



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: Human rights of asylum seekers in the UK, HC 821

Wednesday 8 November 2023

3.05 pm

Watch the meeting

Members present: Joanna Cherry MP (Chair); Lord Henley; Baroness Kennedy of The Shaws; Baroness Lawrence of Clarendon; Baroness Meyer; David Simmonds MP.

Questions 92 - 106

Witnesses

I: Antonia Benfield, Barrister at Doughty Street Chambers; Kama Petruczenko, Senior Policy Analyst - Children and Young People, Refugee Council.

II: Deputy Chief Constable Catherine Hankinson, Missing Persons Lead, National Police Chiefs' Council (NPCC); Colin Pettigrew, Chair, Migrant Families Taskforce, Association of Directors of Children's Services (ADCS).

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Examination of witnesses

Antonia Benfield and Kama Petruczenko.

Q92 **Chair:** Good afternoon and welcome to the Joint Committee on Human Rights. This is a meeting about the human rights of asylum seekers in the United Kingdom, with particular reference to the rights of children. The committee is a cross-party committee and a Joint Committee, which means we have members from the House of Commons and the House of Lords. The oral evidence session today is part of our inquiry into the human rights of asylum seekers. We will hear from two panels of witnesses, focusing our questioning on the legal framework applicable to child asylum seekers as well as concerns related to age assessments and missing children episodes.

I welcome our first panel of witnesses. We have Kama Petruczenko, who is the senior policy analyst for children and young people at the Refugee Council, and Antonia Benfield, who is an immigration and public law specialist at Doughty Street Chambers and has particular expertise in asylum, immigration, community care and trafficking claims.

I will start the questions by asking about the likely impact of the Illegal Migration Act on child asylum seekers. The Act was passed fairly recently and I think parts of it are not in force yet, but we are interested in the likely impact on child asylum seekers in particular.

Kama Petruczenko: We expect that the impact will be quite negative on this group of children. We see the Act as a step backwards in protecting the rights of some of the most vulnerable children in our society. We are especially concerned at the effective ban on having asylum claims from this group of children ever registered in the UK because of the inadmissibility provisions and the powers that the Home Secretary will assume in relation to the detention and removal of children from the UK. We think that, because of these provisions that the Illegal Migration Act has introduced into law, we will see children experiencing quite significant difficulties, including some of them being at risk of disappearing—going underground and being at increased risk of being trafficked and exploited.

They will have no status in the UK. They may be given a form of temporary leave until they turn 18. We understand that the Government are looking into introducing this but no further detail has been provided. I stress that it will be a temporary form of leave allowing them to stay in the country until they are 18, and then there is a huge question mark around what will happen to them once they turn 18. The situation will also place significant difficulties on local authorities that will be looking after these children as children in need, because it will be very difficult for them to plan what will happen and to create care provisions for these children, particularly because of the cut-off point at 18.

Antonia Benfield: As Kama said, a lot of the concerns are prospective because many of the provisions of the Act are not in force. Across the board, whether from the legal profession, the social work profession or NGOs working as specialists with refugee children, all the provisions are

substantially regressive steps in children's rights and international protection. The main mischief, as Kama said, is treating as excluded from the UK asylum system children who have entered the UK via what are deemed irregular means. In addition to that, it is bringing into place new powers for the Secretary of State essentially to house and care for children, sidestepping the long-standing statutory framework of protection for children.

Q93 Chair: Before the Illegal Migration Act, can you tell me in a nutshell how child asylum seekers are treated differently from adult asylum seekers within our legal framework as things stand at the moment?

Antonia Benfield: I can try to do that very briefly. There are three core ways in which they are treated differently. One is in policy, one is in process and one is the support they are provided.

On policy, the Secretary of State has separate policy guidance and asylum policy instruction for determining the claims of children. That relates to some of the processes and safeguards that are in place specifically for children and also how children's claims are determined—for example, in assessing their credibility and risk.

On process, there are additional safeguards built into the system for children—for example, the attendance of responsible adults at interviews, ensuring the provision of legal advice for children before their claim is substantively explored by the Home Office, self-completion of aspects of the evidence and ensuring that staff involved in decision-making processes for children have specific training and expertise.

