

ADVICE FOR LOCAL AUTHORITIES – SAFEGUARDING CHILDREN RETURNING TO THE UK FROM SYRIA

Introduction

In recent years, a small but significant number of British children under 18 have voluntarily travelled to Syria or have been taken there by their parents. In addition, a number of British women travelled to Syria and are believed to have had children during their time there.

Travel to Syria is contrary to the Foreign and Commonwealth Office (FCO) travel advice¹ and has been for some time. The situation in Syria remains extremely volatile and dangerous. As the situation evolves, and as Daesh (also known as IS or ISIL) loses territory, there are likely to be some British children and families returning to the UK.

Children who have lived and grown up in Syria during the current conflict are very likely to have witnessed distressing scenes; many will have experienced trauma, witnessed terrorist attacks and have first-hand experience of traumatic death, including of other children. Therefore, children who return to the UK from Syria may be traumatised and need to be offered targeted and proportionate support to aid their reintegration into their families, schools and local communities. This will be dependent on assessed need and the age of the child.

It is also likely that children have been exposed to extremist ideology, undertaken military training, or in some cases, been involved in terrorist acts during their time in Syria. In some cases, British children returning from Syria may pose a threat to others, including their families, classmates, and local community. The police may become involved and will need to interview some children to determine the nature and level of any risk and, if any criminal offence(s) have been committed, whether a prosecution is appropriate.

This advice seeks to offer help for local authorities to take the right action to support British children who return to the UK from Syria to reintegrate into their families, schools and local communities. It has been adapted from Home Office guidance, which was issued to English local authorities, in order to fit the Scottish context.

It is important to understand that this guidance is not a substitute for legal advice. Any action taken should be done so in compliance with data protection and human rights legislation. Where necessary, local authorities should seek their own legal advice.

Given the volatility of the circumstances in Syria, children returning from there are likely to be children in need as defined under the Children (Scotland) Act 1995, and to require an assessment of their needs by local authorities. Under section 22 of the

¹ <https://www.gov.uk/foreign-travel-advice/syria>

Children Scotland Act 1995, the local authority is under a general duty to provide a range of services for children in need in their area.

They may also be children in need of protection and local authorities should follow their local multi-agency arrangements and the guidance set out in the National Guidance for Child Protection in Scotland 2014.

Please note that this guidance has been written with Syrian returnees as the focus, but the provisions are also available to and the guidance is relevant to those returning from conflict zones in Iraq.

A list of reference materials and contact details can be found in the Annex.

Arrival in the UK

Where the FCO becomes aware of the impending return of a British child to the UK from Syria, their Child Protection Unit² (which includes a UK-qualified Social Work Adviser) will notify children's social work services in the most appropriate local authority (i.e. the local authority to which the child is most likely to return, referred to below as the "home" authority). This will be based on the information given to the FCO by the returnees and is likely to be the local authority where the British child, or family, was previously resident. Local authorities could also additionally receive referrals about British children from local Police or the Metropolitan Police before or after they return to the UK, or from other practitioners who come into contact with children after their return.

The FCO will only be aware of children and families with British nationality and it is therefore possible that local authorities could come across non-British nationals who have also been involved in the Syrian conflict. In these circumstances, local authorities should follow their local multi-agency arrangements. It should be noted that returnees are not refugees or asylum seekers. Refugees and asylum seekers from the Syrian conflict are people, who were resident in Syria before the conflict began and have fled the country to escape persecution. They would not hold British nationality.

On arrival in the UK, Counter Terrorism Ports Police officers will likely use their powers under Schedule 7 of the Terrorism Act 2000 to stop any individuals (including children) if they are identified as returning from Syria to determine whether they may have been involved in the commission, preparation or instigation of any act of terrorism. The code of practice on this Schedule makes specific reference to the questioning of children. It recommends that children be examined in the presence of a social worker (or other non-law enforcement agency employee). This makes early engagement by local authorities imperative. At all times, the safety and welfare of the child is paramount.

