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Children's Commissioner for England
Sanctuary Buildings
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4th June 2020

Disproportionate impact of COVID-19 lockdown on looked after children and young people seeking asylum, including those who have been trafficked

Dear Anne,

We write to you as agencies working with looked after children and young people seeking asylum or with irregular migration status in the UK, including those who have been trafficked or who have fled others forms of cruel, inhuman or degrading treatment and traumatic experiences, to raise our concerns about the significant and disproportionate impact of the COVID-19 lockdown on them.

Our aim is to protect and promote the rights of these children and young people as required by domestic legislation and international treaties including the Children Act 1989 and the UN Convention on the Rights of the Child, and to ensure that they are upheld during the Covid-19 pandemic.

We are concerned that for young people, who were already facing great challenges in access to support and care, the uncertainty and serious risk to life brought about by the pandemic, means that their needs as young survivors of trafficking and exploitation and other forms of violence and abuse are being overlooked, whilst increasing. We are concerned about their increased risk of going missing and facing further exploitation and abuse at this time when their need for support and care are not being met.

Many of the children and young people we work with have already had traumatic experiences of being locked up or compelled to live in isolation without any control over their lives nor any idea as to when their imprisonment might end, if ever. Some will have been trafficked into the United Kingdom and/or trafficked within the UK and experienced coercive control over their lives. We understand the need for stringent public health rules, but we are concerned that the consequences for the children and young people we work with are not fully appreciated by statutory local agencies and central government departments charged with promoting and safeguarding their welfare and best interests.

The restrictions that have been imposed to control the Covid-19 pandemic have meant a sudden withdrawal of much of the support they rely on for their physical, emotional and psychological health and well-being including schools and colleges, clubs, community centres and other social groups and a significant reduction in access to counselling and other forms of therapeutic work and mental health services, as well as decreased access to social workers.

The loss of tangible support and the consequential social isolation compounded by the significant restrictions on movement, have been a shock to many of them, redolent of past experiences of ill-treatment and trauma. In the absence of the emotional and psychosocial support they had pre-Covid, we have received reports from the young people we support of increased experiences of

nightmares, flash backs and overwhelming panic attacks. Some are struggling to control episodes of depression and suicidal ideation. Their need for mental health support and trauma care is increasing.

Many of these young people are placed in unsuitable accommodation where they do not feel safe, feelings which the current conditions are exacerbating. Unaccompanied children and children who have been trafficked are already at a higher risk of going missing from care,¹ which can indicate exploitation and re-trafficking, and we are concerned that the current reduction in support could increase this. If children and young people do go missing during this time, they may be even more exposed to further harm.

These children and young people are highly likely to have no family members or social networks in the UK to advocate for them, visit them or meet their ongoing practical, social or emotional needs.² They are reliant on their corporate parents and social workers to do what any good parent would do. We are concerned that the Covid-19 crisis falling on top of the pre-existing crisis in social care and local authority funding, means that they are failing in their statutory duty to safeguard and promote the welfare of children and young people in their care, and former relevant children.

We call on you, as the Children's Commissioner for England, to use your investigative powers to listen to these children and young people, investigate failures in responses to their needs at this time, and advocate for a better response to safeguard and promote their welfare. We make this request at a time when we are gravely concerned at the Adoption and Children (Coronavirus) (Amendment) Regulation 2020 (SI/445/2020) which removes and weakens vital safeguards for vulnerable children, including those looked after children who are seeking asylum and child victims of trafficking. The significant dilution of important corporate parenting duties to visit and maintain contact with children will result in the voices of these children and young people being further silenced and their needs being completely overlooked. For the vulnerable cohort of children and young people we work with, the loss of support is all too often associated with increased future risks of harm, exploitation and deterioration in their mental health.

We have little confidence that the easing of the lockdown will address these risks, particularly in light of the current confusing public health messaging and lack of clear guidance. Most of the young people we work with are black and minority ethnic and are living in areas of high deprivation – both factors which we now know increase their likelihood of infection and their fear and isolation. The risks and ongoing impact we highlight here are real and immediate and require urgent action now.

In the light of the above, we specifically ask you to investigate the following significant parenting failures:

(i) Failures to arrange access to education

Our understanding is that during the pandemic, looked after children and children with a social worker should have access via the national scheme for devices and internet access through the local authority, schools and colleges. Young people we work with aged 14–21, in full time education, have been unable to continue with school or college work because they have not had access to laptops, WiFi or support in liaising with schools regarding the same. Before the Covid-19 pandemic, they were able to use computers and WiFi at school or college in the week, and could attend libraries at the weekend. During the pandemic, children and young people with access to charity support have

¹ <https://www.ecpat.org.uk/still-in-harms-way>.