The third point is support. Adult asylum seekers and families with children access mainstream asylum support provisions. To date and prior to Section 16 of the Illegal Migration Act, if and when it comes into force, for decades it has always been local authorities that are responsible under the statutory framework for the care and support of unaccompanied asylum-seeking children. They are children who are treated, or should be treated, as child first and migrant second. The Children Act, of course, provided for no differential treatment on the basis of immigration status. You have children with the additional support of local authorities in the care system and additional safeguards when deciding their asylum claims.

Chair: Will all that fly away when the Illegal Migration Act comes into force, or just some of it?

Antonia Benfield: Some of it, because what is provided for is that a certain number of children, depending on their method of entry, will not have their asylum claim considered at all. In effect, they will be left in limbo, one assumes—one hopes in the care of a local authority—until they turn 18 when the duty upon the Secretary of State to remove them from the UK arises. It will not involve the safeguards and processes of looking at their claims in that way.

Chair: Thank you. That is very clear.

Baroness Lawrence of Clarendon: The children could be aged three, say, and be in local authority care up until the age of 18 when the Secretary of State will decide that they need to return to their country. Those children are so young, three when they arrive here, and for the Secretary of State to think that they could return to their country when they are 18—that is what would happen.

Kama Petruczenko: Potentially this can happen, and the worry is that we will have children who are already quite vulnerable, some of the most vulnerable children in our society, many of whom literally went to hell and back before arriving into the UK. All they need is safety, stability, being able to start rebuilding their lives, and feeling integrated and that they are becoming part of our society, and there will be this cut-off point for them. There will be an impact on education, social inclusion and their ability to interact, grow and develop. It is yet to be seen—we are speculating because these provisions are not yet in place—but they are likely to be quite disruptive to a child's development.

Q94 **Baroness Kennedy of The Shaws:** You, probably like the rest of us, will have seen recent reports of children in hotel accommodation and unaccompanied but expected to share accommodation with adults. We do not know evidentially how strong the case is that that is taking place, but have you come across cases of unaccompanied children being placed in accommodation with adults who are not their parents and expected to share accommodation with them? Is that happening?

Kama Petruczenko: Yes, it is happening and, unfortunately, we have observed that this situation is happening increasingly more often. We provide services directly to people seeking asylum in the UK, adults and children, and in the recent past, through our adult services, we have observed a significant increase in children being placed in adult asylum accommodation, as you said, Baroness Kennedy, sharing rooms with adults with whom they have no relationship.

This usually happens following determination at the port of entry by Home Office officials that they are dealing with an adult, not a child. We will get into age assessments, but the root cause of this situation is related to age assessments at the port of entry. These children are going through the asylum system as adults but are in fact children, and there are no safeguards in adult asylum hotels for them to advocate or raise the fact that they are children. Unless they have been picked up by organisations such as ours or others, or on rare occasions by social services, they will stay in quite unsafe situations sharing rooms with adults.

Baroness Kennedy of The Shaws: You mentioned safeguards. What sort of safeguards could be introduced?

Kama Petruczenko: It is difficult to say. When we compare it with the children's system that they should be in, there are specific safeguards in place because the system operates within the children's framework. That is the key difference with placing children in adult accommodation. As a

bare minimum there should be information provided to people arriving in adult asylum accommodation that they can challenge decisions and raise safeguarding issues if they say that they are children and not adults. That should be assessed quite promptly by local authorities. However, even with such provisions in place it would not resolve the problem where we are seeing children going into adult accommodation.

Baroness Kennedy of The Shaws: I should declare that Ms Benfield is a colleague of mine in chambers. It is very nice to see you, Antonia. Do you have anything to add about this in relation to cases?

Antonia Benfield: I have two points. The first is, as Kama said, that the scale of the number of children who are being wrongly treated as adults is extensive. Work has been done, I think particularly by the Refugee Council, looking at the error rates. In considering a cohort of children, it found that decisions being made by the Home Office to treat someone at the border as an adult, which is on the basis of their appearance and demeanour, often without any interpreter or any questioning about the young person, were wrong in 94% of cases. A huge number of children are being put into asylum support hotels.

The second point to emphasise is that because asylum support is a bare minimum type of support to protect people from destitution, it is bare accommodation and subsistence only. There is no safeguarding; there are no professionals or interpreters on site; there is no specialist or tailored healthcare provision. All the structured framework that a child would otherwise get—care planning, placement planning, health, people alert to indicators of trafficking—is missing.

Q95 **Baroness Lawrence of Clarendon:** My question is about the number of reports of children going missing involving young asylum seekers in hotel accommodation. Who is responsible for the safety of these children and what kind of safeguards, which you touched on, should be in place to ensure their protection? What are some of the reasons for these children going missing?

