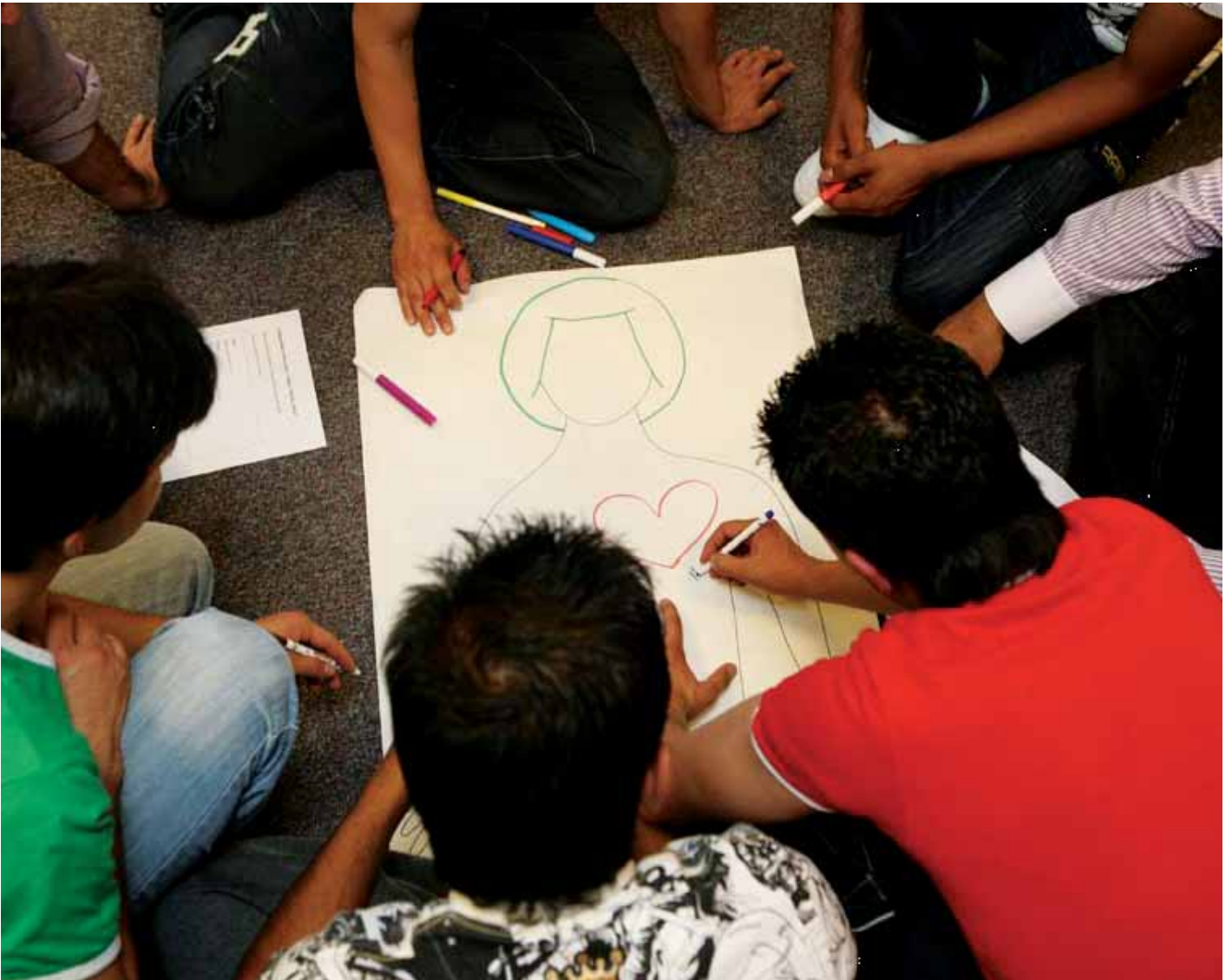


‘SHE ENDURES WITH ME’

An evaluation of the Scottish Guardianship Service Pilot



Heaven Crawley and Ravi KS Kohli

Foreword



All children need to feel safe, but unaccompanied asylum seeking children in particular need to feel safe, cared for and listened to. These are children who come to Scotland, often in the most difficult circumstances and we need to make sure that

we care for them in the most appropriate way that meets their needs.

I want Scotland to be the best place to grow up for all children, wherever they were born. Our shared commitment to strive for the best will help all our children and young people to realise their potential which will help us to realise Scotland's potential.

The Scottish Guardianship Service is in my view fundamental in helping unaccompanied children and young people to be heard and realise their individual potential. This independent service is there to help unaccompanied asylum seeking children understand what is happening in their lives, and to knit together the support services that currently exist. Through its guardians, it helps ensure that suitable arrangements are made for accommodation and education, explains the asylum system, and works alongside each person throughout the process.

By working intensively with each young person, the guardians also make sure that the young person's voice is heard within various complex social and legal systems. They aid the information flow between all the professionals involved, provide specialist information and guidance to professionals where necessary, and help ensure both that the young person is able to fully partake in their asylum claim and that decision makers have due regard to the young person's welfare and safeguarding needs. These elements combined make sure that we are Getting It Right for Every Child – Scotland's approach to improving outcomes for all our children.

I recently had the opportunity to meet a number of unaccompanied young people seeking asylum who were benefiting from the Scottish

Guardianship Service, and heard first-hand how important a guardian is to them in the absence of their parents, wider family and friends and in an unfamiliar community.

Not surprisingly, the evaluation of the Service's first two pilot years confirms this and provides clear and comprehensive evidence of the ways it ensures that young people feel able to take their place at the centre of decision making processes around them.

This outcome has been aided by the various participatory activities that they and their guardians took part in together, helping the young people to build up informal networks with other young people with similar experiences and gaining a sense of belonging. As a result of the trust they have in their guardians, young people become more willing to open up about their experiences and provide better information that directly impacts on other services' ability to provide appropriate support and protection.

The development and delivery of the pilot was the result of a unique collaboration that bridged the refugee and children's sectors – a partnership between Scottish Refugee Council and Aberlour Child Care Trust. The funding too was innovative, with Big Lottery in Scotland, the Paul Hamlyn Foundation and the Scottish Government jointly financing and otherwise supporting the work. The Diana, Princess of Wales Memorial Fund commissioned and funded the independent evaluation.

The result has therefore not only been a new service for vulnerable children and young people, but also new and productive working relationships amongst charities and funding organisations. I am delighted that the Scottish Government will continue funding this independent service - because it is the right thing to do and we know that it works - to carry out its important task in among the statutory and voluntary services to help improve outcomes for unaccompanied asylum seeking children and young people.

A handwritten signature in black ink, reading 'Aileen Campbell'.

Aileen Campbell
Scottish Government Minister for Children
and Young People

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Definition

A Guardian is someone who accompanies children and young people when they claim asylum or are trafficked and are cared for by health, education and welfare services. A Guardian will help a child or young person to be actively involved in decisions that affect their life and to get the help they need, when they need it.

A Guardian is on the child's side, can explain what is happening to them, will listen to their views and experiences and speak up for them when needed.

A Guardian will also help a child or young person to plan their future, whether in the UK or elsewhere.

This definition was agreed by the Scottish Guardianship Service Pilot Project Advisory Group on 15th November 2011.

Acknowledgments

We would like to thank the following:

- The young people who took time to take part in the evaluation;
- All staff at the Scottish Guardianship Service, for their openness in sharing data, information and their time with us;
- Staff at Scottish Refugee Council and Aberlour Child Care Trust who have developed and managed the Service;
- The Diana, Princess of Wales Memorial Fund for funding the evaluation and the Paul Hamlyn Foundation for managing the evaluation in its latter stages;
- Members of the Project Advisory Group and its Chair, whose expertise has been informative and valuable; and
- All of the policy makers, service providers and practitioners in Scotland (and beyond) who have commented on their experiences of the Service and contributed material and information to the evaluation process.

We are very grateful to everyone who has participated in the Service, taken time to reflect with the evaluators on its evolution and assisted us in measuring its actual and potential benefit for separated young people who are seeking asylum or are trafficked in Scotland.

About the evaluators

Professor Heaven Crawley is Director of the Centre for Migration Policy Research (CMPR) at Swansea University. Heaven has considerable experience of policy-oriented research into the experiences of separated asylum seeking young people and has published extensively on a wide range of issues including the detention of children (Save the Children 2004), the experiences of young people in the asylum determination process (ILPA 2004, 2012), and age disputes and the process of age assessment (ILPA 2007).

Professor Ravi KS Kohli is a qualified Social Worker and much of his research engages directly with social work professionals and local authorities that work with migrant children. His research has focussed on professional practice within the arena of child and family welfare, particularly focusing on migrant communities. He has published extensively in relation to social work practice when working with unaccompanied asylum seeking children, and is engaged in working with major stakeholders in Europe in giving a full account of how refugee children's lives can be safeguarded.

List of acronyms

DL	Discretionary Leave
ENGI	European Network of Guardianship Institutions
GIRFEC	Getting It Right For Every Child
HP	Humanitarian Protection
IRC	Immigration Removal Centre
LTR	Leave to Remain
OISC	Office of the Immigration Services Commissioner
SGS	Scottish Guardianship Service
SRC	Scottish Refugee Council
UKBA	United Kingdom Border Agency
UNCRCUN	Convention on the Rights of the Child 1989
UNHCR	United Nations High Commission(er) for Refugees
YOI	Youth Offenders Institute

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The background of the slide is a photograph of several people, likely students, working together on a project. They are gathered around a table, looking at and pointing to a large sheet of paper. The image is tinted with a light blue color. The text 'SECTION 1' is written in a large, bold, blue serif font, and 'Introduction' is written below it in a smaller, black serif font. Both are contained within a white rectangular box on the left side of the slide.

SECTION 1

Introduction

Forced migration is a fact of life for many of the world's children¹. In 2011, there were 35.4 million people 'of concern' according to the UN High Commission for Refugees (UNHCR). In the same year, 46% of refugees and 34% of asylum seekers worldwide were under 18 years of age. A small proportion of refugee children worldwide make it to Europe and the North Americas. For example, 17,700 asylum applications by separated children were lodged in 69 countries in 2011, and Europe received 13,300 of these applications, mostly in Sweden and Germany². In the UK, 1,300 such children claimed asylum in that year (UNHCR, 2012).

There is evidence that children and young people seeking asylum experience multiple separations, and persistently have to manage their complex lives in solitary ways when engaging with asylum and welfare services (Ni Raghallaigh and Gilligan, 2010; Crawley 2010, 2011; Children's Society 2012; Kohli 2007, 2011; Sirriyeh 2010, 2013). Their circumstances are described in relation to danger, intrepid and secretive journeys, and rootlessness. Sometimes, they are said to be reluctant to disclose information about what has happened to them, telling their stories with care. Guardianship has been considered as a way forward in supporting them as their claims for protection and the credibility of what they say are assessed in the context of asylum and welfare (Smith 2003; Save the Children, 2008; UNHCR, 2009). For example, the UN Committee on the Rights of the Child (UNCRC) has unequivocally stated in General Comment 6 on the Treatment Of Unaccompanied and Separated Children outside Their Country Of Origin (UN Committee on the Rights of the Child, 2005) that:

States are required to create the underlying legal framework and to take necessary measures to secure proper representation of an unaccompanied or separated child's best interests. Therefore, States should appoint a Guardian or adviser as soon as the unaccompanied or separated child is identified and maintain such Guardianship arrangements until the child has either reached the age of majority or has

permanently left the territory and/or jurisdiction of the State, in compliance with the Convention and other international obligations.

In the Comment, the UN Committee also detailed the role and remit of a Guardian, stating that a Guardian:

[S]hould be consulted and informed regarding all actions taken in relation to the child. The Guardian should have the authority to be present in all planning and decision-making processes, including immigration and appeal hearings, care arrangements and all efforts to search for a durable solution (UNCRC articles 18(2) and 20 (1)).

The Committee also gave details of the qualifications and experience that it considered were needed by a Guardian:

The Guardian or adviser should have the necessary expertise in the field of childcare, so as to ensure that the interests of the child are safeguarded and that the child's legal, social, health, psychological, material and educational needs are appropriately covered by, inter alia, the Guardian acting as a link between the child and existing specialist agencies/individuals who provide the continuum of care required by the child...

(UN Committee on the Rights of the Child, 2005 General Comment 6, para 31)

Beneath this exposition by the UN Committee there are differences in the ways various States have interpreted and applied the call for Guardianship for children subject to immigration control, including asylum seeking and trafficked children. In terms of relative coherence, Ali et al (2003:10) show that several countries (including Canada, Finland, Norway, France, Switzerland, and the Netherlands) require the appointment of legal counsel as well as a Designated Representative or Guardian to safeguard the interests of the child, and have thereby laid out the basic architecture of an effective Guardianship service. However, Alikhan and Floor (2007) observe the considerable variation among EU member states

¹ The term 'children' includes all children under the age of 18. The term 'young people' is used when referring to older children aged 14-20 years old. Most of those who are seeking asylum or who are trafficked in Scotland are in this age group so this is the term more commonly used throughout the report.