² For this very reason, a youth-led campaign, [Distress Signals](#), and ECPAT UK's [Stable Futures](#) campaign, call for guardians for all separated children in England and Wales.

relied on it entirely to advocate for them, to source laptops and to liaise with their schools and colleges regarding delays in completion of course work to avoid termination of their enrolment. It is unrealistic, impracticable and unsustainable that charities, already stretched in their funding and resources, should substitute for the central government scheme to which children and young people are eligible and entitled.

Navida was 16 at the start of lockdown. She is a survivor of trafficking and lives with her foster mum in south London. At the start of the lockdown she had no laptop and this prevented her from doing her school work, coupled with the fact that her foster mother does not have WiFi. This meant that even when Shpresa Programme provided Navida with a laptop³ she could not always complete all her school work. More worrying for those at Shpresa supporting Navida was the fact that she was having to spend up to £10 worth of data credit per day in order to attend the Shpresa Zoom youth sessions every evening. These sessions have been essential to support her to maintain some mental and emotional stability during lockdown. When she ran out of phone credit she would suffer from severe panic attacks. She had her 17th birthday in lockdown and that day had a series of serious panic attacks as she was so distressed.

Navida's experience is not an anomaly – we are aware of many children facing similar challenges in accessing education. We are deeply concerned that children and young people, including those who are over 18 and care leavers/former relevant children, are left unsupported and unable to effectively participate in education.

(ii) Failure to ensure young people's basic needs are met

Some young people, reliant on local authorities to provide financial support, are at increased risk of exploitation due to late payments. While late payments are never acceptable, prior to the Covid-19 pandemic, young people could raise this with former foster carers, charities or staff at school or college with relative ease and ensure a prompt response in order that their basic needs were met. During the pandemic lockdown, with most institutions physically closed, and most adults to whom the young people would normally turn to working remotely and inaccessible in-person, young people who find themselves in this financial situation have far fewer options to turn to, exposing them to actual and real risk of significant danger and exploitation.

Enver was 20 years old at the start of lockdown and was a former relevant child under the care of his local Leaving Care Team. He is a victim of trafficking. He turned 21 in April 2020. On 19th March 2020 his social worker wrote to a volunteer at Shpresa stating:

“There has been some problem with his weekly allowance, and last he got some payment on the 04/03/2020. He is expecting his money tomorrow but I have just been told that money will not be paid to him till next week Wednesday. Please can you call him and explain to him – I would very much appreciate your kindness. Can you let me know. We are very busy and not much staff around.”

Social services made no arrangements to pay him any money before 25th March 2020 in spite of the Shpresa volunteer advocating that he could not be left without any means to meet his basic needs as he would be at risk of exploitation. He had no money to live on for three weeks. Concerns were

³ Which they did very early in the lockdown in spite of having identified more than 50 young people in need of laptops, (many of whom were much more isolated than Navida, as they were living in temporary accommodation), due to her age and the fact that she was very anxious about falling behind with her school work.

raised with the social worker in question as the situation was worsening and nothing was done to rectify it. Soon after this email was sent he went missing. Any young person going missing from care is deeply troubling, but here, Enver's history of trafficking coupled with the lack of basic means and the reduced interaction of the local authority serves to underscore the urgency of our concerns.

We are additionally concerned about the specific needs of disabled young people and those with specific mental or physical health problems, including cognitive delay. We are aware of a young person discharged from an inpatient psychiatric unit and thought to have Covid-19, too ill to care for himself and left without support. Another young person with apparent undiagnosed cognitive delay was unable to cook for himself, having previously relied on his former foster carers and a charity youth club that cooked his meals. During lockdown he ate only biscuits for two days until a charity delivered shopping to his accommodation - we are not aware of any contact or support from the local authority.

(iii) Failure to meet children and young people's needs for emotional, psychological and mental health support

Looked After children and young people are entitled to and need regular contact with either their allocated social worker, key worker or personal advisor. In normal times, some will also receive additional on-site support at their accommodation. During Covid-19, we appreciate that the nature of statutory visits and contact may have changed, but a vast number of the children and young people we support have reported no contact at all or greatly reduced contact with those tasked with supporting them during lockdown. It is hard to understand how the local authorities can assure themselves as corporate parents that the children and young people they are responsible for are safe and well at a critical time when these young people have needed practical and emotional support the most.

The current situation has been re-traumatising for some young people and has left many unable to cope, particularly those with pre-existing mental health issues. From our work in the London area, we are not aware of *any* local authorities arranging for young people to continue to access counselling or therapeutic services online that they were already receiving or offering counselling and mental health support to help them cope with the sudden loss of their normal support networks.

In particular, we are aware of young people who have suffered panic attacks such that they have required medical attention and of others who have felt suicidal, left dependent on volunteer telephone befrienders while in lockdown.