Antonia Benfield: It is sensible to emphasise that children in hotels can be in two different circumstances. There is the one that we have just been discussing where they are wrongly treated as adults and put in adult accommodation. The second is Home Office-commissioned hotels, which have been used since the summer of 2021. In the circumstance of children in adult hotels, the short answer is that because they are being treated as adults they do not have access to missing person systems, unless or until they are accepted as a child. If anyone were to identify that they were missing, potentially the Home Office or hotel staff, they would be reported to the police in the usual way but not treated as a child with the additional processes.

For children who have been in Home Office hotels—I think this committee is aware that some 5,400 children have been accommodated by the Home Office in special hotels outside the statutory framework—we know that when children have gone missing there have been systems in place

between the Home Office, the local authority in whose area the hotel is and the police. It should in theory be the same as for other children who go missing. There will be investigations into it and a plan. The Home Office has a specific task and finish group that is informed by the National Crime Agency and other bodies to try its best to locate the children.

I think that Kama can deal with this, but there is a gap for children who are in Home Office hotels because there is no corporate parent and, therefore, no statutory framework of support and no allocated professional responsible. There is a gap in how the system works.

Kama Petruczenko: To elaborate on the gap that Antonia mentioned, what should happen if a child is placed in local authority care as a child in need is that they have a personal care plan developed for them and there is a dedicated social worker working with them. We know that children in care are at an increased risk of going missing within the first 72 hours of being placed in care. That is why it is so vital, especially for this group of children, who are not from this country and often do not speak the language or understand how our systems operate, to be picked up by the right people quite quickly and to build trust with adults who are involved in their care, protection and safeguarding.

That is not happening for the children in Home Office hotels. The vital safeguards that should exist and that they should have access to are not in place and they do not have anyone with whom they can start building a relationship of trust. There is no individual who is responsible for these individual children. They are being looked after in these hotels as a group rather than as individual children.

We have to remember that some of them have had quite painful and difficult experiences and it is not easy for them to express their wishes, feelings and needs, not just because of the language barrier but because they have experienced hostility from officials. Some of these children have travelled through other European countries where they experienced push-back from officials and police, so when they see uniforms in these hotels they ask us, "Why am I in prison?". That creates a wall between a child and anyone who would like to support them and build a relationship of trust. Traffickers quite often say to children, "You will be detained, they will treat you badly", and that is realised through the provision of Home Office hotels.

We believe children are going missing because they do not feel safe and there are no adults involved in their care. To a degree, that would create an environment where they feel safe and can trust and talk about their concerns.

Baroness Lawrence of Clarendon: Some months ago we heard that over 400 children had gone missing. They had located 200 and about 200 were still missing. From what you are saying, it sounds as if the children are open to abuse if they are put into rooms where they are not related to whoever they are sharing with. Those children are open to all sorts of abuse. Can you say anything about the children who are still missing, the

over 200 we heard about some months ago?

Kama Petruczenko: That is a really important question, and a group of over 100 charities wrote a letter to the Prime Minister earlier this year asking for an inquiry into all the missing children. There are important lessons to be learned from that. I am afraid that we do not know what is happening to the children who are still missing. We do not even know, sadly, whether they are all alive. We have no information about them. This is a serious crisis that perhaps is being overlooked. I really appreciate that the committee is looking into this issue, but we have very limited information about what is happening to these children, which is extremely concerning.

Q96 **David Simmonds:** I have a very brief point of clarification. You said in your evidence that the provisions in the Illegal Migration Act about the Home Secretary's powers for the detention of children and where they should be placed are not in force yet, but children are being placed by the Home Office into hotel accommodation. My understanding of the Children Act is that it is an operation of law matter that a child, because they are unaccompanied, is in the care of the local authority irrespective of whether any process has been gone through to accommodate them in the way that would have happened had they been the subject of a care order. Are you aware of any cases in which there has been a legal challenge—I would guess a judicial review—to clarify what the position is? It is my understanding that if an eligible unaccompanied child is placed by the Home Office, that would be in breach of the Children Act.