² 'Separated children' is the term used in most countries to describe children who are outside their country of origin and separated from their parents or legal or customary care giver. In some cases they arrive in their own. In other cases they may be accompanied by an adult who is not their parent or legal or customary carer.

in developing and sustaining strategic policy and legal frameworks that provide comprehensive implementation of Guardianship services. Overall, the responses by individual States in Europe to the UN mandate, as well as to 'standards' articulated by the Council of Europe and NGOs over the last eight years, have been mixed, and in some respects, ambivalent (see, for example, Save the Children, 2008; ENGI, 2009³; Council of Europe, 2011). Each State appears to have developed responses based on its own individual legal traditions, policies and practices. Goeman et al (2011:5) make the following observation with regard to European approaches to Guardianship:

In some countries specialized Guardianship institutions and legislation apply to separated children, in other countries Guardians work in the same Youth Care framework as for national children. Responsibilities, tasks and qualifications can vary per Guardian and their caseload can vary from one child up to two hundred children.

Furthermore the mandate of the Guardian to decide in the best interest of the child differs amongst the researched countries. The type of protection and care a separated child receives from a Guardian therefore depends upon the country which the separated child has (often randomly) entered. Next to the discrepancies between countries there is often a different level of protection on regional level and a discrepancy between legislation and practice. The current difference in the level of protection separated children receive in European countries and within a country is not acceptable.

The structures and processes currently in place for the support of separated children and young people in Europe therefore appear to be locally specific and patchy. None seems exemplary, although elements exist in many contexts that are replicable across different States. In such circumstances, the focus has shifted from broad, consistent, strategic legal and policy changes within Europe, to considering the role, tasks and behaviours of Guardians in their day-to-day interactions with children subject to immigration control. In effect, practice closes the gaps left in

policy and legal frameworks. One good example of such an endeavour is the work coordinated by Defence for Children International across eight European countries – Ireland, The Netherlands, Belgium, Denmark, Germany, Slovenia, Sweden and Italy. Research in each of these countries has produced a country specific report that focuses on the role of the Guardian, the relationship between Guardians and other service providers and the experiences and understanding of children and young people about Guardianship. Through this collaboration Goeman et al (2011) have developed the following core standards of Guardianship⁴ practice, that are worth quoting in detail here because they frame the evaluation well.

³ Information about the ENGI project and network can be found at www.epim.info/wp-content/uploads/2011/05/Achievements-of-NIDOS-Project.pdf

⁴ Available at www.ecpat.nl/p/43/522/mo89-mc97/english

Figure 1: Core standards of Guardianship practice (Goeman et al 2011)

Standard 1: The Guardian advocates for all decisions to be taken in the best interests of the child, aimed at the protection and development of the child.
The Guardian is able to advocate, assess and adjust the best interest of the child on a regular basis, involves all relevant actors and ensures that the assessment of the best interest of the child is based on the views of the child and the individual circumstances.
Standard 2: The Guardian ensures the child's participation in every decision which affects the child.
The Guardian provides information in a child friendly way and checks if the child understands and recalls the information, listens carefully to the child and ensures plans are based on the views of the child and shared with the child, is open to feedback and manages expectations.
Standard 3: The Guardian protects the safety of the child.
The Guardian gives the highest possible priority to the child's safety, knows the signals of child abuse and trafficking, acts and reports upon signals of any harm or danger, ensures the child knows he/she is welcome to voice anything concerning his/her safety, only breaks the confidentiality norm when a child is at risk, ensures victims get appropriate treatment and is open to being monitored on own behaviour.
Standard 4: The Guardian acts as an advocate for the rights of the child.
The Guardian is an assertive, committed watchdog, dedicated to defending the rights of the child, shows emotional strength, opposes decisions which are not taken in the best interests of the child and pursues fair procedures concerning the child.
Standard 5: The Guardian is a bridge between and focal point for the child and other actors involved.
The Guardian keeps in contact with all relevant actors, ensures to be informed about all decisions which have an impact on the child and is where necessary present at meetings, assists in establishing links with the child's community and developing relationships that give the child a sense of belonging to a family or group.
Standard 6: The Guardian ensures the timely identification and implementation of a durable solution.
The Guardian ensures the identification of a durable and safe solution and challenges others to prove that their proposed solutions take the best interest of the child as a primary consideration, supports the reunification of the child with his/her family and supports the integration of the child in the host country when this is in the best interest of the child, defends safety guarantees when a child is returned and prepares the child for all predictable changes which will occur after turning eighteen.
Standard 7: The Guardian treats the child with respect and dignity.
The Guardian demonstrates appropriate behaviour, treats the child unprejudiced with respect to the child's identity, privacy and cultural differences, supports the child in developing peer relationships and shows a flexible approach tailored to the individual needs of the child.
Standard 8: The Guardian forms a relationship with the child built on mutual trust, openness & confidentiality.
The Guardian is always honest with the child, keeps his/her promises and keeps all information confidential unless it is necessary to break confidentiality to keep a child safe, pays attention to verbal and nonverbal communication, is empathic towards the child and gives moral support and makes clear to the child that a child who disappears is always welcome to return.
Standard 9: The Guardian is accessible.
The Guardian can be reached easily, lives near enough of the child to be able to respond quickly to difficulties, sees the child as soon as possible after his/her appointment and pays visits to the child on a frequent basis and communicates in a way which fits the age and development of the child, making use of interpreters whenever necessary and contacts the child to keep in touch also when there is no specific need to do so.
Standard 10: The Guardian is equipped with relevant professional knowledge and competences.
The Guardian is proactive in identifying learning and development needs, manages his/her caseload and available resources, is accountable, works according to a set methodology, knows personal and professional limits, seeks support and counselling whenever necessary and is open to supervision and monitoring.

These standards were published about half way through our evaluation, and distil many aspects of Guardianship work that appear relevant to the Scottish context. In addition, we would emphasise that in Scotland, the idea of a Guardian as an independent individual – that is, independent of existing asylum or welfare services – has been seen to be important (Save the Children, 2008; NSPCC, 2008; RMJ, 2009; ENGI 2009; Brownlees and Finch, 2010; Scottish Refugee Council and Aberlour Childcare Trust, 2009, UNHCR, 2009a), as it is in some other European countries. UNHCR, in line with these observations, states clearly that:

An independent, qualified Guardian needs to be appointed immediately, free of charge in the case of unaccompanied or separated children
(UNHCR, 2009b, para 69).

Within the literature several commentators articulate the rationale for such a position. For example, the Independent Asylum Commission (2009:27) states that:

We believe that a corporate body [...] cannot perform the function of Guardianship in the way that can and should be done by a named individual. Just as named individuals have the responsibility of safeguarding the best interests of a UK child who would otherwise be without such support, we believe the same should apply for unaccompanied asylum seeking minors.

Secondly, the idea is developed that separated children require an independent adult who is not their social worker to ensure their needs and interests are met. As a voluntary sector worker explained in one inquiry:

Some social workers are great but are constrained by resources, legal duties and the policy framework, and strategic Children's Services management
(Save the Children, 2008:7)

Thirdly, independence is also associated with the idea of the Guardian as maintaining a relationship of trust over time (Bhabha, 2006, RMJ, 2009:10). The proposition is that when a child sees that a Guardian is independent of

statutory agencies, the child is more likely to be trusting and open with them about his or her experiences, wishes and needs, and more likely to experience a Guardian as being on his or her side as an advocate, mentor and protector. Overall, independence and trust are seen in the literature as being inter-dependent, particularly in contexts of high mistrust, and guarded story-telling (Kohli, 2009), where the stakes are high, and the chances of reaching a safe everyday life are slim.

In summary, with many voices identifying the need for clarity, continuity and coherence in the provision of an independent Guardianship service, the emergence of the Guardianship Pilot in Scotland has been an important initiative, not just for separated children and young people seeking asylum in Scotland, but for wider debates about the value of establishing independent Guardianship systems, the role of Guardians in protecting the rights and interests of separated asylum seeking children and young people and about how they can best operate in the context of interagency working. We turn now to Scotland, and examine how the Pilot came to be, before considering what it has offered to young people who are seeking asylum or have been trafficked.

Guardianship in the Scottish context

This Government's vision for children and young people is clear: We want Scotland to be the best place in the world for them to grow up. A place where rights are respected and where children can access all the opportunities and support they need, when they need it

Minister for Children and Young People,
Aileen Campbell⁵

There is some consistent evidence that the evolution of Guardianship in Scotland has taken place within the context of the Scottish Government's work towards harmonising domestic legislation, policies, services, strategies, and practices with the UN Convention on the Rights

⁵ See www.scotland.gov.uk/Topics/People/Young-People/legislation

of the Child (1989). The strong impression is that improving the lives of children, including children subject to immigration control, remains a governing concern. The UNCRC receives headline coverage in policy documents and the eight outcomes of *Getting it Right for Every Child* (GIRFEC) are woven into policy and practice in systematic ways (Scottish Government, 2012a), providing an important framework for securing good standards of health, education and welfare for separated children (see section 6 of this report). The Scottish Government's commitment to the Convention, and the presence and influence of GIRFEC, are summarised in *Do the Right Thing, Progress Report 2012* (Scottish Government, 2012b:3), that states the ways Scotland is committed to becoming a country *where rights are made real and where children and young people are valued and respected*.

The history of how children's rights came to be tied to the provision of Guardianship in Scotland can be summarised as follows. In 2006 the Scottish Refugee Council published research on the experiences of separated children and young people in Scotland (Hopkins and Hill 2006). This report confirmed that young people came to seek asylum in Scotland for reasons associated with war and persecution. Many had little knowledge of their journey to Scotland, and half did not know that Scotland would be their final destination. On arrival they said they felt safe, and were able to enjoy their new lives. However, service providers acknowledged that many had to endure '*stress and anxiety*' (Hopkins and Hill, 2006:1) related to their new context, as well as feeling dislocated from their communities of origin. The young people also said they lacked understanding and knowledge of the asylum system, and had no one to explain to them how the system worked, leading to further stresses and frustrations. Similarly, knowledge of welfare services was '*variable and confused*', with service providers expressing concern about '*the children's feelings of belonging, identity and social and emotional well-being*' (Hopkins and Hill, 2006:2). The authors also noted that young asylum seekers had mixed views about overall service provision, and

that services tended to '*vary dramatically across Scotland*', with '*poor practitioners' knowledge*' outside of Glasgow. A significant number of statutory service providers were unaware of good practice in relation to age assessments, and concerned about how best to articulate the rights of separated young people in Scotland, making it difficult for them to advocate on their behalf. Even so, many of the service providers were '*generally positive*' about their work with young asylum-seekers, and admired their resilience and determination to succeed. Taking these findings into account, the research recommended that *unaccompanied asylum-seeking children in Scotland should be given assistance from an independent guardian or advisor* (Hopkins and Hill, 2006:59), partly to directly support young asylum seekers, and partly to link and bridge between services to consolidate existing good provisions and to raise standards of practice where required.

Based on the findings of this research, a paper outlining proposals for a Scottish Guardianship Service was circulated to the Scottish Government in March 2008. This outlined why Guardianship was needed, provided a framework for a pilot project and detailed the broad role and duties of Guardians in the Scottish context.

In November 2008, the Scottish Government convened a roundtable discussion at the Scottish Refugee Council with key statutory and voluntary sector stakeholders. The aim was to catalogue the issues facing separated young people in Scotland, and to identify solutions. Many stakeholders acknowledged the need for a holistic and independent professional who could act as a consistent point of contact to support separated young people to understand the complexities of the asylum and welfare from the point of their arrival in Scotland.

Consultations with separated asylum seeking young people confirmed the need for a Guardian. A series of meetings facilitated by the Scottish Refugee Council provided an opportunity for young people to describe their experiences of the asylum system and of living in Scotland including

directly to senior civil servants, Local Government directors and voluntary sector senior managers. In all of these consultations, the responses of the young people towards the system as it stood ranged from confusion and bewilderment to isolation and a sense of injustice. As we report in further detail below, young people expressed enthusiastic support for the concept of a Guardian (Scottish Refugee Council and Aberlour Childcare Trust 2009).

A proposal for a three-year pilot for a Scottish Guardianship Service was developed in partnership with the Aberlour Child Care Trust and submitted to the Big Lottery Fund at the end of 2009. Funding was secured in 2010. The Scottish Government and the Paul Hamlyn Foundation provided additional financial support⁶. The funding was for five posts in total – a Guardianship Service manager, three Guardians and a Service Administrator. Staff were recruited at the beginning of 2010 and premises secured in Glasgow. The Service was established on a non-statutory footing meaning that joint working would have to be undertaken through co-operation and consensus, rather than being underpinned by legal authority. The Service was formally launched in June 2010 and started to take referrals for separated young people who are seeking asylum or have been trafficked as of 1st September 2010.

When the evaluation concluded the Service was 30 months old. We are aware that when issuing the *Do the Right Thing Progress Report in 2012*, the Scottish Government (2012b:50) commented that:

In the coming year we will discuss with our partners if and how a national Guardianship service can be continued and to this end we have asked the service to provide cost models for an up-and-running service.

We will discuss these with our current funding partners as well as potential new ones. Ultimately, continued funding will depend on the shape of future budgets and, of course, on the evaluation findings for the current service.

The Service has provided the Scottish Government with cost models setting out the resources needed

to provide a Guardianship Service. Here we provide the findings of our evaluation based on evidence primarily gathered across the first two years of the Pilot, from 1st September 2010 to 31st August 2012.