Where the port of entry is not the child's ordinary residence, discussion should take place between the relevant local authorities to determine action necessary. Cooperative communication between the port and home local authorities will be

² The FCO Child Protection Unit can be contacted on 0207 008 1500

important, particularly whilst the child and family are in transit. If emergency action is required to ensure immediate protection for a child, for example if a child arrives unaccompanied at a port, the local authority in whose area the child is found is responsible for taking such emergency action. Only when the authority in which the child ordinarily resides explicitly accepts responsibility (to be followed up in writing) is the first (port) authority relieved of this responsibility.

Given the point of arrival is likely to be a port in England (most likely one of the London airports), communication between partners in England and Scotland will be particularly important, given the different processes in place.

DISCHARGING STATUTORY DUTIES

Statutory child protection responsibilities

Local authorities will be familiar with their statutory duties under the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011 to safeguard and promote the welfare of children, including those who may be suffering, or likely to suffer, significant harm. For any child referred to the local authority, including a child who may be returning from Syria, local multi agency arrangements should be followed.

Following acceptance of a referral by the local authority children's social work services, an assessment of risk and need should be undertaken to determine whether a child returning from Syria requires services as a child in need or a child at risk of significant harm requiring protection. Given the particular set of circumstances of a child returning from Syria, consideration should always be given to initiating an Inter-agency Referral Discussion under child protection procedures.

Referral to the Scottish Children's Reporter

In discharging their statutory duties, local authorities must give consideration as to whether a child might require to be made subject to a compulsory supervision order (CSO) and therefore whether a referral to the Children's Reporter is necessary³. Anyone can refer a child to the Children's Reporter and a referral must be made when it is considered that a child is in need of protection, guidance, treatment or control and that a CSO might be necessary. On receipt of the referral, the Reporter will conduct an investigation in order to decide whether to arrange a children's hearing for the child. This involves an assessment of the evidence supporting one or more of the grounds in section 67 of the Children's Hearings (Scotland) Act 2011, and assessing the need for a CSO, involving a consideration of the extent of concern about the child's wellbeing and behaviour and the level of co-operation with agencies.

³ In considering whether to refer a child to the Children's Reporter, reference should be made to "Guidance on Referral to the Reporter – Information for Partners" produced by the Children's Hearings Improvement Partnership: <http://www.scra.gov.uk/wp-content/uploads/2016/03/Guidance-on-Referral-to-Reporter.pdf>

In making these assessments, the Reporter will rely on information from other agencies, most commonly social work and other involved professionals/ services as appropriate. In relation to a child returning from Syria, the Children's Reporter may also contact the Police to obtain relevant information.

Assessing needs

As noted within the National Guidance for Child Protection in Scotland, the GIRFEC approach stresses the importance of understanding risks and needs within a framework of the child's whole world and wellbeing. Every child needs to be healthy, achieving, nurtured, active, respected, included, responsible and, above all, safe. When assessing a child, local authorities should therefore be alert to the potential risk factors in their life. The GIRFEC 'practice model' presents a series of tools that are integral to the use of risk assessment: the Wellbeing Indicators; the My World Triangle; and the Resilience Matrix. In some cases where a risk assessment is being undertaken, a Child's Plan may already be in place and this should be used and added to, paying particular attention to any new areas that may result in adverse outcomes for a child or young person.

With respect to returning children, particular consideration will need to be given to the following:

- the extreme conditions under which the children have lived whilst in Syria;
- the trauma that they will have experienced;
- the short, medium and long-term impact on their physical, mental and emotional development;
- their vulnerability on returning to the UK; and,
- the potential risk that they may pose in terms of radicalising others or carrying out terrorist activity.

It will be for the local authority to determine the level of support required, subject to any decision of a Children's Hearing (if arranged by the Children's Reporter) about the terms of any CSO for the child. A child returning to the UK from Syria could require the assistance of multiple agencies and experts to safeguard and promote their welfare. Therefore, early and effective information sharing between and within agencies, and effective multi-agency working will be important. This should include local authority children's social work services working with Police Scotland's Prevent Delivery Units to seek and share information, as well as other local services such as housing, health, education, legal and community relations. Any multi-agency strategy meetings for returning children should include appropriate representation from agencies that are able to help the child and their family. This may include mental health experts to advise on what support might be required. As with any other assessment of risks and needs, the assessment should be subject to regular review to ensure that support arrangements remain appropriate. It is important to note that risks from radicalisation may not be immediately apparent and there may be a need for on-going vigilance, being careful to ensure that the rights of those involved are protected.