Antonia Benfield: Yes, there has been litigation that was heard by the High Court in the summer, brought by the charity ECPAT UK. It was brought in circumstances challenging the systemic use of hotels to accommodate children outside the Children Act. The claim involved Kent County Council because that is the local authority area where children arrive and it was notified that there were children in its area. It was explained by Kent in that case that it considered that it did not have the resources or capacity to safely care for children, and the Secretary of State therefore said that as an emergency and temporary measure it would accommodate children. The Government said in the context of that litigation that the alternative was either to leave children in immigration removal centres in Kent, which was deemed inappropriate, or that they would in effect be homeless.

The High Court ruled that the use of hotels is unlawful and that Kent has statutory responsibility and must take each and every child into its care. Resources is not a reason to derogate from the mandatory principles of a statutory framework.

David Simmonds: That is helpfully clear. Did that have any practical consequences?

Antonia Benfield: I can provide something in writing to the committee on this because there is a number of judgments and, somewhat unusually, the High Court has retained a measure of oversight into how

the Government get back to a position of lawfulness. I understand that there is due to be a further judgment handed down next week by the High Court because, in short, the trajectory is a positive one in terms of additional resources and Kent County Council working with the Home Office to get back to a position where they have sufficient capacity. We do not know whether that has resolved the position of there being no further children in hotels because the Home Office has not provided clear data recently.

Q97 David Simmonds: Moving smoothly into the subject of age assessments, are you able to give the committee a brief overview of the age-assessment process for age-disputed asylum seekers? In particular, can you tell us who makes the decision that an age assessment will be required and how they go about making that decision? What is the process around that? Can you share with us your reflections on what human rights issues the age assessments might flag?

Kama Petruczenko: Thank you so much for this question. There are two processes that can happen with age assessments. One is the age-determination process by the Home Office Border Force officials at the port of entry and the other is the Merton-compliant age assessment that is done by social services. Two trained social workers conduct Merton-compliant assessments.

With the Home Office assessment, when a person crosses the border in a clandestine way sometimes there are doubts about whether they are under 18 or over. During the processing at the port of entry—in the majority of cases at Western Jet Foil in Dover—Home Office Border Force officials conduct visual assessments of purported children to make a decision about whether they are dealing with someone over or under 18. These are visual assessments. There is a short interview with a child and a decision is made about whether from that point onwards a child will go through the child system because they are under 18 or whether they are age-disputed because they are being given the benefit of the doubt and will still go through the child system but with local authorities required to do a Merton-compliant age assessment to confirm whether they are under or over 18.

The third possibility is that they are found to not be children. In some situations, based on our experience with the third group, we are dealing with adults pretending to be children and robust processes need to be put in place to protect children. We should never be placing adults with children. However, in many cases, following the initial determinations at the port of entry, because children are tired and visually look older, the assessments are not Merton compliant. As I said, they are happening in a quite challenging environment. To be fair to Border Force officials, it is not an easy task ahead of them. They are incorrectly routed through an adult system and end up in hotels in adult accommodation, as Baroness Kennedy said earlier.

For the children who are assessed by social services, there is a guidance issued by the Association of Directors of Children's Services for social

workers who are conducting age assessments. The Merton process that they go through can last 28 days, or it can be longer in some exceptional circumstances if it is deemed that more time is necessary to properly assess whether a person is a child or an adult. It is a series of engagements with children. In the age-assessment process that is conducted by social services it is important that children are believed in the information and evidence that they share. The assessment comprises various elements, so it is not just visual assessment of the appearance and demeanour but trying to look at how they interact with other children, what their story is, and whether they can produce any evidence to try to understand how old they are.

Those are the two different processes. We have quite significant concerns that we have been raising for a number of years around the determinations that are taking place predominantly at the port of entry. We are seeing a huge spike in children routed through the adult asylum process and it is very dangerous for these children to be in such an environment, but also counterproductive for what the Home Office is trying to achieve in reducing the backlog and moving people from hotels.

Placing these children in hotels is creating bottlenecks for processing claims in the asylum system and creating huge problems for the local authorities. They are using the term "NTS through the backdoor". NTS is the national transfer scheme, a process of allocating children across local authorities to share responsibility for them. Local authorities are often already at capacity for the number of children they can accept into their care but they also have adult asylum hotels in their areas. They are legally obliged to take into care children from these hotels, which pushes them above the NTS numbers and many of them struggle in that situation to provide care to children.

Q98 **Baroness Meyer:** I am Catherine Meyer from the House of Lords, Conservative Peer. My question is very much on the human rights concerns that we have. Could unaccompanied child asylum seekers be detained in the United Kingdom? If so, for how long? What human rights concerns arise from their detention?