⁶ The Diana, Princess of Wales Memorial Fund separately funded the evaluation of the Service

Structure of the report

This report builds on our earlier report (Crawley and Kohli 2012) and consolidates some of our preliminary findings, incorporating the evidence and conclusions gathered from Years 1 and 2 of the evaluation process.

Our report is structured as follows.

Section 2 describes our approach to the evaluation process, the data and information upon which this report is based, and the framework for our analysis, specifically the three domains of work in which the Guardians operate: asylum, well-being and social networks.

Section 3 outlines the work of the Service including the number of referrals received and characteristics of the young people allocated a Guardian during the period of the evaluation. It also provides an overview of the work of the Guardians, their role and relationship with other agencies and professionals, issues around communication and information sharing, and an assessment of their professional skills and competences.

In **Section 4** we hear from young people themselves, their hopes and aspirations for the Service, their feelings towards their Guardians and the Guardians' commitment towards them.

Section 5 turns to outcomes and examines the work of the Guardians in the domain of asylum. It provides data on asylum outcomes for the young people who received a Service during the period of the evaluation and examines the role of the Guardian in helping young people to understand the asylum process, provide information about their experiences and plan for the future.

Section 6 examines the work of the Guardians in the domain of well-being, exploring the partnership working that has been developed with Local Authority Social Workers particularly in relation to accommodation, education and

health needs.

In **Section 7** we consider the work of the Service in creating spaces and opportunities for young people to develop social networks through a series of formal and informal activities which enables them to 'be' and to engage with others on their own terms.

Finally, in **Section 8**, we conclude the report by returning to the core standards articulated by Goeman et al (2011) earlier in this section, and reflect on whether these standards have been met by the Scottish Guardianship Service.

The background of the slide is a close-up, slightly blurred image of a notebook page. It features handwritten text in blue ink. Visible words include "I have", "must", "wind", and "cold". The text is written in a cursive style. The overall color palette is light blue and white.

SECTION 2

The evaluation process

This report is the product of a formative evaluation process which began shortly before the Scottish Guardianship Service was established and has continued virtually to the end of the Pilot. The data on which this report draws relates primarily to the experiences and outcomes of 81 young people who were allocated a Guardian during the two-year period between 1st September 2010 and 31st August 2012.

The evaluation was based on a reflexive research methodology and employed a mixed methods approach to gather data through a series of evaluation events and activities. In consultation with the Scottish Refugee Council and Aberlour Child Care Trust, we established a framework for the timely delivery of key data relating to young people allocated a Guardian as well as background information and other relevant documentation about the delivery of the Service and its relationship with other stakeholders. We attended all of the Project Advisory Group meetings and many meetings of the Operational Steering Group. These meetings provided an opportunity for the emerging findings of the evaluation to be discussed with the Service and with stakeholders.

We have produced three interim reports setting out the evidence (September 2010, January 2011 and June 2012, unpublished). At each stage of the Pilot the feedback from the evaluation has provided a focus for discussion with the Service and between the Service and stakeholders regarding ways in which the work of the Guardians could be better understood and facilitated and the steps that could be undertaken by the Service to further improve the experiences of young people seeking asylum in Scotland.

Our First Annual Evaluation Report (Crawley and Kohli 2012) was launched at a Learning Event held in February 2012. The report provided a vehicle for refocusing the work of the Service in Year 2 and disseminating information about the project to a wider audience than had previously been possible. The report made 15 recommendations many of which were taken forward during Year

2 of the Service. Examples include developing those social aspects of life that the young people say they find important, particularly related to trips and outings (Recommendation 3), more focussed work in relation to returns where a young person has been unsuccessful in his or her claim for protection (Recommendation 4), the active engagement of UKBA in the process of drafting Protocols and briefings setting out the role and responsibilities of Guardians in relation to other professionals and the asylum determination process (Recommendation 5) and further work exploring the role of the Guardianship Service in relation to age disputes and the age assessment process (Recommendation 11).

Data collection and analysis

A summary of the data and information on which this report is based is provided in Annex 1. The data was collected through a total of 20 evaluation visits undertaken between August 2010 and January 2013. These visits were used for meetings and focus groups with the Guardians and the Service Manager as well as more formal interviews with specialist UKBA Case Owners⁷, Social Workers and Service Managers, and a range of other stakeholders about their experiences of working with the Scottish Guardianship Service. Focus group discussions were held with UKBA Case Owners and Social Workers (separately and together) and with Guardians, UKBA Case Owners and Social Workers. In addition to the formal evaluation visits we have been in regular email, Skype and telephone contact with the Scottish Guardianship Service and many stakeholders over the course of the Pilot, and have been provided with data and other information on the operation of the Service by a range of sources. An online survey of stakeholders was undertaken in July 2011 and repeated in July 2012.

As part of our evaluation we have reviewed the database that has been developed by the Service to collect information about the young people in the Service. The database contains a large number of fields (46) relating to the demographic characteristics of the young people receiving

⁷ Claims from children are processed by specially trained UKBA Case Owners who have received the requisite training

a Service (age, gender, nationality, languages spoken), various aspects of the asylum process (interviews conducted, decisions, legal advice and representation), trafficking indicators and information about support issues (including accommodation, education and health, particularly mental health concerns). We have been provided with access to the case files notes of all of these young people together with vignettes and case summaries provided by the Service. We have also analysed the case files of 29 young people who have been with the Service for more than 12 months. These had already been annotated by Guardians to show how their work was being carried out within the three domains, and checked by us to ensure reliability of coding. This data has provided precise insights into day-to-day activities of the Service.

In addition we have been provided with data by UKBA relating to asylum applications and outcomes in the period prior to the Pilot and relating to the cohort of young people receiving a Service. This data has been carefully checked and reconciled against the data in the Service database to ensure that the information on which our report is based is internally consistent and comparable.

We met with young people on a number of separate occasions over the course of the evaluation. These meetings were undertaken with young people in groups and individually. In Year 1 we interviewed 10 young people, with and without interpreters, and held a focus group with them. These were conducted without Guardians present. In Year 2 a further focus group took place, as well as paired interviews with young people and Guardians. The 10 interviews in Year 1 were constructed to replicate the views and experiences sought via the Year 1 stakeholder survey, so that we could, when appropriate, give an account of the similarities and differences of views held by the young people in comparison to their service providers. The focus groups across both years covered a broader range of topics, including first memories of meeting a Guardian, defining a Guardian, what they wanted more or less of within

the existing Service, and what a Guardian could do to make their quality of life better. All of the engagements with young people took place in the Guardianship office. A small fee for attendance and participation was given to each young person. It is important to acknowledge that only those young people who were willing to share their views participated in the evaluation activities. As a result we do not know whether their views are representative of all young people in the Service. We are also conscious that it is difficult for young people to be directly critical, not least because they may fear the consequences in terms of their own support. Nonetheless the work with young people provided real opportunities to better understand the work of the Service in relation to the experiences of young people.

Finally, the Service has provided a range of other materials regarding its work and the experiences of young people. This includes evidence regarding specific cases or issues, policy and practice documents, project management information, a draft practice manual and toolkit being developed by the Service, details about meetings at which the work of the Service has been discussed, information about participation activities undertaken with the young people (including photographs and project reports) and examples of media reporting on Guardianship in Scotland. These materials have been used to inform the evaluation.

From outcomes to domains of work

The aim of the Scottish Guardianship Service is

"to improve separated children's' experience and understanding of the immigration and welfare processes and to ensure they receive services appropriate to their needs and entitlements"⁸.

The Pilot was designed to deliver the following outcomes:

Outcome 1 - To ensure that each child will have a significantly improved experience and understanding of the immigration and welfare

⁸ See www.aberlour.org.uk/scottishguardianshipservice.aspx

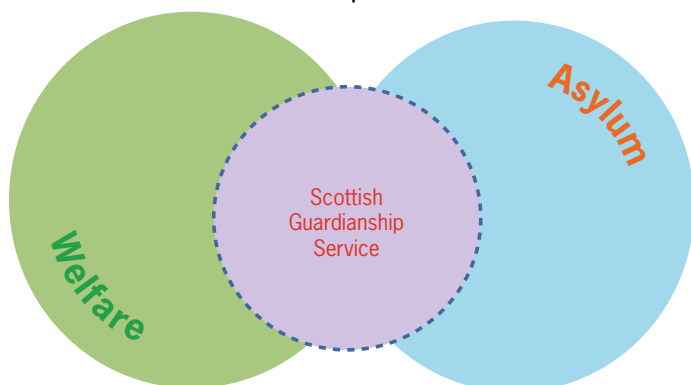
processes, evidenced by the child's informed participation and that they receive services and responses appropriate to their needs and entitlements

Outcome 2 - To develop a child-centred model of practice that promotes interagency working and provides better information upon which to base immigration decisions

Young people are allocated a Guardian to assist them to understand, participate and navigate the complex immigration, legal and welfare processes, to act as a link between all services and professionals that are involved in their life, to help them to understand the roles and responsibilities of these professionals and to advocate on their behalf and ensure that their voices are heard within the various systems (Figure 2).

Figure 2: Aims of the Scottish Guardianship Service

Each unaccompanied minor has a **significantly improved experience of the immigration and welfare processes**



To develop a child-centred model of practice that:

1. promotes interagency
2. provide better information upon which to base immigration decisions

At the outset, we approached the evaluation by focusing on these two outcomes (Crawley and Kohli 2012). However, as the evaluation progressed we became increasingly aware

that the work undertaken by the Guardians in relation to social networks provided an important opportunity for the lives of young people to become 'normalised' - in other words, for them to live and rebuild their lives away from the stresses of the asylum process and the complex negotiations and difficulties associated with securing their day-to-day welfare in terms of housing, education and health. This process of normalisation helped the young people to re-establish their social contacts and skills and to build their resilience to deal with the events taking place in their lives. This, in turn, enabled young people to deal with issues in the domains of asylum and well-being more effectively. The importance of this third domain of social networks had not been anticipated when the Pilot was established.

We also became increasingly aware of some conceptual limitations in the ways that the proposed outcomes had been articulated. The focus on Outcomes 1 and 2 prevented us from looking at overlaps between them. This is important as improved interagency working (Outcome 2) is critical in ensuring that young people have a significantly improved experience and understanding of the immigration and welfare processes (Outcome 1), particularly given that the Service was established on a non-statutory basis. And there were some logistical difficulties in measuring *improvement* in young people's experience of immigration and welfare decisions because of a lack of baseline data and because there was not (for ethical reasons) a control group of separated young people against which to compare the experiences of those without a Guardian. We were reliant primarily on data that had been generated from the start of the Pilot, and the perceptions and opinions of stakeholders, including young people themselves.

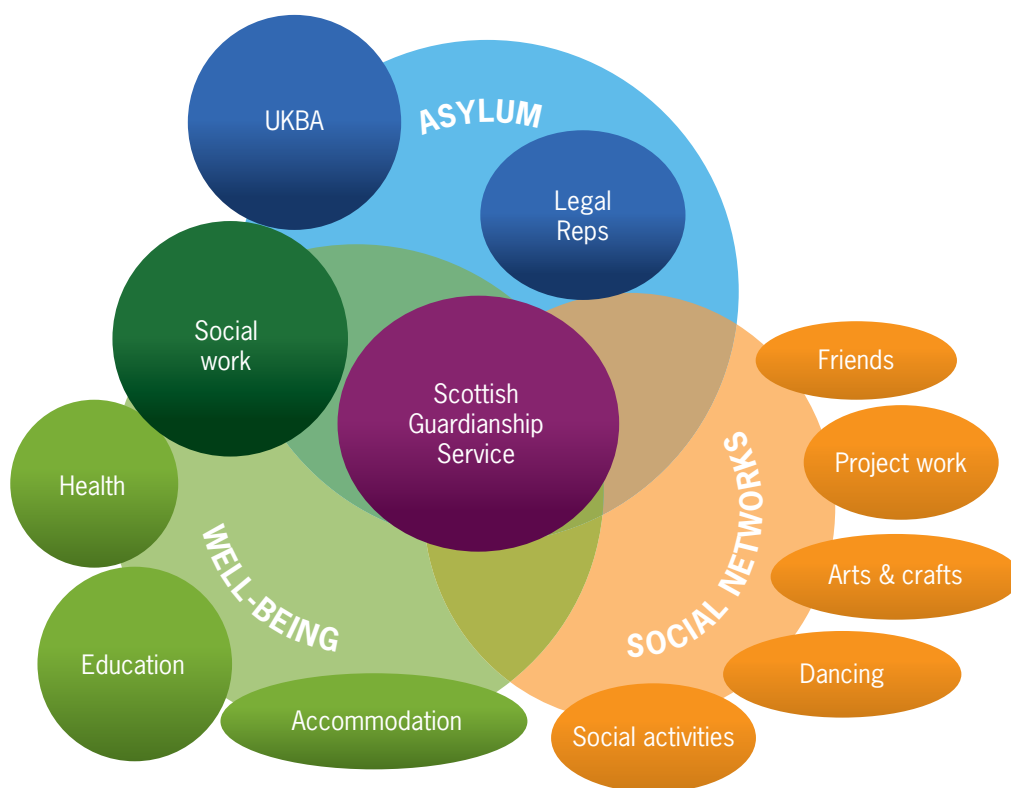
In Year 2 of the evaluation we therefore explored the work of the Guardians and the proposed outcomes for the Pilot across three domains: asylum, well-being and social networks (Figure 3). The Scottish Guardianship Service is positioned at the centre because it is the focus of the

evaluation: whilst we are mindful of the work of the other agencies and organisations with which the Service and young people come into contact, we have not systematically collected data in relation to their work with young people. It is also important to note that whilst the domains are represented as being separate and with clear boundaries in fact they overlap in complex ways. **Perhaps most importantly the work undertaken by the Guardian on one domain may have implications for the capacity of the young person to deal with issues in other areas of his or her life.** In other words, the capacity of the young person to deal with issues in relation to his or her asylum claim is often contingent on having a general sense of well-being and feeling social embedded and connected. The relative size of the domains is a reflection of the relative proportion of tasks in each area. An analysis of work undertaken by the Guardians in relation to

29 young people who had received a Service for at least a year indicated that just under half of all the tasks undertaken by the Guardian related to the asylum domain, around 40% related to the domain of welfare and 13% to social networks, most notably structured participation activities.

