

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. Travel to Syria is contrary to the Foreign and Commonwealth Office (FCO) travel advice¹.

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 more 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 and crown prosecution service 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 reintegrate into their families, schools and local communities.

Given the volatility of the circumstances in Syria, children returning from there are likely to be children in need as defined under the Children Act 1989, and to require an assessment of their needs by local authorities. Local authorities should follow their local multi-agency arrangements and the guidance set out in statutory guidance *Working Together to Safeguard Children* on managing individual cases, having regard to the thresholds outlined by Local Safeguarding Children's Boards (LSCB). Under section 17 of the Children Act 1989, the local authority is under a general duty to provide a range of services for children in need in their area.

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 care 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

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

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

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 and the guidance set out in *Working Together to Safeguard Children*³ which refers to the considerations which apply in relation to children with links to a foreign country.

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.

It may be appropriate for a social worker from the home authority (rather than a port authority social worker) to travel to the port of entry. This will allow the home local authority social worker to follow their usual procedures in assessing the needs of a child and making the most appropriate care arrangements, should this be necessary. Cooperative communication between the port and home local authorities will be 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 becomes known to authorities unannounced or arrives unaccompanied at a port, *Working Together to Safeguard Children* is clear about the process that must be followed. The local authority in whose area a child is found is responsible for taking such emergency action and only when a second local authority explicitly accepts responsibility (to be followed up in writing) is the first authority relieved of this responsibility.

DISCHARGING STATUTORY DUTIES

Statutory child protection powers

Local authorities will be familiar with their statutory duties under the Children Act 1989 to safeguard and promote the welfare of children 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 and any assessment of need should be carried out.

Following acceptance of a referral by the local authority children's social care, an assessment will determine whether a child returning from Syria requires services as a child in need or a child at risk of significant harm requiring further safeguarding.

³ Under the section "Focusing on the needs and views of the child"

Statutory assessment of needs

Children present as unique individuals and the purpose of an assessment is to understand the nature and level of individual needs and decide if the child and their family require services. An assessment of the risk and protective factors for the child, as set out in *Working Together to Safeguard Children*, should be undertaken. The assessment should take account of the child's development needs, the parental capacity to provide for their child and the wider environmental factors. In assessing the child and in any subsequent provision of services, 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 local authority social workers to determine whether the thresholds for assessment and the provision of any statutory services under section 17 or for making enquiries under section 47 of the Children Act 1989 are met. 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 care working with local Prevent co-ordinators and the Police 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 who are able to help the child and their family. This may include mental health experts to advise on what support might be required.

Legal options

The assessment of need 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 or take other action through the family courts, 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.

Statutory review of support provided

Where the outcome of the child's assessment is continued social care involvement with the child, the social worker should agree a plan of action with other professionals and discuss this with the child where at all possible and 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 the level of risk faced by the child.

Reintegration of child into education

The law requires all children in England to continue in education or training until their 18th birthday and 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.

To inform decisions about school safeguarding, the sharing of information between agencies will be important. As set out in *Working Together to Safeguard Children*⁴, where a child is assessed under the Children Act 1989, the social worker should inform, in writing, all the relevant agencies and the family of their decisions and, if the child has been assessed to be a child in need, of the plan for providing support.

PROVIDING SUPPORT

Local authorities, in developing local safeguarding 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 provider, Tavistock and Portman NHS Foundation Trust, 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

⁴ Under "Assessment of a child under the Children Act 1989"

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 is currently exploring options around a key worker service for children returning from Syria which will provide support and advocacy for the child and their family to reintegrate into the UK. Given the child's absence from the UK, a key worker will facilitate communication with different local services, help the family access support to which they are entitled, and sign up the children to local schools and GP services. The key worker will also be able to work intensively with the family over the longer term to encourage a protective environment for children and reintegration into school and the community. Local authorities can obtain information on this provision by contacting Returning.Families@homeoffice.x.gsi.gov.uk

If an assessment determines that a returning child from Syria requires statutory services, and the local authority children's social care team decide to utilise the Tavistock and Portman NHS Foundation Trust, social workers should coordinate the access to provision of these services. Where a child is assessed as not requiring statutory services, they can also be referred to the Tavistock and Portman NHS Foundation Trust and the assessing social worker should coordinate the referral to these services. Local authorities should also contact the Home Office to understand what key worker support can be provided and how this can be coordinated. The Tavistock and Portman NHS Foundation Trust will work closely with the returning child and family over the long term to provide support: for example, diagnosis and treatment for latent mental health conditions suffered by those returning from a conflict zone. Should safeguarding concerns arise during the course of their engagement, centrally funded organisations will refer these to local authority children's social care.