Antonia Benfield: There has always been a power to detain an unaccompanied child, but the present statutory framework is that it should be up to only 24 hours. The Government's long-standing position has been—this is prior to the Illegal Migration Act—that even where there is a statutory power to detain, it should be for the shortest possible time necessary and only in very exceptional circumstances. That goes back to the Home Office's policy position over many years.

Prior to the Illegal Migration Act there have been very limited circumstances in which it will be deemed necessary to detain a child. That can be, for example, pending arrangements being made for their care. We see in the Illegal Migration Act a huge expansion of detention powers generally but including detention powers for unaccompanied children and it being left very much to the Secretary of State's discretion as to the period of detention. The provisions of the Act state that children can

almost be detained indefinitely, subject to the ability to apply for bail within eight days but only where a decision has been made to remove them. It is tightly constrained and a substantial step away from children not being detained other than in the most exceptional circumstances.

On human rights concerns or concerns more generally, of course detention is no environment for an unaccompanied child. It can be highly traumatic and retraumatising for children who have gone through adverse childhood experiences that could be detention in their home country or instances of trafficking or exploitation on their route to the UK. It is extremely damaging to their mental health and emotional well-being. There are also concerns in the detention context of failing to identify victims of trafficking and modern slavery because there simply are not the safeguarding structures to identify those concerns and, therefore, they are missed in breach of the UK's obligations under Article 4.

Baroness Meyer: We would be in breach of the human rights convention?

Antonia Benfield: Potentially, in an individual case. It would very much depend on the effect of detention on the individual child and their particular circumstances, their own profile and vulnerabilities.

Baroness Meyer: Do we have any evidence of children being kept for much longer than 24 hours at the moment?

Kama Petruczenko: It is quite rare. As Antonia said, the Government are trying to uphold the 24-hour limit. A Minister needs to approve detention of a child beyond 24 hours, and in our experience it does not happen routinely. It happens occasionally but is rare, as far as we know.

Chair: I am afraid that due to circumstances beyond our control we will have to slightly curtail today's evidence session, but I am very grateful to you both. There is quite a number of other issues that we want to follow up on, so if you can bear with us we will write to you and we would be grateful if you could get back to us. I will ask you to step aside and we will bring in our second panel. Once again, thank you very much indeed.

Examination of witnesses

Deputy Chief Constable Catherine Hankinson and Colin Pettigrew.

Q99 **Chair:** I welcome for our second panel Deputy Chief Constable Catherine Hankinson, who is the missing persons lead at the National Police Chiefs' Council, and Colin Pettigrew, who is chair of the Migrant Families Taskforce at the Association of Directors of Children's Services. We are very grateful to you both for joining us this afternoon.

I will start by asking Mr Pettigrew to set out for us the duties of local authorities and the responsibilities of directors of children's services for unaccompanied child asylum seekers who are placed in hotels or other onward accommodation.

Colin Pettigrew: Our duties are consistent with the Children Act 1989. Children who arrive unaccompanied in this country will be deemed to be looked after under Section 20 of that Act. In common parlance that is described as voluntary care, so it does not require a court order and it does not go in front of the family court. If it was a child from the UK, that arrangement would usually be made with the child's parent or with the child directly if the child was deemed to have capacity. We know that almost all the children and young people who arrive unaccompanied are 15, 16 and 17 year-olds in the main, and the vast majority of them are boys. Of course, by definition they are unaccompanied, so the arrangement is between the local authority and the young person to become accommodated under Section 20.

Antonia and Kama made reference to the finding of 27 July by Mr Justice Chamberlain. That made it very clear that any child in any local area, where they are in a hotel arranged by the Home Office, is a looked-after child. It found that the Home Office, the Secretary of State and Kent County Council were in effect acting illegally in having children in unaccompanied asylum-seeking children hotels.

I think you heard in the previous evidence that there are children who are being processed as adults and subsequently identify as being children and then are considered through age assessments, or there are hotels where only children were placed because there was a bottleneck of children arriving, usually on the south coast, Kent in the main, who were being placed in hotels. Prior to the judgment on 27 July, there were more than 220 children placed in unaccompanied asylum-seeking children hotels. I was told by the Home Office on Friday that there are no children placed in unaccompanied asylum-seeking children hotels. That is not to say that there are not children in contingency or dispersal hotels who are identifying and being assessed and who are with adults.

Baroness Kennedy of The Shaws: Is that nationwide or just in Kent?