During the course of the evaluation we considered the ways in which the work of the Guardians contributed towards the two proposed outcomes for the Pilot across each of these domains. In writing this report we have also tried to assess the extent to which the core standards of Guardianship practice outlined by Goeman et al (2011) in Figure 1 have been met by the Service. First though, we provide an overview of the work of the Service during the period of the evaluation and the characteristics of the young people who have been provided with a Guardian.

Figure 3: Domains of work





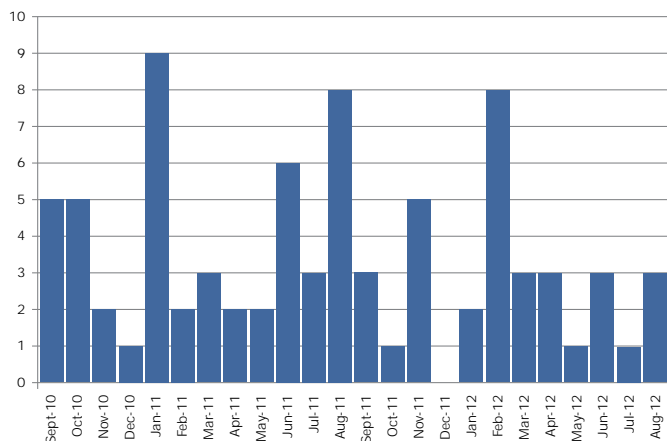
SECTION 3

The work of the Scottish Guardianship Service



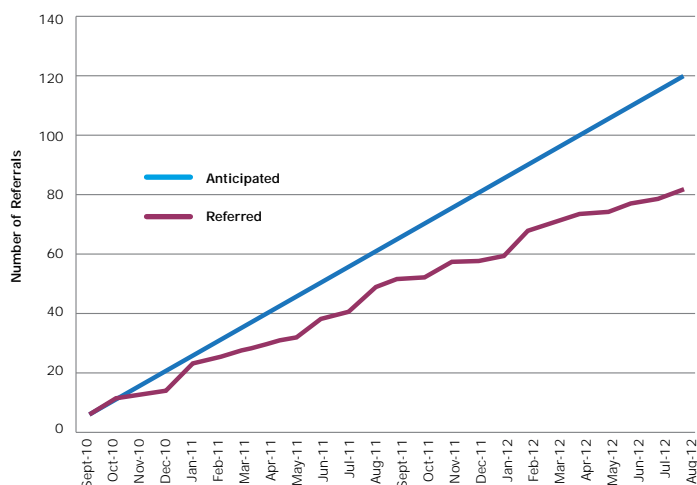
A total of 81 young people were referred to the Service during the period of the evaluation. Referrals to the Service can be made from any Local Authority or agency in Scotland⁹. More than half (53%) were made by a Local Authority Social Worker, around three quarters (72%) of whom were based in Glasgow. A third (32%) of referrals was made by the Scottish Refugee Council and the remainder (15%) by a range of other organisations and individuals including Legal Representatives, voluntary sector organisations (Who Cares Scotland, Red Cross) and Polmont Youth Offenders Institute (YOI). In some cases the Service was aware of young people who may be eligible for Guardianship and proactively sought to ensure that they had access to a Guardian. As can be seen from Figure 4, the rate of referrals to the Service ranged from nine cases in January 2011 to no new referrals in December 2011.

Figure 4: Referrals to the Service, 1st September 2010-31st August 2012



The Service received an average of just over three referrals a month during the period of evaluation. This average and the cumulative total are less than had been anticipated when plans for the Service were developed due to a fall in the number of young people arriving in Scotland¹⁰. The difference between in anticipated and actual number of referrals is represented in Figure 5.

Figure 5: Anticipated and actual referral rates, 1st September 2010-31st August 2012



At the conclusion of the evaluation period there were 61 young people in the Service¹¹. In Year 1 the average caseload per Guardian was 6.2. In Year 2 the average caseload for each Guardian increased to 13.3, as the numbers of young people using the Service grew. Nonetheless, as a consequence of receiving fewer numbers of referrals than planned, the Service appeared to be 'time-rich' compared with other service providers, most notably Social Workers¹². This provided opportunities for the work of the Guardians to be expanded into a third domain, that of social networks (Section 7), alongside the work anticipated in relation to asylum (Section 5) and welfare (Section 6). It also provided opportunities for the Guardians to work in greater depth and with greater long-term commitment than might otherwise have been the case.

The work of the Service also expanded geographically over the lifetime of the Pilot. It was clear before the Service was established that most separated asylum seeking young people in Scotland were living in Glasgow. It was intended that the Service would be established in Glasgow but would be in contact, and build relations with,

⁹ A referral form was devised for this purpose and made available on the Aberlour Child Care Trust website

¹⁰ It was anticipated that there would be an average of five referrals per month and that this would lead to a cumulative total of 120 young people over the two-year period of the evaluation.

¹¹ Some of the young people in the cohort of 81 cases between 1st September 2010 and 31st August 2012 were no longer receiving a service as of 31st December 2012, either because the young person had left the area or because a Guardian was no longer required, for example because the young person has been granted Refugee Status

¹² It seems likely that Social Workers will have larger case-loads than Guardians as they are also working with young people seeking asylum who arrived prior to the start of the Pilot on 1st September 2010

Social Work departments in all 32 local authorities in Scotland. Over the course of the project we saw evidence of the Service working more closely with all Local Authorities in Scotland. Some of this work was systematic, for example, meetings, workshops and events were held to bring together Social Workers from across Scotland to share information and find out more about what the Service offered. Some of the work was based on a referral being made for a young person and the relationship between the Service and a Local Authority being developed around a particular case or set of circumstances. Much of this work took place in Year 2 as knowledge about the existence of the Pilot expanded outside Glasgow. During Year 1 and 2 of the Pilot there were a total of 16 separated young people supported by a Local Authority outside Glasgow including in Angus, Falkirk, Dumfries and Galloway, Edinburgh, Shetland, South Lanarkshire, Perth and Kinross and East Ayrshire¹³.

Interviews with Social Workers outside Glasgow indicated that they were aware that they had limited experience (sometimes none at all) of working with separated asylum seeking and trafficked young people. There were some concerns among Social Workers about the role of the Guardian and about the lack of local knowledge necessary to access resources and support for a young person. Some Social Workers expressed concern about the role and responsibilities of the Guardian similar to those expressed by other stakeholders during Year 1 of the Pilot. Nonetheless, the Guardians were generally viewed positively by Social Workers outside Glasgow and seen as providing them with an opportunity to develop their own social work practice. Social Workers acknowledged that young people living outside Glasgow may feel particularly isolated and that they have benefited greatly from the support of their Guardian:

There have been huge, huge positives. The young people really trust Guardians. There are difficulties, for example sometimes we feel the work of the Guardian compromises our position. The other difficulty is we do have huge case loads and are not

able to respond straight away whereas the Guardians are. Even bearing all that in mind the Guardian has informed us to a huge degree. The support they have provided is phenomenal (Social Worker)

Partly in an effort to meet this demand, one of the Guardians worked as a 'satellite' Guardian in Dumfries and Galloway from July 2012 and an additional Guardian was recruited to cover the Highlands (mainly the Black Isle/Inverness areas). This proved an effective strategy for ensuring that young people outside Glasgow received timely support. Having Guardians working across Scotland allowed more face-to-face support for young people living far from Glasgow. However, it is important that Guardians appointed to work as 'satellites' in the regions acclimatise themselves in the main office of the Service in order to fully understand the complex and overlapping nature of Guardianship across the three domains.

Eligibility and access

During the course of the evaluation there were discussions around eligibility and access to the Service. In the early days of the Pilot these discussions focused on how to provide support to young people who had arrived before 1st September 2010 are who were not eligible to be allocated a Guardian. Due to the relatively low number of referrals (discussed above), the Service was able to provide support on an *ad hoc* basis for some of these young people (approximately 14 in total)¹⁴.

In Year 2 the main issue regarding eligibility was in relation to young people who were age disputed. Evidence from the evaluation suggested that young people who had been age disputed and who were not supported by a Social Worker were finding it particularly difficult to secure an age assessment or challenge decisions. After discussion within the Project Advisory Group it was agreed that young people who had been age disputed would be eligible for a Service provided the referral took place before the dispute

¹³ This information was obtained as a result of enquiries under the Freedom of Information (Scotland) Act 2002 (FOISA) made by the Scottish Refugee Council on behalf of the Service.

¹⁴ For example, some of the young people attended the Young Survivors Group or were put in touch with other organisations, including the Campus Project or Children's Rights Officer. Some (limited) support was also provided in relation to the asylum process, for example attending an appeal hearing with the young person or advice on options for the future, including possible return.

occurred. It was also agreed that young people assessed as being over 18 years of age would continue to be supported by the Service if they were challenging the age assessment decision or process. This is reflected in the Protocol agreed between the Service, Glasgow City Council and UKBA (discussed below). Young people referred to the Service before they are 18 but who turn 18 and are no longer supported by a Social Worker are also eligible for continued support. The Service does not provide support to those young people who have been assessed as being over 18 years of age and who are not challenging that decision (or for whom the challenge has been unsuccessful). Information about the Scottish Guardianship Service, including eligibility criteria, is available online¹⁵.

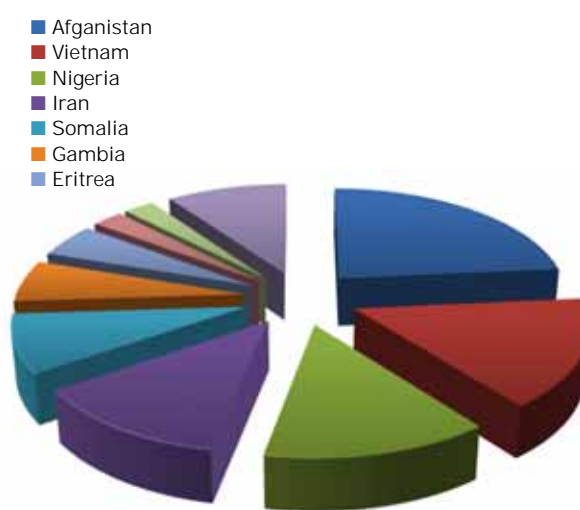
Characteristics of young people receiving a Service

As noted above, a total of 81 young people were allocated a Guardian during the period of the evaluation. This cohort forms the basis of our analysis. The young people allocated a Guardian came from a total of 17 different countries. The main countries of origin were Afghanistan (23.5%), Vietnam (16%), Nigeria (13.6%), Iran (12.3%), Somalia (8.6%), Gambia (6.2%) and Eritrea (5%), (Figure 6). Together young people from these seven countries constituted nearly three quarters (71.6%) of the cohort of 81. Other countries of origin included Morocco and China (two young people from each of these countries), Pakistan, Guinea, Liberia, Azerbaijan, Iraq, Palestine, Albania and Swaziland (one young person from each country).

Around three quarters (73%) of those receiving a Service were male and the remainder (27%) female. The largest single **religious background** of those referred to the Service was Muslim (41%) but a similar proportion (43%) described themselves as having no religion. 16% of young people described themselves as Christian. The religious background of the young people largely

reflects the countries of origin from which they came. It is important to note that only a small proportion (12%) described themselves as speaking English in addition to their first language. This clearly had implications for young people's capacities to communicate their experiences and needs, and for the Service in terms of the costs of translation and interpretation services.

Figure 6: Country of origin of young people %



In terms of the **age of young people** in the cohort, the majority (85%) of those referred to the Service were between 15 and 17 years at the time of the referral (35% aged 17, 27% aged 16, 23% aged 15) (Figure 7). It is important to note that not all of these stated ages were accepted. More than half were age disputed although the majority were subsequently assessed by a Social Worker as being under 18 years of age and supported accordingly (see Section 5 for a more detailed discussion of this issue). A small number of those referred to the Service were under 13 years of age. This includes two brothers who said that they were 11 and 13 respectively at the time of the referral but were subsequently been assessed as 16 and 19. There were also two very young children aged 10 and 5 referred to the Service as part of a larger sibling group (four children in total).