TACKLING THE RISK OF RADICALISATION

Channel referral

Through the Prevent Duty and Channel Panels, some local authorities will be familiar with the work of Home Office's Office of Security and Counter Terrorism (OSCT) approved Ideological Intervention Providers (IP) who understand the ideology of extremism and who will seek to steer a vulnerable person away from it. Depending on the outcome of the child's assessment by the multi-agency panel, it might be deemed appropriate to commission an IP to work with a child returning from Syria. The panel should take views from other providers, such as Tavistock and Portman NHS Foundation Trust, on the appropriate timing of introducing an IP as there is some research which suggests that ideology can initially provide a protective mental factor. Where appropriate, the local authority should contact their local Prevent Police Practitioner to commission a suitable IP.

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 Channel. This programme provides funding for more intensive and bespoke series of interventions than Channel is able to, often going beyond what is available from statutory partners, given the generally higher risk profile of those who will be referred to it.

Many of the parents returning from Syria will be on this programme and the police will be able to provide confirmation. Where parents are on this programme, the multi-agency panel should ensure there are clear lines of communication between the IP they commission for the family and the desistance and disengagement IP already in place.

If a parent is not on the desistance and disengagement programme, local authorities may want to consider whether to encourage a returning parent to take part in it as a measure to help safeguard their child. More information on the programme can be obtained from the Home Office at D&DProgramme@homeoffice.x.gsi.gov.uk.

Preventing further travel

To reduce the risk of the child leaving the UK again, the local authority may wish to consider asking the parents to surrender the child's passport to the Police. If parents do not comply, it is open to the local authority to make an application to the court (including on an out of hours basis where necessary) seeking the confiscation of the child's passport pending the resolution of a legal matter and/or until a decision on the future of the child's care has been made. Legal advice on how best to proceed where such action is contemplated should be sought as necessary.

Identifying other vulnerable individuals

Local authorities will be familiar with their duties under the Prevent Duty⁵. 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. They can also result in domestic disturbances. Local authorities and other agencies should therefore be prepared to handle, address and practically respond to press enquiries and domestic disturbances accordingly.

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.

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445977/3799_Revised_Prevent_Duty_Guidance_England_Wales_V2-Interactive.pdf

Local authorities will be aware that some local authorities 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. Local authorities who require assistance in dealing with cases involving British children returning from Syria can contact the Due Diligence and Counter Extremism Division (DDCED, 020 7340 7264 / counter.extremism@education.gsi.gov.uk) in the Department for Education. The DDCED 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 / feedback

The Department for Education will seek to update this advice in the future to reflect changes in legislation, support, and statutory guidance. In the meantime, feedback on this advice can be sent to counter.extremism@education.gsi.gov.uk.

ANNEX – STATUTORY GUIDANCE

Statutory guidance, *Working Together to Safeguard Children*, covers the legislative requirements and expectations on individual services to safeguard and promote the welfare of children (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf). It also makes clear the importance of effective information sharing, and all organisations should have arrangements in place setting out the processes and the principles for sharing information with one another. General advice on information sharing is set out in <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>.

Statutory Guidance, *Keeping Children Safe in Education*, contains information on what schools and colleges should do and sets out the legal duties with which schools and colleges must comply in order to keep children safe. It should be read alongside the statutory safeguarding guidance *Working Together to Safeguard Children*, and departmental advice *What to do if you are worried a child is being abused- Advice for practitioners*. It includes advice to schools on how to protect pupils from the risk of radicalisation, alongside protecting children from other harms, such as drugs, gangs, and sexual exploitation (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf). Within the education sector, the Department for Education is supporting schools and local authorities to safeguard children effectively, including through the use of formal child protection powers.

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/publications/prevent-duty-guidance>).

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

Tavistock and Portman NHS Foundation Trust: 0208 938 2226 / ReturningFamilies@tavi-port.nhs.uk

Home Office Desistance and Disengagement Programme: D&DProgramme@homeoffice.x.gsi.gov.uk

Department for Education Due Diligence and Counter Extremism Division: 020 7340 7264 / counter.extremism@education.gsi.gov.uk

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