Irma is 18 years old and a victim of trafficking. She is a former relevant child in semi-independent accommodation in south London. She began having severe panic attacks at the start of lockdown. Shpresa had to call a mental health specialist on a number of occasions to assist her in re-gaining control of her breathing. At one point she thought she was suffering from Covid-19 as her breathing was so affected by the panic attack. She is so anxious that she frequently cannot eat and vomits any food she tries to digest. On one occasion a volunteer from Shpresa visited her to find her crying and pinching herself as she said she thought she was not alive anymore as it was so long since she had spoken with anyone.

Young people are often without WiFi with their phones being the only means of contacting the outside world, and have chosen to spend any money they have on phone credit rather than on food and other essentials. Our charities have had to fundraise to ensure that individual young people are

not without phone credit and thus without any means to access medical information and advice, mental health support and education.

(iv) Failure to convey, explain and support children and young people in understanding public health guidelines

Our charities have been providing children and young people with information about Covid-19, about the risks to them and to others, and about their obligations to safeguard their own health and that of others. There is a real need for more information in child friendly formats, in children and young people's mother tongues or in a way that those with learning difficulties or poor literacy can access. Additionally, most of the young people we work with are black and minority ethnic and are fully aware of the disproportionate impact of Covid-19 on them without any information about why nor any mitigation of its impact. This has meant that their level of concern and fear are heightened and that they are fearful of seeking medical care if they are symptomatic. A centralised strategic approach to ensure that looked after children and young people and care leavers and others who are without kinship support are provided with information and are able to access and understand the information that they have been given is urgently needed.

(v) Safeguarding and risk of missing and re-trafficking

Children and young people who are alone, afraid, lacking in the resources to meet their basic needs and unable to access mental health support are vulnerable to going missing and facing exploitation and abuse.

Luca, a 21-year victim of trafficking and former relevant child, who displays symptoms of severe PTSD, has been missing from care since he was 17 years of age. He usually works on building sites in east London in order to meet his basic needs. This work dried up during lock down. He was approached by a group of men who offered him work in Birmingham where he was taken and worked for a week on a building site for long hours. At the end of the week he was given no money and told if he tried to leave the men would notify the Home Office.

Other younger children, including a 15 year old in foster care, have been approached by groups of men and asked to deliver packages in exchange for small sums of money. The local authority in question have responded quickly in this case, but it highlights the significant wider risks for young people during this time.

These young people need to know that there is a plan to increase the support and care around them that will safeguard their wellbeing at this time. Instead, we are gravely concerned that The Adoption and Children (Coronavirus) (Amendment) Regulation 2020 will mean that there is even less and that the risks to their safety and welfare increase. This curtailment of statutory duties will have a disproportionate effect on this cohort of young people, who have no family or other support networks to act as a safety net in the absence of social worker visits or telephone contact. In addition to this, the Independent Child Trafficking Guardianship service, which has been in statute since 2015, has not yet been rolled out across England and Wales, leaving the majority of child victims of trafficking without this independent support they are entitled to.

We are particularly concerned about those children living in semi-independent, especially unregulated accommodation, who already have such little support.⁴ There are six times more unaccompanied asylum-seeking children living in semi-independent accommodation⁵ and there

⁴ <http://refugeechildrensconsortium.org.uk/young-asylum-seekers-and-unregulated-accommodation/>.

⁵ <https://article39.org.uk/2020/02/>.

continues to be concerns that unregulated accommodation places children at greater risk of exploitation.⁶

(vi) Increased demand and role of the charity sector

Charities on the ground working closely with young people have been stepping in respond to meet children's and young people's urgent and basic need for food, human contact and emotional support, including mobile phone credit, laptops, WiFi and online counselling and befriending, as statutory services have fallen away. This indicates a significant failure of statutory duties to looked after children. There are of course also many children who are not in contact with charities, particularly those living away from major cities, who may be completely falling through the gaps without these services.

The pandemic and responses to it have led to a significant and sudden curtailment in important and hard fought for statutory safeguarding duties. The most vulnerable children and young people are alone and afraid and at greater risk. The current situation undermines their recovery and exposes them to unnecessary and disproportionate risks of re-trafficking, exploitation, abuse and a deterioration in their emotional and mental well-being.

We urge you to investigate the issues raised in this letter as a matter of urgency.

Yours sincerely,

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Anna Skehan, Head of Legal Practice, MiCLU (Migrant and Refugee Children's Legal Unit)

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Supported by:

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Caroline Ford, Chief Executive, Consortium for Street Children

Catherine Gladwell, Chief Executive, Refugee Support Network (RSN)

⁶ <https://howardleague.org/wp-content/uploads/2020/03/Victims-not-criminals.pdf>.

Carolyn Housman, CEO, Children and Families Across Borders (CFAB)

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Jo Youle, Chief Executive, Missing People