¹⁵ Information about eligibility criteria, is available online at www.aberlour.org.uk/scottishguardianshipservice.aspx

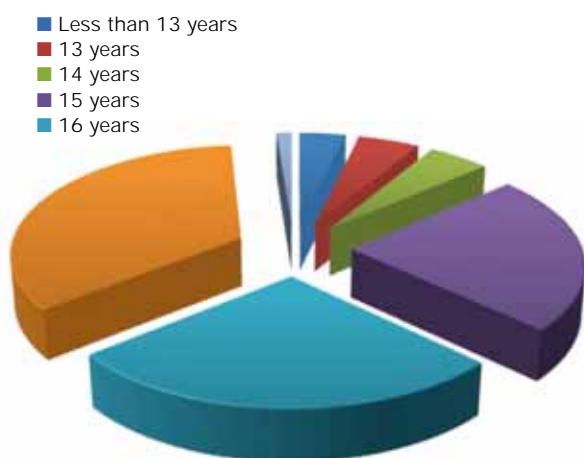
Over a third (38%) of the young people who were referred to the Service became separated from their parents or other family members in the country of origin or on the journey to the UK. According to information provided by the Service, **the whereabouts of family members** was often not known to the young people. For example, some of the young people were abandoned by their parent(s) at an early age. A further third (35%) of young people were aware that one or both parents were living in other countries, often the country of origin or one bordering that country. Examples included Vietnam, Gambia, Pakistan, Iran, Albania and Iraq. A few of the young people were in touch with their parents or other relatives in these countries. Some reported that their parents were living in difficult circumstances, for example a Gambian boy granted Refugee Status reported that his father had been imprisoned. A further 22% of young people reported that one or both parents had died. Finally a group of four siblings (noted above) were living in foster care in the UK and were looked after by Social Services due to child protection concerns. There were clearly complex stories and emotions underlying these statistics, many of which were known to the Guardians and some of which were not. Each of these stories had implications for the young person's sense of safety and security, his or her identity and feelings

about the future. Many of the young people who were separated from their parents had been informed of services for tracing family members and in some cases the Guardians worked directly with young people in this regard.

Finally, there was some variation in the **basis of the claim for protection** among the young people in the cohort. According to data provided by the UKBA, around two thirds (65.4%) of claims made were on asylum grounds, with a further quarter (27.2%) having both asylum and trafficking related aspects to the claim. There were four cases where the basis of the application to remain in the UK was on human rights grounds only. These were siblings from the same family. There are two cases which were classified as trafficking cases only i.e. there was no asylum claim. Both applicants were from Vietnam.

According to data provided by the Service, nearly a third (32%) of young people had trafficking indicators associated with domestic servitude, sexual exploitation and cannabis cultivation. Two of those with working in cannabis cultivation were serving custodial sentences at Polmont Youth Offenders Institute (YOI) when the referral was made. In most cases a referral was made to the National Referral Mechanism (NRM)¹⁶ by the competent authority (in Scotland this is normally a Local Authority or UKBA) and in many of these cases trafficking was taken into account in the asylum process (see above). In nearly half of these cases there was a Conclusive Decision that on the balance of probability 'it is more likely than not' that the young person had been trafficked, although this did not necessarily mean that asylum would be granted.

Figure 7: Age at referral %



The role of the Guardian

The Service began its life with the following definition of a Guardian:

A Guardian is an independent person who will

¹⁶ The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking and ensuring they receive the appropriate protection and support

support a separated child to improve their knowledge and understanding of the asylum, trafficking, legal and welfare processes and will assist them to actively participate within these processes. A Guardian will advocate on a young person's behalf, will ensure their needs are being met and will assist a young person to parallel plan for their future to prepare the young person for whatever the outcome, either integration or return.

According to the Joint Business Plan produced by the Scottish Refugee Council and Aberlour Trust (2009), the main aims of the Guardianship Service were to:

- Support the young person to improve their knowledge, understanding and participation within the asylum, trafficking, legal and welfare processes;
- Ensure young people access their rights and entitlements within the various processes that they become involved in;
- Ensure that the young person uses their time effectively whilst in the UK, build their skills and confidence, resilience and overall wellbeing through participation in groups and other activities; and
- Assist the young person to plan for their future and to prepare the young person for whatever the outcome, whether it is integration or return.

The detailed elements of the Guardian's role, and how this role relates to that of other key individuals involved in a young person's life, most notably Social Workers, was not specified in the original project documentation. This reflected a desire to maintain flexibility and to 'test out' various models of Guardianship during the lifetime of the project and as the relationship between different agencies and individuals involved in the process developed. Instead a 'Day in the Life' document was produced outlining how the Guardian would interact at all stages of the asylum process with young people and key external agencies. This document was shared

with stakeholders (UKBA and Social Workers) in November 2009 and formed the starting point for subsequently discussions and negotiations around the Guardian's role and responsibilities.

Particularly during Year 1 the absence of a precise role and definition of a Guardian had some negative impacts on the way in which the Service operated and was experienced by others. We met with a range of service providers including Social Workers, UKBA Case Owners and Residential Workers together with the Guardians themselves to discuss their understanding of the role of the Guardian. In many of these early discussions it was apparent that whilst stakeholders had a general understanding of the Guardian's role, there was less clarity around the specifics of the role and its boundaries. Our stakeholder survey in Year 1 asked respondents to reflect on the role of the Guardian. The findings of the survey indicated that the role of the Guardian was clarified through day-to-day experience of the Service and through increased interagency working, but that there was still room for further clarification and improvement. Whilst the majority (62%) of survey respondents said that they were definitely or probably clear about a Guardian's role and responsibilities, some respondents gave examples of confusion about the role, particularly in relation to other service providers and, most notably, Social Workers:

There is a great deal of overlap and duplication as the job requirements of a Guardian and Social Worker (Social Worker)

Guardians often appear to be unsure of their role and tried to take on that of qualified Social Workers (UKBA Case Owner)

I do not fully understand the differences between a Guardian and a Social Worker. There appears to be a great deal of overlap between the two roles (Residential Worker)

As the Pilot progressed it became increasingly evident that further work was needed to 'firm up' and agree the role of the Guardian. We therefore

worked with the Service to further clarify the definition of the Guardian. We offered the Service two further versions of a definition, which were considered by the Operational Steering Group, prior to the emergence of the current definition, which was agreed by the Project Advisory Group in November 2011 and provided at the beginning of this report, namely:

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

In addition to this revised definition, there was evidence of efforts to clarify the role and tasks of the Guardian, particularly in relation to that of the Social Worker. A Protocol was drafted between the Guardianship Service and Glasgow City Council Asylum Assessment Team with the aim of clarifying responsibility for key tasks when working with separated asylum seeking young people and procedures for ensuring that tasks are carried out effectively¹⁷. This Protocol played an important role in 'firming up' the understanding of service providers about the role of the Guardian, not least because it has been used as a point of clarity where disagreements or tensions arose. The Protocol was periodically reviewed during Year 2 of the Pilot and re-drafted towards the end of 2012 just as the evaluation period was coming to a close. The engagement of UKBA in this process is indicative of the willingness and ability of stakeholders to work together to deliver improved services for separated young people in Scotland.

Improved understanding of the role and work of the Guardians over the course of the Pilot is reflected in some contrasting findings between the stakeholder surveys of Year 1 and

Year 2. The findings suggest that the frequency of contact that stakeholders had with the Service increased considerably as the Pilot progressed. In both surveys around a third of respondents (31% and 33% respectively) said that they dealt with the Service 2-3 times a month. In the 2012 survey however a further 20% of respondents said that they deal with the Service 2-3 times a week. In other words, a greater number of survey respondents had very regular and frequent contact with the Service. Increased frequency of contact by a larger number of stakeholders may have generated a greater understanding of the Guardian's roles and responsibilities.

Both surveys asked respondents about their understanding of the role of the Guardian. The majority (82%) of respondents in 2012 said they were definitely or probably clear about what a Guardian was, compared to 62% in 2011. Although some professionals consider that there is still ambiguity over the Guardian's role, most comments suggest that understanding of the role of the Guardian has improved significantly over the course of the Pilot:

The role of the Guardian has changed and evolved a great deal since the project began as they have established themselves and established where boundaries / areas of influence lie with regards the asylum system and the roles of other agencies / statutory bodies (UKBA)

I find it easy to describe the role of the Guardian to those who are unfamiliar with it. I usually phrase it in terms of helping a young person to navigate through the variety of complex systems that affect their lives, particularly the asylum process, housing and financial support (Social Worker).

Interagency working and communication

During Year 1 of the Pilot we observed goodwill among stakeholders in Scotland for the Guardianship Service to succeed in terms of

¹⁷ http://www.aberlour.org.uk/how_we_help/services/248_scottish_guardianship_service

each outcome and across the three domains. This goodwill was based on many stakeholders, including the Guardians themselves, realising that the work of the Service, and the value that it could bring to young people's experiences of the asylum process, would take time to evolve. Although the Pilot has been managed by the two organisations responsible for the Service, it is supported by a Project Advisory Group (PAG) representing a wide range of interests (Annex 2) and an Operational Steering Group of practitioners and service providers. Both of these groups met on a regular basis during the lifetime of the Pilot to consider broader strategic and policy issues arising from the Service and to share information about how it was working in practice. We highlighted some difficulties in relation to the effectiveness of these groups in our first evaluation report (Crawley and Kohli 2012). Kathleen Marshall was subsequently appointed as independent chair of the PAG to ensure that independent strategic and policy oversight was maintained while allowing the Scottish Refugee Council, which had previously chaired the group, to contribute to PAG as a member organisation.

A considerable amount of effort and planning was involved in ensuring effective interagency working, particularly in a context of the Service having no statutory authority. These efforts included formal meetings of the PAG and Operational Group, work on the Protocol (discussed above and in Section 6), meetings to discuss specific issues or concerns (for example, the location of the substantive asylum interview and the role of 'responsible adult') and establishing of groups to focus attention on specific areas of work (for example, the Returns Working Group discussed in Section 5). As previously noted, the Learning Event held in February 2012 provided a focal point for bringing together stakeholders from within and outside Scotland. It enabled the Service to consolidate existing relationships and develop new ones. It provided an opportunity to both demonstrate the 'added value' provided by the Service and publicly acknowledge the work needed to further improve outcomes for young people. And it provided an opportunity to hear from young

people themselves about their experiences of working with the Service, through a short film and by exhibiting sculptures produced by them.

During Year 2 there was improved collaboration and joint working between stakeholders and the Guardianship Service. This increasingly took place outside the confines of formal meetings as relations between existing stakeholders matured and new relationships developed. It is clear from our discussions with stakeholders that there were sometimes differences of view about the needs of young people and what stakeholders considered to be in their best interests. Importantly, however, processes, procedures and lines of communication were in place for dealing with these issues as they arose. There also appeared to be a greater level of mutual understanding and respect between professionals so they were more able to work effectively together to deliver services which met the needs and interests of separated young people.

The improvements we have observed in interagency working are reflected in the findings of the stakeholder surveys. The surveys asked respondents a series of detailed questions about their experience of the Guardian's work. The responses in the 2011 survey indicated that there was some ambiguity around the role and work of the Guardian. The findings of the 2012 survey suggest greater clarity. For example:

- 74% agree or strongly agree that the Guardian appears sufficiently knowledgeable in relation to immigration and asylum issues (compared with 44% in 2011)
- 74% agree or strongly agree that the Guardian helped to communicate an understanding of the young person's experiences (compared with 59% in 2011)
- 60% agree or strongly agree that the Guardian helped them to understand the young person's fears, worries and concerns (compared with 44% in 2011)

- 60% agree or strongly agree that the Guardian understood and respected their work with the young person (compared with 30% in 2011)
- 60% agree that the Guardian helped to establish and facilitate informal networks of care and support (compared with 44% in 2011)
- 74% agree or strongly agree that the Guardian helped the young person to participate as fully as possible in the asylum process (compared with 48% in 2011)

In both surveys we were provided with examples of a Guardian working well with other service providers:

We have managed to build a very good working relationship with the Guardian and my staff and the Guardians have very clearly delineated, but at the same time complementary, roles
(Residential Support Worker)

I have worked with the Pilot since its inception and have been delighted to see the progress that has been made in many different ways. I have benefited from the excellent partnership working and we have been imaginative and creative in our approaches
(Stakeholder)

Not all stakeholders viewed the Service positively. Some stakeholders perceived that Guardians are 'overly sensitive' to the needs and wishes of young people and are not sufficiently 'objective'. Some expressed concern that the Guardians could be

'overly-protective' towards young people and that this could disempower them in the longer term. Others expressed concern that Guardians become involved in issues that were (or were perceived as being) beyond their remit, and that they lacked knowledge and understanding of the roles, responsibilities and limitations of others working with separated asylum seeking young people:

I believe the Guardianship Service has made it more difficult for our service to work with young people. They collude with young people to the detriment of the young person's development
(Social Worker)

I think there are examples where the Service has been slow or reluctant to appreciate the work of colleagues and look at other approaches
(Residential Worker)

Despite this, two thirds (62%) of stakeholders responding to the 2012 survey respondents strongly agreed that the Guardian acts in the young person's 'best interests'. This is a significant increase since 2011 when the corresponding figure was 28%. Overall levels of satisfaction with the Service have similarly increased. In 2011 just over half (56%) were either totally or very satisfied with the work of the Service. In 2012 more than two thirds (68%) were either totally or very satisfied with the work of the Service and a further 16% were somewhat satisfied. Just 4% of respondents were very dissatisfied. It is clear from the survey responses that levels of satisfaction increased as the work

Table 1: Responses to the stakeholder survey, 2011 and 2012

Question	2011 (n=37)	2012 (n=58)	Improved?
Definitely clear about what a Guardian does	34%	39%	Yes increased by 5%
Probably clear about what a Guardian does	28%	43%	Yes increased by 15%
Strongly agree that a Guardian acts in a young person's 'best interests'?	28%	62%	Yes increased by 34%
Totally satisfied with the Guardianship Service	11%	32%	Yes increased by 21%
Very satisfied with the Guardianship Service	26%	36%	Yes increased by 10%
Somewhat or very dissatisfied with the Guardianship Service	33%	16%	Yes decreased by 17%

of the Guardian became clearer and the Service matured. Levels of dissatisfaction fell from 33% to 16% (Table 1).