Colin Pettigrew: Nationwide, I understand. The unaccompanied asylum-seeking children hotels were situated in the south-east.

Chair: I think that the Kent local authority, perhaps understandably—I do not want to be too critical of it—felt overwhelmed by the number of children coming in and said it could not cope any longer, but the court said, "Resources isn't a defence; you still have this duty under the Children Act that you must comply with". Is that correct?

Colin Pettigrew: That is correct, yes.

Chair: Thank you. That is very helpful.

Q100 **David Simmonds:** This is a question directed at Deputy Chief Constable Hankinson. What are the safeguarding and legal duties applicable to the police in the investigation of missing children episodes involving unaccompanied child asylum seekers?

Deputy Chief Constable Catherine Hankinson: Colin has already referenced the Children Act. We work very much in partnership with local authority colleagues with any looked-after unaccompanied migrant child. All the Children Act and *Working Together to Safeguard Children* legislation applies to us equally, working in partnership. From a legal point of view, we have a duty to investigate missing episodes, not just for unaccompanied migrant children but for all children and adults who are reported missing, alongside the legal duties around ECHR Article 2, a right to life, and specifically Articles 3 and 4 on torture, inhuman treatment, servitude and modern day slavery, et cetera. All the Children Act legislation applies and then we apply ECHR and risk assessments to each report that we get on its merits.

Q101 **Baroness Lawrence of Clarendon:** In the context of unaccompanied child asylum seekers, what is the procedure for reporting missing children episodes? What is the police response?

Deputy Chief Constable Catherine Hankinson: There is no difference in how a report of missing is made for an unaccompanied migrant child versus any other child in the UK, or adult for that matter. Clearly, there are people who have parental or corporate responsibility, guardianship for an individual child. It is an assessment for them when a child is missing. Children sometimes go missing for short periods because they are late home or they are in a place where we do not expect them to be, but we do not expect them to be missing for very long.

Once it reaches the point where the guardian or parent feels that a young person is missing, they report it to the police and each individual police force has national systems in place to risk-assess each case on its merits. We will take on board the information we know about the person, any antecedent information, anything we know about risks that are associated with the young person, and then we will make an assessment about what resources and investigation need to follow from that point.

Baroness Lawrence of Clarendon: Do you have any data on current missing unaccompanied child asylum seekers? How many missing children episodes have been reported and how many of these children have been found?

Deputy Chief Constable Catherine Hankinson: Policing data does not distinguish between a missing unaccompanied migrant child and a child from the UK; they will be missing children and investigation will follow. Home Office colleagues have the information about unaccompanied migrant children, which is probably the data that you referred to earlier in the evidence.

On the children who were missing from the hotels during the past few months, once we realised that was happening, we very quickly worked hard in partnership with a number of agencies, as you would expect, to put things in place. When a child has been in the UK for some time and either has been in the care system or is with a family, we generally have a lot of antecedent information about that child. We have mobile phone

numbers, we know friends and family; we have somewhere to start. We recognised that with some of the unaccompanied asylum seeker children we do not have that information, because if people are going missing in a number of hours or days they have not settled for long enough for us to get that information.

So now we have vastly improved the information that we get at the first point of contact. When I say “we”, it is not policing; it is generally Home Office and immigration colleagues. We therefore have a starter for 10 in investigations, which has helped us greatly. In the forces where the missing children have been more prevalent, on the south coast as we have just described, missing teams were put together specifically for this issue and partnership strategy meetings were held regularly so that we could pull together the information about the children to try to forward the investigations and to find them.

Baroness Lawrence of Clarendon: I presume that there are children who are still missing from a few months ago, nobody knows where they are and there is no information about them. As the first panel said, they could have died and still nobody knows about it, hence why the data is so important. If you have all that, you know. The hotel system should have some details on those children, yet the children are still missing.

Deputy Chief Constable Catherine Hankinson: It is really important. As I said, we put a huge amount of effort into gaining that information quickly after this issue presented itself. I think that some of those children—I cannot quantify how many—will have turned up in other places and other local authority areas because they have been repatriated with family in the UK, and perhaps the names and dates of birth biometrics have not married up. I think that some of them will be in other places in the UK now and those details have not been married up. Some of those children will still be missing, but there will be active ongoing investigations to locate them.

Chair: Mr Pettigrew, I think you want to come back in.