Emergency Child Protection Order

The assessment and any subsequent strategy meetings between local agencies will determine the nature and level of risk a child may be facing.

In cases where local authorities decide to seek the removal of a child from their parents through applying to a sheriff for a Child Protection Order, senior police officers should be involved as appropriate and consulted as part of the deliberations ahead of submitting the application. They may have additional information, such as intelligence, and be able to advise on conditions that should be considered as part of the application.

Review of support provided

Even where it is determined that the child's needs can be managed within universal services, it is likely that a child's plan will be required (at least initially) in most cases.

Where the outcome of the child's assessment is continued social work involvement with the child, the social worker should develop a child's plan (or child protection plan if applicable). This should be agreed with other relevant professionals and discussed with the child, where at all possible, together with their family. The plan should be reviewed regularly – within three months of the initial assessment and then within six months of the initial review – to check sufficient progress has been made to meet the child's needs and address the level of risk faced by the child.

Reintegration of child into education

The law requires all children in Scotland to continue in education or training until their 16th birthday. Where appropriate, local authorities should actively encourage, enable and assist children aged 16-18 to participate in education or training. Local authorities should satisfy themselves that children under the age of 16 who return to the UK are receiving a suitable full time education. Prior to the child's return to full time mainstream education, local authorities should consider carrying out a specialist assessment that examines the full risks of the child's (re)admission. Following this assessment, the local authority should develop a clear and comprehensive plan, in consultation with appropriate experts, which will address the nature of and mitigate any risk(s) to the child, staff members and other pupils at the school. Local authorities should engage with all schools, and all schools have a requirement to ensure that teachers and other staff in the school have the skills, knowledge and understanding to keep all pupils safe.

PROVIDING SUPPORT

Local authorities, in developing local child protection policy and procedures, will need to ensure local arrangements for any children returning from Syria are in place. These should make clear the respective responsibilities of partner agencies and highlight the services available to support returning children.

There is centrally funded support available for local authorities to help all British children or families who return to the UK from Syria. Local authorities should engage

with the centrally funded providers, Tavistock and Portman NHS Foundation Trust and Catch 22, to agree the provision of services to returning children locally.

Mental health and emotional wellbeing assessment and treatment

The Home Office has funded the Tavistock and Portman NHS Foundation Trust (0208 938 2226 / ReturningFamilies@tavi-port.nhs.uk) to assist local authorities and local NHS trusts to conduct comprehensive mental health and emotional wellbeing assessments of all British children returning from Syria. The Tavistock and Portman NHS Foundation Trust will ensure coordination for the provision of mental or emotional health interventions for the child and family as identified by their assessments. This may include direct provision of treatment, referral to another appropriate specialist service or supporting the local NHS providers. This will be dependent on both expertise and practical considerations.

Key worker support

The Home Office has also funded Catch 22 to provide a key worker service for children returning from Syria. Catch 22 are able to support and advocacy for the child and their family to reintegrate into the UK. The provision is available to help any UK family with children that returns from Syria, regardless of the threshold for a statutory intervention, and will be able to:

- Help facilitate communication with different local services and agencies;
- Help the family access support to which they are entitled;
- Sign up the children to local schools and GP services;
- Represent the child in any meetings about their welfare;
- Work intensively with the family over the longer term to encourage a protective environment for children and reintegration into the community.

We recommend that when local authorities are notified about a returning family, Catch22 are contacted and invited to any multi-agency safeguarding meetings to provide advice on the support they can offer for that specific case and agree potential next steps. Their work will complement the mental health support provided by Tavistock and Portman NHS Trust, as well as any other local interventions to safeguard children. As with the Tavistock, the support, assessments and any interventions from Catch22 are funded entirely by the Home Office and will not incur any costs for local authorities.

Catch22 can be contacted on ReturningFamilies@catch-22.org.uk or 02073364853 if you have any questions or would like to reach out to help plan safeguarding interventions for returning families.