In terms of broader communication, steps were taken to ensure that organisations working with separated young people in Scotland were aware of the Service. As noted earlier, a website was established setting out the aim of the Service and what it is able to offer. A number of 'road shows' were held to introduce local authorities to the Guardianship Service. A leaflet aimed at separated asylum seeking young people was produced and made available to Social Workers, UKBA and other stakeholders for dissemination to the young people with whom they had contact. The Learning Event noted above provided an opportunity to share information about the work of the Service with stakeholders including Local Authorities and agencies working with separated young people in Scotland, and representatives from organisations based in other parts of the UK and in elsewhere in Europe (the Netherlands and Sweden). And there was some media coverage of the work of the Service, most notably a piece published in Scotland on Sunday in May 2012 which told the stories of some of the young people who had received a Service.

Finally, efforts have been made to ensure that the processes, procedures and ways of working developed by the Service are set out in writing. This will be important if a Guardianship Service based on the same principles as that in Scotland is developed elsewhere. With the support of an independent consultant, the Service has developed a Practice Manual and Toolkit that will be used to train Guardians in the future, to explain the work of the Service to other professionals and to define best practice. The manual is informed by our evaluation and explicitly refers to the domains of work identified and developed as part of the process.

Professional knowledge and competences

The job of being a Guardian is not an easy one. The wide knowledge and understanding required of Guardians should not be underestimated. And because the role of the Guardian was not fully defined at the outset and the Service had no statutory footing, the Guardians and the Service Manager found themselves having to negotiate (and sometimes re-negotiate) their position in order to assist the young people with whom they worked. As noted in Section 1 of this report, the standards defined by Goeman et al (2011) require a Guardian to be equipped with relevant skills and competences to enable him or her to undertake the role. Guardians need to be proactive in identifying learning and development needs, must manage their caseloads within the resources available, should be accountable and work to a set methodology and should understand their own personal and professional limits. Support should be sought and available wherever necessary.

Over the course of the Pilot we observed the appointments of Guardians, the very rapid learning curve faced in Year 1 as they sought to both meet the needs of young people and negotiate their position in relation to other Service Providers, and a 'bedding in' of the Service over the course of Year 2. We also observed the Guardians and Service Manager grow in confidence as they became clearer about what was, and was not, possible and witnessed the young people who they supported transition through the asylum process.

We saw evidence of clear procedures for the recruitment of Guardians. These procedures were introduced at the outset and further improved during the course of the Pilot. The following requirements have been identified by the Service as being central to the Guardianship role:

- A good understanding or experience of the asylum and trafficking processes;
- Excellent advocacy skills are essential. The ability to challenge other professionals when

necessary whilst maintaining relationships, ensure young people's views are heard and they can participate in decisions which affect them;

- Experience in partnership working;
- Good team worker and an ability to be supportive, flexible and respond to crisis;
- Ability to develop a rapport with young people and build trusting relationships;
- A good communicator and an ability to express yourself or explain information clearly to young people using child friendly language or tools which meet the young person's level of need and understanding;
- A knowledge and understanding of trauma, resilience, attachment, child development;
- A knowledge and understanding of legislation i.e. UNCRC, Refugee Convention, Humanitarian Protection, Children Scotland Act;
- An understanding of the concept of 'best interests' which takes account of the young person's right to be heard and express their own view;
- A positive attitude, motivated, genuine interest in the field of work, empathetic, reflective, non-judgemental, ability to take constructive feedback to improve practice, creative;
- A social work qualification is desirable but not essential; and
- Training in relevant fields e.g., OISC, working with interpreters, trauma, resilience, child protection.

The Guardians came from a range of professional backgrounds. Some had previously worked with asylum seekers and refugees in other organisations (including the Scottish Refugee Council). Two of those appointed were qualified

Social Workers. Guardians were selected by an application process (short listed by meeting the criteria above), an interview which involved young people's participation and two set tasks prior to the interview to test their abilities and knowledge. The interview process lasted approximately one hour with a panel of three interviewers asking a series of set questions (approximately 15 questions in total). The questions covered key areas such as knowledge and experience, partnership working, quality and evaluation and working with young people.

There was some staff turnover during the course of the Pilot. One of those originally offered a Guardian post declined the position and the Service operated for much of Year 1 with one full time and two part-time Guardians working three days a week, together with a Service Manager and Administrator. The cost savings at the start of the project allowed for an expansion of the team in Year 2. An additional Guardian was appointed taking account of the skill set of the existing staff. The new Guardian resigned a few months after taking up her post but the Service was able to recruit a replacement Guardian working on a full time basis. One of the Guardians took maternity leave and returned to the Service as a 'satellite' Guardian based in Dumfries and Galloway. From July 2012 another 'satellite' Guardian was deployed in the Black Isle/Inverness areas (noted above).

In terms of training, supervision and support of Guardians, the Service has established a Knowledge Framework for Guardians which is used as a training guide and for the continuous professional development. During Year 1 the Guardians undertook training in a range of issues including 'Working with separated children', 'Working with interpreters', 'Child protection training', 'Child trafficking', 'Mental health / victims of torture' and 'Age assessment awareness training'. The bulk of the training undertaken in Year 1 was provided by the organisations running the project, although training has also been provided by ILPA, the Child Protection Committee, Compass Mental Health

and Freedom from Torture, and Lifelink. Three of the Guardians and the Service Manager have been trained as OISC Regulated Immigration Advisers to Level 2. This means that the Guardians have the skills and competence to undertake casework with young people and a good working knowledge of current law, policy and practice¹⁸. In terms of more general training, topics in Year 2 included 'Roles and responsibilities in the child protection process', 'Procedures for joint investigations', 'Trauma', 'Sexual exploitation', 'Promoting positive behaviours' and 'Resilience'. This training was provided by a wide range of external agencies and suggests that the knowledge-base of the Guardians has expanded to include the range of contextual and child-specific issues that may impact a young person's experience of the asylum process.

We are satisfied that there were arrangements for the supervision of Guardians and the Service Manager in place. The work of the Guardians was supervised directly by the Service Manager on a regular basis. A formal supervision meeting was held with staff every 4-6 weeks. This meeting provided an opportunity to discuss development and support needs, reflect on practice, discuss and review cases, and discuss administrative issues such as time keeping, absence and annual leave. The Service Manager in turn was supervised by a Manager from the Aberlour Child Care Trust. There was also a Joint Management Board made up of senior managers from the Scottish Refugee Council and Aberlour to oversee the work of the Service. Team meetings took place on a weekly basis.

Finally, during the course of the evaluation we observed mechanisms being established to ensure consistency in the service provided to young people and in recording information. Checklists were in place for referral, the initial meeting between the young person and the Guardian, preparations for the screening and substantive asylum interviews, and for discussing the implications of the decision taken by UKBA. Young people allocated a Guardian were provided with a letter which gave clear information about

the aims of the Service and about how the Guardian could be contacted. Detailed case notes were kept in relation to each young person, recording telephone calls, meetings and other actions relating to each of the three domains. These mechanisms were essential for ensuring continuity where Guardians were unavailable, for example due to sickness or annual leave.

¹⁸ The requirements to practice at OISC Level 2 are set out at http://oisc.homeoffice.gov.uk/how_to_become_a_regulated_immigration_adviser/guidance_on_competence/oisc_level_2/



SECTION 4

Young people's
experiences
of the service

Before the Service began, a consultation took place with young asylum seekers about their expectations regarding a Guardianship Service. They were asked simple questions, and gave simple answers (SRC and Aberlour Child Care Trust, 2009). These are reproduced in Table 2, as a reminder of what was said, and to locate some of the findings in the opinions and experiences relayed to us by the young people using the service.

In Year 2, as part of the submission of documentary evidence for the evaluation,

young people and a young person's letter two years later contains some key indicators of what many young people in the Service found worthwhile. Our interpretation of what the young people told us is that they wanted **a single person who they could trust, who they considered reliable, who was interested in what they had to say** and who was able to be **purposeful** on their behalf. They wanted **someone to show them the way and help them to navigate the complex systems ahead of them**. They wanted **a companion**, who could give them **hope and**

Table 2: Pre-launch, young people's views about what a Guardian could offer

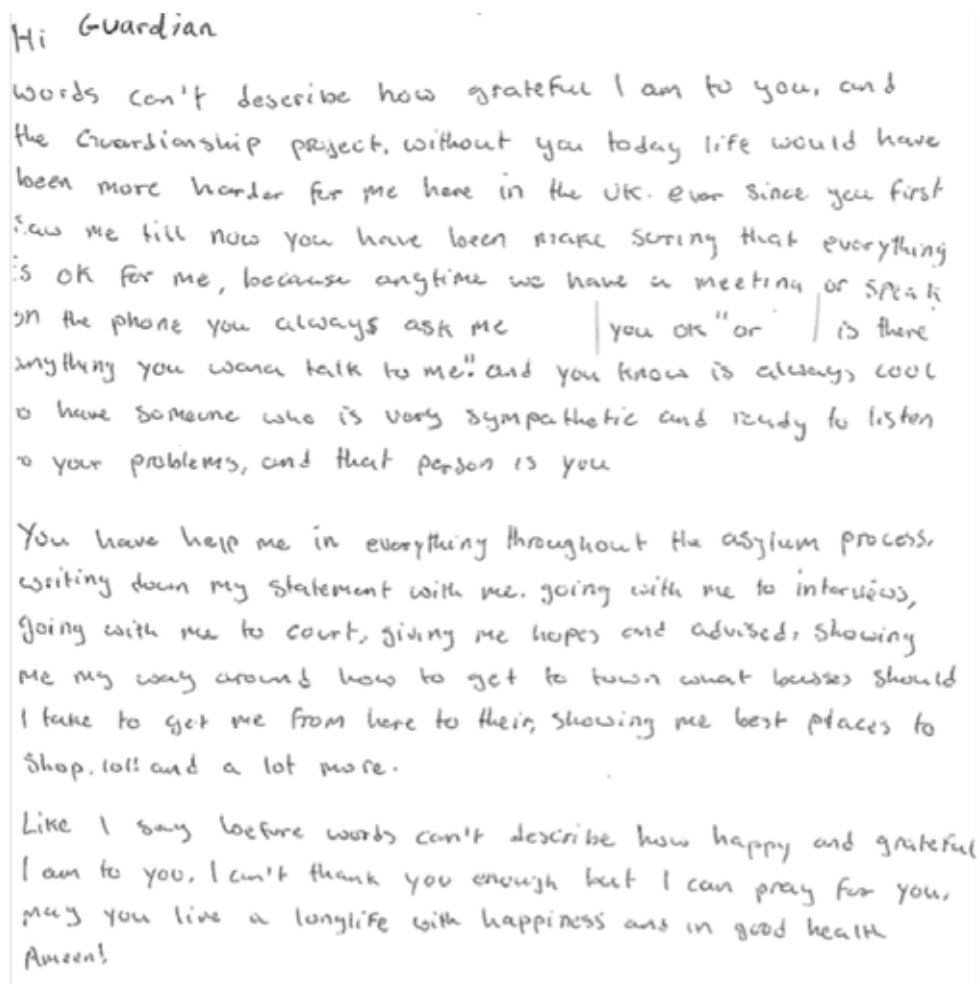
<p>Question: If you had someone to help you, what would you want them to do for you?</p> <p>Answers:</p> <p>Someone who could listen to problems and talk openly</p> <p>young people don't know their rights in this country with social work and Home Office and education and solicitors.</p> <p>Information would be passed to the right places</p> <p>To be able to be more independent</p> <p>Need help with any lawyer again.</p> <p>Need help with housing transfer no one helped me very, very bad for me leaving Campus.</p> <p>Help us to understand what lawyer is doing for us.</p> <p>Give moral support.</p> <p>Help us to understand all questions by Home Office</p>	<p>Question: What do you think about having someone to help you undersand the asylum processes, social work, housing and education processes?</p> <p>Answers:</p> <p>It would be good, very good.</p> <p>An individual person would be grest. Want to know your rights</p> <p>Would be a massive difference to have a person allocated</p> <p>Had a horrible experience at the begininning.</p> <p>Would make things clearer</p> <p>Would feel more supported</p> <p>Scottish Refugee Council and Aberlour Childcare trust (2000)</p>
--	---

the Guardians showed us the following letter written by a young person using the Service, which we are assured after having spoken to the person, was a spontaneous piece of writing, neither requested nor in any way influenced by the Service itself. It summarises some things that Guardians do, but as importantly, emphasises that the personality of Guardians makes a big difference to young people. Here we have reproduced the script in the original handwriting (Figure 8).