Colin Pettigrew: Yes, hopefully I can help Baroness Lawrence. There is a number of different push and pull factors for unaccompanied asylum-seeking children going missing. They are being trafficked and exploited; they are going missing to avoid future asylum enforcement—if we get to speak about the Illegal Migration Act, we might want to talk about the unintended consequence of that; they are being transferred via the national transfer scheme to an area where they do not want to live or do not have family; and they are trying to unify with families or friends in other parts of the country.

We also know anecdotally that children from some countries of origin are much more likely to go missing than others, particularly Vietnamese children and Albanian children. In the east Midlands in 2018, one in 10 unaccompanied asylum-seeking children was reported missing. Today, that is one in 200. It was 21 children in 2018; it is two children across the east Midlands today. All those children, both in 2018 and today, were

from Vietnam. We know that the police have worked closely with Vietnamese forces to close down that pathway, and we are seeing fewer and fewer children arriving from that country of origin and, therefore, fewer children going missing from the looked-after children system.

Chair: That is very interesting. Helena, I think you wanted to ask about that subject. Do you want to follow up on what Mr Pettigrew has told us?

Q102 **Baroness Kennedy of The Shaws:** In many ways you are already touching on some of the things I was going to raise with you. You have indicated that many of these children are Vietnamese and they go missing, and I want to press into that. Do you think that is because those who have trafficked them have advised them to do that, to go underground and disappear into the system, "Otherwise, you might be sent back home or other bad things will happen to you, or we are threatening that we will come after you"? Is that the advice, "Come in, get into a thing and then take off", or do you think that there is an arrangement made, "Come in, be taken into the system and then come back to us because we have jobs for you in cannabis-growing factories in different parts of the country"?

Colin Pettigrew: Anecdotally, the evidence, particularly for Vietnamese children, is that they are arriving to work but to be exploited in the workplace, whether that is in—

Baroness Kennedy of The Shaws: Cannabis factories, for example. They are also in things such as the food industry, skinning fish and chicken and all sorts of things.

Colin Pettigrew: Yes, and we understand that those children arrive in debt or their families are in debt to the traffickers and, therefore, they are working. There is a link back to their family and their country of origin, and a requirement to pay back that debt.

Baroness Kennedy of The Shaws: That is very interesting. I had not ever heard that connection being made with particular places of origin. You also said Albania. Do you think that is because they are being trafficked for a particular purpose, which is working or to take part in criminal activities, and therefore they are advised to make themselves scarce?

Colin Pettigrew: This is anecdotal. I think there is an issue for this committee, and the Association of Directors of Children's Services and no doubt the police, about how we use data. Our lack of data on this is a matter of frustration in being able to use data to come to some conclusions about what approach we might take—for instance, to Vietnamese children arriving in a way that might be different to children arriving from other countries of origin, when we know the level of risk of them going missing. We had an incident in the east Midlands where a truck stopped on the side of the M1, a dozen Vietnamese children left that truck and within 24 hours all 12 were missing. That was several years ago and, as I say—for lack of a better phrase and I do not like to

use it—the pipeline of Vietnamese children seems to have been turned down, very much so, partly because of the police work internationally.

Q103 **Chair:** You are identifying a real issue for this committee about a lack of data. Who should we be going to for the data? Is it the Home Office?

Colin Pettigrew: Yes, I think it is.

Chair: Thank you. Deputy Chief Constable, do you want to come back in?

Deputy Chief Constable Catherine Hankinson: I do, just to offer that once a young person is found, following a missing episode, this is where the prevention interviews and the return home interviews that are done by local authority colleagues are so important. That is where we get some of the data about what has happened while you have been missing: who have you been with, have you been trafficked or subject to inhumane treatment, have you been to see family members, et cetera. That is all prefaced on the fact that people will speak to not necessarily police officers but social workers and other people who are trying to find things out.

As spoken about in the last session, because some of these children have come from places where perhaps they do not trust authority and police officers, that conversation can be quite difficult and sometimes takes months and years to come out. It is not always easy to get the information. We always ask for it and we give specific guidance to officers and social workers about additional questions they may ask unaccompanied migrant children when they are found, but it is difficult to get the information.

Q104 **Baroness Kennedy of The Shaws:** One of the problems of data gathering is always that we have 43 police forces around the country, the Home Office keeps figures, local authorities keep figures and so on. There does not seem to be a very clear way in which those statistics can be collated and cross-referenced.

