social_workers_assess_age_of_young_people_seeking_asylum)

**Child Trafficking:**

Human Trafficking Handbook: Recognising Trafficking and Modern-Day Slavery in the UK , ed Chandran 2012

Glasgow Child Protection Committee Material ,

[http://www.glasgowchildprotection.org.uk/Professional/Child\\_Trafficking/](http://www.glasgowchildprotection.org.uk/Professional/Child_Trafficking/)  
<http://www.glasgow.gov.uk/CHttpHandler.ashx?id=14223&p=0>

The Trafficking EU Directive can be found in full at <http://eur-lex.europa.eu/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN.PDF>

**Child Welfare:**

Scottish Government GIRFEC material

<http://www.scotland.gov.uk/Resource/Doc/1141/0109967.pdf>

Full text of the United Nations Conventions for the Rights of the Child (1989) can be found at: [http://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg\\_no=iv-11&chapter=4&lang=en](http://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-11&chapter=4&lang=en)

And full text of the International Covenant on Economic, Social and Cultural Rights (ICESCR) <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b36c0>

Bögner, D, Herlihy, J & Brewin, C (2007) 'The Impact of Sexual Violence on Disclosure during Home Office Interviews' *British Journal of Psychiatry* 191 (7) pp. 75-81

Resilience: A framework for Positive Practice

<http://www.Scotland.gov.uk/Publications/2005/05/1812009/00103> and Adolescence: Assessing and Promoting Resilience Bridgid Daniel (202) and Child Development for

Care and Protection Workers (2011) and Safeguarding Children Living with Trauma and Family Violence (2009)

## **ACKNOWLEDGMENTS**

The production of this framework would not have been possible without major contributions made by a number of our stakeholders and agencies working directly with separated children and young people in Scotland. The success of the pilot phase of the Service has very much depended on the good will, patience and support of our colleagues in the Regional Home Office and a number of Social Work departments, the Scottish Government, specialist legal representation providers and colleagues working with other NGO agencies.

We wish to sincerely thank them all for working alongside us and for all their time and dedication to the Service.

The independent evaluators began evaluating from the first day of the pilot and their input and guidance has been invaluable, others too working on the subject of Guardianship have heavily influenced the work of the Service and role of the Guardian and would like to thank our London based colleagues, ECPAT, UNHCR, the Islington Law Centre, the Coram Childrens Legal Centre, the Childrens Society, ILPA and Refugee Council.

The Guardians, past and present, have also made an enormous contribution to the development of the framework and to its practical application, and have managed to create the role of the Guardian in the Scottish context through their day to day work and insights. Their commitment, determination and passion is exceptional.

Finally we would like to thank the 105 young people in the Guardianship Service from whom we have continued to draw inspiration, strength and energy. We feel highly privileged to work with this incredible group of spirited and highly talented group who have turned up, often on cold, dark nights in terrible weather to focus groups and consultations and events and have given us such amazing feedback.

## AUTHORS

- ❖ Graham McPhie
- ❖ Catriona MacSween
- ❖ Clare Tudor

### About the Authors

**Graham McPhie** is a social worker and consultant who has worked in the statutory, voluntary and independent sectors specialising in assessment and services for vulnerable people.

**Catriona MacSween** has been the Service Manager of the Scottish Guardianship Service since it was established in September 2010 and previously worked for Scottish Refugee Council and for Inverclyde Social Work department. She is currently the Service Manager with Aberlour.

**Clare Tudor** has worked in the field of immigration and asylum for almost twelve years, formerly a counsellor with Immigration Advisory Service she is currently the Children's Policy Officer with Scottish Refugee Council.

All the photographs used throughout the **Practice Framework** have been taken by the young people themselves

The Scottish Guardianship service is delivered in partnership by Aberlour Child Care Trust on behalf of the Scottish Refugee Council. We would like to acknowledge and thank the funders who have made this possible, including:



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