The bridge between the pre-launch wishes of

moral support. We noted at the end of Year 1 that at the heart of the Service appeared to be a commitment to taking into account the views and wishes, rights and entitlements of asylum seeking and trafficked young people. This commitment, which was central to the way the Service chose to respond - strategically and operationally - in Year 1, continued in Year 2, as indicated by some of the ways young people talked about 'their' Guardian.

Figure 8: Letter from a young person



Hi Guardian

Words can't describe how grateful I am to you, and the Guardianship project, without you today life would have been more harder for me here in the UK. ever since you first saw me till now you have been make sureing that everything is OK for me, because anytime we have a meeting or speak on the phone you always ask me "you OK" or "is there anything you want to talk to me?" and you know is always cool to have someone who is very sympathetic and ready to listen to your problems, and that person is you

You have help me in everything throughout the asylum process, writing down my statement with me, going with me to interviews, going with me to court, giving me hopes and advised, showing me my way around how to get to town what buses should I take to get me from here to there, showing me best places to shop, eat and a lot more.

Like I say before words can't describe how happy and grateful I am to you, I can't thank you enough but I can pray for you, may you live a longlife with happiness and in good health Amen!

How young people feel about their Guardians

The views of the young people were more or less uniformly positive, some glowing. The Guardians were regularly described by young people as being like friends, family members, trouble-shooters, connectors, diary organisers and guides. They helped reduce bewilderment and loneliness, particularly just after arrival, when they told young people about Scotland, other agencies and services, and the rules of asylum and welfare. As one young woman noted:

I am shy and really scared. We don't know nobody because it is first time. She explained me her job,

and after a couple of meetings I began to understand how she help me¹⁹

According to the young people, the Guardians kept their promises. They were prompt about keeping to appointments, were prepared to wait, and not disappointed in young people who were sometimes late. They understood privacy, and the need to be left alone sometimes, and would 'check in' by text, to make sure that the young person was aware of a Guardian's continued attention to their well-being at times of withdrawal or silence. They would take time and make time for young people. As one of the focus group members said:

¹⁹ To protect the anonymity of the young people who contributed to the evaluation, none of the quotes are attributed, and no biographical information given about any those who took part.

I was happy, she was so nice, so nice about everything, we go to different appointments together.

She calmed me down when I was upset. After the appointment she and I would meet and talk together about what happened, and she advised me. She was more than a worker for me, because she was someone

I could talk to. My Social Worker, I have met for 3 hours in 9 months. We are like strangers when we talk together. But with my Guardian, I talk to her, she puts me at my ease, even personal issues, I talk to her.

Apart from many examples of Guardians helping them with their asylum claims, the young people were also clear that the Guardians helped them to get the welfare, health and education services they needed, and to make sure those services were of good quality and delivered in a timely way. They also emphasised the importance of social and cultural activities organised by the Guardians, such as the 'Open Aye' Photography Project with the Red Cross, as well as the regular Participation Group gatherings that took place in the Guardian Offices (discussed further in Section 7 of this report). The young people valued that the Guardians came to see them at prize giving events. Overall, the young people identified the Guardians' assistance in the growth of informal networks of support in relation to asylum and welfare as positive aspects of the Service. Some other examples of what they said are:

Even if I don't say anything she understands me. Even sometimes I've tried to upset her on purpose just to test how far I can go, but she doesn't let go and that is good. She helps me to know myself better.
She endures with me.

The relationship with the Guardians is strong, with all the Guardians. I can trust them. They are polite and kind and always friendly. I trust them more than my Social Worker and the staff that I stay with.

A Guardian makes your life better and makes you understand who you are in this country, and what we can do in this country.

Big interview in Home Office. My Social Worker is not come. My Guardian go with me. It was hard

questions. Big interview. She help me to find break time, and explain big questions to me.

The first time I met her, she told me that everything I say is confidential, so no information is shared with anybody without my permission and that gave me confidence. But trust was not there the first time, it built up gradually. I did not talk much at first, I have some kind of temperament, and sometimes I did not want to talk, but she did not take it personally.

One of the young people presented the following picture, summarising her own capacities to carry on, and the ways that these were supplemented by the Service (Figure 9).

In the views and experiences described to us by the young people, they highlighted that Guardians treated them with dignity, and showed a will to do the best on their behalf. Firstly, there was a comment about style and the young person's appreciation of **clarity and kindness** as a way of communicating. Secondly, the young people often said that **repetition** was needed - explaining once was just not enough, and a Guardian taking the time to go over information, at the young person's rate of absorption, really helped. **Breaking complex things down into simpler parts** became part of the Guardian's skilled use

Figure 9: The story of my life

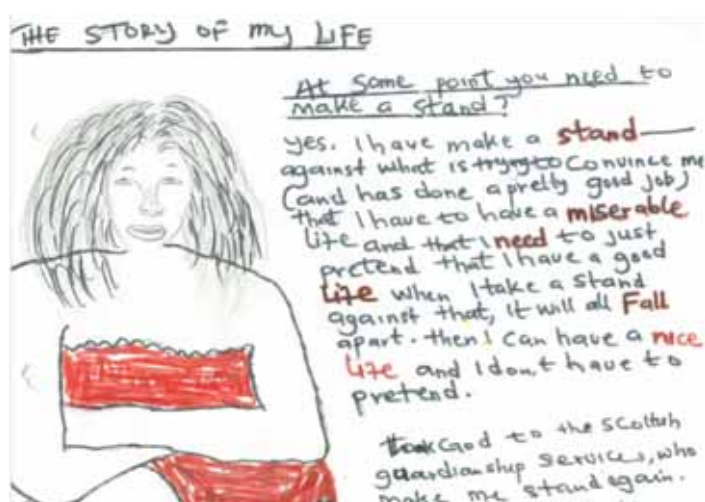


Table 3: Interviews with young people compared to stakeholder survey responses

Questions	Young people 2011 n=10	Young people 2012 n=37	Service providers 2012 n=58	Stakeholders perceptions improved
Definitely clear about what a Guardian does	70%	34%	39%	Yes
Probably clear about what a Guardian does	30%	28%	43%	Yes
Strongly agree that a Guardian acts in a young person's 'best interests'?	90%	28%	62%	Yes
Totally satisfied with the Guardianship Service	80%	11%	32%	Yes
Very Satisfied with the Guardianship Service	20%	26%	36%	Yes
Somewhat or very dissatisfied with the Guardianship Service	0%	33%	16%	Yes

of a toolkit of understanding. Thirdly, there was a sense of **containment** provided by the Guardian at times of trouble, partly through de-briefing after tough meetings (and in some instances prior to important meetings). Fourthly, young people cited the Guardians' **capacity to understand silence**, and to continue being **companionable** when they were 'testing' them. Fifthly, in relation to trust, they cited the Guardian's willingness to do things with their consent as being a marker of someone **'being on their side'**, and respecting the boundaries they wanted to maintain. Finally, Guardians were seen as being flexible **about the role**, with a sense that other service providers were more formal, and likely to be experienced within clearer formal boundaries, suggesting they were less available, and as a consequence, more distant. Clearly, the young people valued time and **availability**, which observed from the vantage point of other services, appeared sometimes as Guardians being too ready to step forward and over-involved in young people's lives. The young people's responses in interviews about the Service can be compared to service providers' survey responses in the following examples:

The young people's responses tended to be positive regarding clarity of role, perceptions of 'best interests' and overall satisfaction, much like their views in the focus group and some

answers they gave in the interviews themselves. There was a much greater spread from positive to negative among service providers in Year 1, although, in comparison to the survey conducted in 2012, there was a closer alignment with young people's views. The differences in perception illuminate the ways perspectives can differ according to 'inside out' or 'outside in' positions. Using different methodological approaches to data collection may also influence them. Yet the comparison above serves to illustrate that if a Service were to be built according to the wishes and views of these asylum-seeking respondents as service users, then, as one young woman said,

The best Guardianship Service is like it looks now. I think they are good enough. Nothing extra to do. They have a good heart.

Guardians' commitment to the young people

Being with them day in day out, seeing one person all the way through their process, and seeing their ups and downs ... gives a greater understanding of how difficult life can be for them to comprehend; even if something is explained to them many times – they still might not understand...
(Guardian)

We have used this quote from a Guardian to illustrate what they saw as an essential component of their role, and its associated tasks. The Guardian conveyed a sense of constancy and companionability, alongside a capacity to witness the young person's day-to-day movement, as well as their ultimate trajectory. In many ways, through conversations in focus groups or individually, the Guardians generated a culture of commitment to the young people that was truly valued by the young people themselves.

We note that the Guardians appointed to the Service appeared to us to be talented in bringing out the human nature of their Service, and were hardworking and clearly committed to the well-being of young people. They took care to build trust, and did not give up. They endured, and were viewed as doing so by the young people. Their capacities to see the world from young people's eyes, and to see through some of the complexities that the young people faced, were an asset to the Service. Evidence indicates that **Guardians became 'sense-makers'** for the young people, and translators of their new environments, explaining systems, processes, laws, obligations and rights in systematic ways. As one stakeholder noted in discussing the Service with us:

When they arrived here they are accompanied by a Guardian. They know why they are here and they are much more involved in the decision to join the course. The Guardian seems to have an important coordinating role. If the Guardian wasn't there she wouldn't have had the support needed to engage with me at all. No one would have done this work otherwise. I'm sure her life would have been completely different if she hadn't had a Guardian. The ones that arrive with a Guardian will undoubtedly be more supported. I'm not sure they would come to us otherwise.
(Stakeholder)

This confirms one of the original objectives of the Service, which was intended to help young people effectively transverse the complicated territory they are in. The Guardians appeared **to invest sizeable amounts of time in each young person,**

making the young person visible to other service providers, and helping them to show and tell their stories in ways that were manageable and purposeful. These acts of explaining, bridging, advocacy and companionship showed that the Guardians stuck by and stuck up for the young people. During the evaluation period, we note that the Guardians, through expressing a broad and deep commitment to fairness for the young people, continued to provide good evidence of 'added value', beyond the services provided by other agencies.

What 'success' looks like from the perspective of young people

One young woman, who had initially said she was younger than she was, finally admitted her age (*"when I told the truth"*). The attitudes of many of those involved in her care changed for the worse, but the Guardian remained constant, not regarding her negatively. As she said during her interview with us:

First me scared when (the Guardian) come to me, my English then not good, but she do so many things for me...she make me talk to friends, go with me to appointment, and when me come to this place, me like one music, African music, and (the Guardian) play it for me on the internet. Me just not feel happy, but (the Guardian) understand me, she encourage me, tell me about the law, take me out, help me... the lawyer and (the psychologist) help too. If me frighten, I tell (the Guardian) and she tell (the psychologist). Some things just come in and me think too much....me not able to stop thinking. Me start to cry, then me tell (the Guardian). She always smiling and talk soft, not hard...

For me everything OK with the Guardians. Because they do so many things for me until now... No Guardian, nobody to talk to, me just go crazy thinking, fall down and die.



In terms of other measures of success as perceived by young people, the Guardians were

thought to be effective in learning and translating the technical language of professions into common English that young people could digest. They were described to us as trusted advisors, for important as well as 'silly' questions from the young people about a range of things that generate uncertainty and confusion. This attitude,

of 'nothing is too trivial, nothing too daft to ask about' ensured a level of acceptance of the mundane and the substantive that the young people struggle with on a day-to-day basis. Figure 10 provides an illustration of the way in which young people recorded views on the Guardianship that they want others to see.

Figure 10: A young person's view of the Service

The Guardianship are quite keen about their work, and they are really good at what they do. ~~There~~ like the young people feel very close to our Guardian. If it wasn't for them we wouldn't be this happy in a foreign country with out our families. We all thank the Guardianship service, I would suggest the Guardian service should continue what they're doing just the way it is

Thank You!  
love

SECTION 5

The domain of asylum



As noted in Section 2, our evaluation explored the work of the Guardians and the proposed outcomes for the Pilot across three domains: asylum, well-being and social networks. In this section we outline our findings in relation to the domain of asylum, exploring the ways in which Guardians assist young people in navigating the asylum process as well as their role in information-gathering and any potential contribution that the Guardianship Service might be able to make to the decision making process.

There is evidence that separated young people who are seeking asylum or who have been trafficked often find it difficult to negotiate the asylum process in the absence of a Guardian (Bhabha 1999; Smith 2003; Bhabha and Finch 2006; Kohli 2006; Crawley 2010, 2011, 2012; Vitus and Liden 2010). A report by the Children's Society (2012) found that young people seeking protection in the UK often struggle to get the support they need to understand their rights and present their case effectively. It identified limited English, lack of understanding of British cultural cues, illiteracy, lack of education and different development opportunities throughout their childhoods as factors that make it difficult for many young people to understand what is happening to them throughout the asylum process. Furthermore:

[M]any refugee children will have grown up in cultures where they have been taught to be obedient to their elders. They are more likely to be submissive to adults, particularly those in positions of authority.

Our services find that young refugees are often unwilling to complain if something is wrong or ask questions. In addition, experiences of persecution under repressive and brutal regimes have taught some to live in fear of the authorities.