I want to go back to something Mr Pettigrew said. You have given us a very interesting piece of information about Vietnamese children and, although you have indicated that a lot of it is anecdotal, I am sure it is grounded in some truth. It does not fit with some of the figures we know about people coming in; we have been rather preoccupied with children coming in across the channel. In recent years Vietnamese young people do not figure highly in the statistics of those who arrive by that route, which makes it unlikely that the children who disappeared recently from hotel accommodation are children of Vietnamese origin. It seems much more likely, and it is the evidence we have had, that most people coming across the channel are Afghans, Syrians, from Yemen and from Sudan. Those are the countries mentioned, so the mention of Vietnam comes as something of a surprise because it is not included in the majority of the figures, from my understanding.

Colin Pettigrew: I think that is true, Baroness Kennedy, because the figures I gave you were from several years ago and that pipeline is

closed. If you had the data for those 200—but the lack of data is not helpful to you or to our association—my suspicion is that a significant number of those 200 would be Albanian children and young people.

Baroness Kennedy of The Shaws: They might be Albanian, but we know that young people are also coming from Afghanistan and possibly from Yemen and Sudan who are in the age group of 15 to 17. They are not adults but are in that period of transition. They often can be very vulnerable, particularly to the predations of adults and to their use by drug gangs. People who traffic in human beings are often also involved in the drug industry, the sex industry and so on. Can you identify reasons why those young people would disappear? Do you think, for example, the idea that in a year's time when they are 18 they will be sent back to whence they came—to Sudan, Afghanistan or Syria, areas that are still riddled with conflict and might still hold the same horrors for those young people—means that they might disappear because they want to avoid being returned?

Colin Pettigrew: There are two particular times when there is a higher risk of children and young people going missing. One is immediately on arrival, when they had previously been in hotels or they are still in Kent and waiting to be dispersed and a reason for going missing might be being trafficked and exploited, or it might be not wanting to be transferred to another part of the country when their reason for coming here was to work in London or another city. One of the unintended consequences of the Illegal Migration Act, as the association sees it, is that we suspect that there will be a likelihood of children going missing as they get towards their 18th birthday. We think that life stage will be a second area when children and young people are likely to go missing.

I am very conscious of the time, but we think that there are some other unintended potential consequences of the Illegal Migration Act that the association has shared as evidence.

Chair: If we do not manage to get to those today, we would be very grateful if you could write to us about them. We have a couple of members who want to come in with quick supplementaries on what we have been talking about.

Q105 **Baroness Meyer:** I used to run a small charity dealing with missing and abducted children, and we worked with the police quite a lot. Something that was quite surprising, even 10 years ago, was the number of police forces that were still not using the police computer system and were logging missing children manually. How better are you now with the co-ordination of data on missing children between the police forces?

Deputy Chief Constable Catherine Hankinson: There are 43 police forces across England and Wales, and I think we have moved on some way with the technology in the last 10 years. Different forces use different systems to record and case-manage the investigation of an individual, but when somebody is missing they feature on the police national computer, which is a national system. If somebody is missing

and found somewhere else, the two police forces are able to marry that up.

Baroness Meyer: It is more on the statistics you co-ordinate, not so much on the actual individual cases. It is much more difficult for you to know the nationality of the child.

Deputy Chief Constable Catherine Hankinson: Every force submits data to the annual data return, which is done by the National Crime Agency missing persons unit, but each individual case of a missing person is held by a force on the individual case management system, which is worked through on what investigations are ongoing and what tasks need to be completed to ultimately find the missing person.

Baroness Meyer: You would want an improvement in that.

Deputy Chief Constable Catherine Hankinson: I think it is fair to say that any improvement in the data that we hold across partnerships more generally, not just on missing, is what everybody across partnerships strives for.

Q106 **David Simmonds:** Mr Pettigrew talked about who holds the data. I know that Ofsted inspects all local authority children's services and that there is an Ofsted dataset with something like 650 performance indicators, so there is at least a single common dataset that covers local authorities. Within that, we know that one child going missing 40 times is different from 40 children going missing one time, but it might result in 40 missing episodes if you are not interrogating the data correctly. It may be something to write to the committee about, but are you able to share with us your thoughts on how we might hold government a little better to account for ensuring that that very substantial dataset is better used to inform the way in which these policies are shaped?

Colin Pettigrew: Yes, I am happy to write to the committee following this.

Chair: That concludes our formal evidence, but we will move to a more informal private discussion. Thank you.