TACKLING THE RISK OF RADICALISATION

Prevent Professional Concerns

Local authorities will be familiar with the Prevent duty and their role in multi-agency work to safeguard those who are thought to be vulnerable to radicalisation. Prevent referrals can often be dealt with by partner agencies using existing internal safeguarding processes and procedures. Where concerns require further escalation, a referral can be made to Police Scotland. After receiving a Prevent referral, Police Scotland's Prevent Delivery Units use their knowledge and expertise to consider the concerns and undertake an initial assessment of vulnerability before agreeing the appropriate response with partners.

Desistance and disengagement programme for adults

The Home Office has a new programme aimed at changing the behaviour (desistance) and beliefs (disengagement, or 'de-radicalisation') of people who are unsuitable for referral to the Prevent Professional Concerns process. This programme provides funding for an intensive and bespoke series of interventions, often going beyond what is available from statutory partners, given the generally higher risk profile of those who will be referred to it. More information on the programme can be obtained from the Home Office at:

D&DProgramme@homeoffice.x.gsi.gov.uk.

Identifying other vulnerable individuals

Local authorities will be familiar with their duties under the Prevent Duty⁴⁵⁶. Where local authorities are engaging with a child and family who have returned from Syria, they should consider whether other friends and family members that are in close contact with the returners are vulnerable to being radicalised. If appropriate, a Prevent referral should be made.

Media handling and community cohesion

Cases such as these can become high profile and generate interest in the media and local community. Local authorities and other agencies should therefore be prepared to handle, address and practically respond to press enquiries and domestic disturbances accordingly. Where a case is likely to receive public attention, it would be important for the local authority to ensure appropriate communication takes place with Police Scotland to ensure any community safety issues are considered.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445978/3799_Revised_Prevent_Duty_Guidance__Scotland_V2.pdf

⁵ <https://www.westlothian.gov.uk/media/15087/Prevent-Guidance/pdf/CONTESTPrevent-LocalAuthorityGuidance.pdf>

⁶ For NHS Boards, guidance on the Prevent duty can be found in the Playing Our Part guidance. http://www.readyscotland.org/media/1116/playing_our_part_-_prevent_strategy-guidance_for_health_boards_-_january_2015.pdf

Working with other Local Authorities

It is possible that a returning child or family's footprint may straddle across two or more local authorities requiring local authorities to agree responsibilities, share information, and review actions. Where this occurs, cooperative communication is advised.

Some local authorities may have more experience of dealing with cases of children returning from conflict zones as well as related cases such as preventing children travelling to conflict zones, for example, Syria.

The Safeguarding and Vulnerability Team in the Scottish Government and Police Scotland Prevent Delivery Units will be able to help identify the nearest experienced local authority to enable the sharing of expertise and the identification of the relevant professionals and practitioners to consider involving in these types of cases.

Further updates

The UK Government will seek to update this advice in the future to reflect changes in legislation, support, and statutory guidance and the Scottish Government will work with partners to incorporate these into the advice for local authorities in Scotland.

ANNEX – REFERENCE MATERIALS AND CONTACT DETAILS

The National Guidance for Child Protection in Scotland 2014 provides a national framework for agencies and practitioners at local level to understand and agree processes for working together to safeguard and promote the wellbeing of children. It sets out expectations for strategic planning of services to protect children and young people and highlights key responsibilities for services and organisations, both individual and shared.

<http://www.gov.scot/Publications/2014/05/3052>

Statutory guidance on the Prevent duty highlights the importance of information sharing agreements at local level to ensure the rights of individuals are fully protected. The general principles of necessity, proportionality, consent, and power to share apply as well as the Data Protection Act and the Common Law Duty of Confidentiality. See:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445978/3799_Revised_Prevent_Duty_Guidance_Scotland_V2.pdf

Information on the circumstances of children in Syria

There is wide ranging open source and academic coverage which provides an insight on the circumstances children in Syria face, for example the report of the UN Secretary General on Children and armed conflict:

<https://childrenandarmedconflict.un.org/countries-caac/syria/>

KEY CONTACT DETAILS

Scottish Government

Safeguarding and Vulnerability Team at Victoria Quay, Edinburgh
0131 244 0876 or 0131 244 7835

Tavistock and Portman NHS Foundation Trust

0208 938 2226 / ReturningFamilies@tavi-port.nhs.uk

Catch 22

0207 336 4853 / Returning.Families@catch-22.org.uk

Home Office

returning.families@homeoffice.x.gsi.gov.uk