(Children's Society 2012: 4)

The research highlights the fear and worry young people have of the asylum process. It is clear from the evidence in the previous section that these anxieties and fears are shared by the young people seeking asylum in Scotland. Young people were aware that claiming asylum is a serious

matter and many found the process extremely stressful. In this context the role of the Guardian was to ensure that the young people were able to present their case in their claim for asylum, advocate on their behalf to ensure that their voice was heard and ensure that other professionals were taking appropriate and timely action in relation to the asylum claim.

During the course of the evaluation we systematically examined the work undertaken by Guardians in relationship to the asylum process, both independently and in partnership with others, to ascertain the value of this work for young people and for decision making and the asylum process more generally. We begin by outlining our findings in relation to young people's understanding of the asylum process. The analysis in this section draws upon interviews and meetings with all of those involved in the asylum process and young people themselves, an analysis of case files held by the Service, the survey of stakeholders, and a focus group with Guardians, Legal Representatives, UKBA Case Owners, Social Workers and other professionals held in May 2012.

Young people's understanding of the asylum process

To me one of the key gaps and what sets these children apart is the fact that they have to negotiate the asylum process. The role of the Guardian should be to help children to understand the significance of the process they have to go through. It is Social Worker's role as well but they have limited time to do this and this is therefore an area where a Guardian could add value. The Social Workers would deal with practical things, such as securing access to health and education, while the Guardian would build up a role linking the Social Worker and the Legal Representatives and UKBA and help children to negotiate the process. The Guardian could add value because he or she would have concentrated time to fulfil this role (Stakeholder)

It is clear from interviews with Guardians and the Service Manager and from the analysis of case files that a significant proportion of the Guardians' time in asylum related activities was spent assisting young people to pull together relevant narrative and documentary information about the basis of their asylum or other protection claim. Much of this work involved explaining the asylum process to young people, often repeatedly, and speaking about their past experiences. It was often necessary for Guardians to reassure young people about their safety and help them to cope with anxieties about both the process itself and reliving difficult and painful experiences, including experiences of being separated from family, friends and familiar contexts.

Nobody actually explains to the young person that they have the right to be here and that they have the right to be safe (Guardian)

In this context the Guardian began the relationship with the young person by providing reassurances about his or her safety and by making sure that the young person was aware of his or her human rights. These reassurances were particularly important where a young person was age disputed or had been trafficked. These young people were very fearful of the future and unaware of the protection and practical support that is potentially available to them even if they are assessed as being over 18 years of age.

For young people the asylum process was often experienced as stressful and bewildering: as one young person explained, *'It's like you are carrying a big rock'*. Some of the young people had not been formally educated, did not read or speak English and were unfamiliar with formal processes and procedures. Others had received some formal education and were very articulate but nonetheless struggled to express themselves.

Guardians played an important role in **explaining the asylum process** to young people. This was particularly clear where a Social Worker had not yet been allocated or where the relationship with

the Social Worker had broken down, for example due to dispute over age:

Children in particular are so confused at the start of the process that they can't take anything in so it's absolutely key to take the time to explain the system they are in. A lot of children think that because they are here that means that they can stay here. It's quite a task to explain the asylum process and their options. This needs to be explained and then repeated. If they don't have that information in a child-friendly way then they can't participate (Legal Representative)

We try to help young people to have a meaningful understanding of the asylum process. Our role is breaking it down and making sure they understand as much as possible about the process. Very few know that they have to ask to stay. They think all they have to do is arrive (Guardian)

Before introducing the concept of 'asylum', a Guardian initially explored the reasons why people may leave their country of origin - for example, by noting that people come to the UK to study, to work, to travel, to have a holiday or visit family and some people come to the UK to be safe. This introduced 'asylum' in a basic context of safety. For some young people, the word 'safety' had to be explored further as it can be difficult to understand. The young person was prompted to give their views or ideas. **Guardians used simple, clear language to ensure that young people understood roles, rules and contexts.**

The use of simple, clear language was crucial, particularly where young people's understanding of basic concepts and ideas was limited. For example, one young person did not understand the concept of a 'country' and this had to be explained at length using maps and visual aids. Technical language was translated into language that they understood. The Guardians tried to avoid terms and categories that were likely to be unfamiliar including, for example, the concept of 'an asylum claim'. Complex ideas such as the Refugee Convention or the National Referral Mechanism (NRM) were brought into the discussion only where it was clear that a young person had understood basic concepts and ideas.

Guardians employed a range of methods and techniques to explain the asylum process and the roles and responsibilities of those within it. These included diagrams (for example, an asylum process map), simple lists, quiz sheets requiring young people to match roles and responsibilities, an asylum word search, visual images and drawings. The exact methods used depended on the backgrounds and experiences of the young people with whom the Guardians worked including their experiences of formal education, their ability to read or write, and whether they came from a wealthy or poor, rural or urban environment. The Guardians had a tailored approach to their work with young people and responded and adapted their practice and activities to meet individual young people's needs. The Guardian periodically 'checked-in' with the young person to make sure he or she understood what was being said. This process was iterative: it did not take place in a single session but was repeated as and when considered necessary to help the young person fully understand the process. This repetition was part of a response to a particular event or requirements – for example an impending asylum interview or meeting with a Legal Representative – or in response to questions and concerns raised by the young person, or something that he or she said which indicated that the process was not full or correctly understood.

We found evidence that **Guardians' use of careful and repeated explanations of the asylum process** and of key concepts and ideas underpinning the process resulted in important disclosures which might otherwise not have occurred because the young person was not aware of the significance of the information being revealed or was afraid to do so. This can have important implications for the young person's asylum claim (Case study 1).

Case study 1: Credibility

Anthony²⁰ was referred to the Guardianship service and attended a number of

appointments with the Legal Representative at which the Guardian was present. Anthony initially said that he had been stopped in another country on the way to the UK and his fingerprints had been taken. He advised that he had given his true name and date of birth when this occurred. The Legal Representative explained the concept of credibility and the young person confirmed that he understood this. The Guardian subsequently re-visited the concept of credibility with Anthony explaining what it means, how it would be assessed by UKBA and why it is so important to be honest. This explanation prompted Anthony to share information that he had lied about his age when stopped by the authorities of another country on the way to the UK. He did so because he was frightened and was advised by the interpreter that they would let him go if he told them he was an adult. Anthony was reluctant to admit that he had lied previously as he felt uncomfortable about this. The Guardian was able to discuss the importance of this information and help him to understand that it is more important to tell the whole truth than to try to cover up a lie already told. Anthony agreed that the information should be shared with the Legal Representative and included in the Statement of Evidence Form which was sent to UKBA. During subsequent appointments, Anthony gradually admitted that some other information given to police in previous meetings had been incorrect and that he wanted to highlight this in his statement. Anthony's account and asylum claim was accepted as being credible by UKBA and he was granted Refugee Status.

Young people were clear, articulate and firm, even when challenged, that the work undertaken by the Guardians helped them to understand and navigate the asylum process:

²⁰ All names used in the case studies are pseudonyms to protect the identity of the children and young people who have been provided with a Service and have contributed to the evaluation process

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

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

There was also broad consensus among professional and other stakeholders that the work of the Guardians 'adds value' in helping young people to understand the process. This was reflected in evidence from the focus group discussion and the survey of stakeholders. There were diminishing concerns about the Guardian's own knowledge and understanding of the asylum process. According to the Year 2 survey three quarters of respondents (74%) agree or strongly agree that the Guardians appear sufficiently knowledgeable in relation to immigration and asylum issues, a considerable higher proportion than at the end of Year 1 (44%). This, in turn, appeared to have increased confidence in the ability of Guardians to assist young people in understanding and navigating the asylum process.

The process of information-gathering

The most important thing that a Guardian can do is to improve the quality of the information that a decision maker has when making a decision...We don't feel that we have the best possible information available to us that we could have at the moment (UKBA)

There is evidence that Guardians played an important role in the process of information-gathering and in helping others (including UKBA case owners) to understand the experiences of separated young people who are seeking asylum or have been trafficked. Three quarters (74%) of stakeholders who were asked about this aspect of the Guardians work in Year 2 agreed or strongly agreed that Guardians helped to communicate an understanding of the young person's experiences. Three quarters (74%) also agreed or strongly agreed that the **Guardian helped the young**

person to participate as fully as possible in the asylum process. This figure had risen from 48% at the end of Year 1.

It is important to note that the extent to which Guardians were able to contribute to the process of information gathering depended, in part, on the stage in the process at which a referral to the Service was made. Of those young people for whom there was clear information about the point in the asylum process at which they came into contact with the Service, just over half (57%) were referred to the Service before the screening interview took place whilst a third (32%) were referred post screening. Six young people (11%) were referred to the Service after they had received an initial decision on their application for asylum.

Before the interview: Statement of Evidence

Some young people find it very difficult to 'open up' about their experiences. This may be because they are concerned about implications of the information that they provide, do not understand the relevance to the asylum process or find it difficult to talk about the things that have happened to them both in the country of origin and on the journey to the UK. In some cases young people may have been advised by family members, friends or the person who facilitated their journey not to talk about their experiences or to give a different account (Bhabha and Finch 2006; Crawley 2010).

There was evidence from the case files of Guardians working with young people to establish core information about their background, family history, educational experiences, the circumstances of their departure from the country of origin and their journey to the UK. There was also evidence of detailed work being undertaken with young people about their knowledge of political groups and processes and about what they perceived to be the risks of return. In many cases the Guardians supported the young person

to talk about their experiences and views of their countries of origin to the Legal Representative and the UKBA Case Owner in order to establish the basis of the claim for protection. Guardians also prepared each young person for the substantive asylum interview by talking them through the process from arrival at the UKBA offices to the completion of the interview, explaining the types of questions to be expected at each stage. In some cases Guardians undertook a 'dry run' visit the UKBA offices so that the young person was more familiar with the environment in which the interview was held and felt less intimidated. All of this work is extremely time consuming and required considerable patience on the part of the Guardian as well as trust and commitment to the process by the young person.

As with the explanation of the asylum process, Guardians tailored their approach to information-gathering to the particularities of the young people with whom they were working, including whether they had experience of formal education, were able to read or write, or could more or less make themselves understood. They employed a range of methods and techniques in this process including the use of diagrams, family trees, visual images, drawing and post-it-notes. As noted above, **the Guardian sometimes 'tested' the young person to ensure that they fully understood the asylum process.** They sometimes also used a form to ask questions that elicited an emotional or factual response, which then triggered a discussion revealing additional information relevant to the asylum claim, for example asking a young person how they felt about an experience or period in their lives.

Because the **Guardians had time to build up a relationship of trust with the young people**, and because they were perceived as being on the young person's side, they were sometimes able to encourage young people to disclose information which they were not willing or able to discuss with other professionals. The circumstances under which young people have difficulties disclosing information about their experiences can be very varied. For example, some young people may

be anxious, scared or traumatised by what has happened to them; others may want to maintain a sense of control by pretending to be okay and not going into detail about past or present difficulties. Because the **Guardians invested time in young people on a regular basis, not only in the context of the asylum process but also in relation to their general well-being and through participation activities**, they often had a very clear sense of the young person and how he or she was coping, and were quickly and sensitively able to identify changes in mood, attitudes or general presentation. They were able to see 'beneath the surface'. (Case study 2)

Case study 2: Facilitating disclosure

Janette was trafficked to the UK and presented herself to the authorities upon her escape. Despite her experiences, this young woman presented herself as being happy, outgoing and untroubled – in short she wanted people to see her as 'normal'. Residential staff and other professionals often commented on how well she was coping, including her ability to sleep well, her sunny disposition and good sense of humour. The Guardian worked with the young person focusing on trust, promoting the young person's subjective sense of safety, making immigration processes as predictable as possible, and recognising that fear and difficulty around extraordinary events did not make her abnormal. Janette wanted to disclose information about her asylum claim as quickly as she could, in part because she did not want to draw out the asylum determination process, but also because this was consistent with the image she wanted to present of herself as coping well. Janette was always particularly brave and seemingly open during appointments with the Legal Representative. During a particularly difficult appointment with the Legal Representative Janette displayed

behaviour which suggested she was very stressed and uncharacteristically decided to terminate the appointment. The Guardian then spent some time with Janette coming back into the present and doing 'normal' teenage things, such as, spending her pocket money. Afterwards, they had a discussion about the importance of disclosure, exploring factors like timing, environment and method in making disclosure as safe and dignified as possible. Janette then made significant disclosures about sexual violence. Like many abuse survivors, she blamed herself and was afraid that she was going to be further punished. Her Guardian offered reassurance. Believing that she had done something wrong, she confided in her Guardian because she felt understood by her Guardian and believed she was the person least likely to reject her. She further confided in her Guardian that she was not coping as well as she liked people to believe and was indeed suffering from flashbacks, severe insomnia and nightmares. The Guardian passed on the young person's disclosure to her Legal Representative with her consent and this was included in her Statement of Evidence. Janette has never discussed these experiences with anyone other than her Guardian and Legal Representative. She was granted Refugee Status.

Evidence suggests that, at times, the **Guardian identified areas in the young person's Statement of Evidence which were inaccurate and which could have led to confusion or misinterpretation of the young person's claim for protection.** For example, in one case the Guardian was aware that the young person had shared a house with a number of family members in the country of origin, eight of whom he described as 'uncles'. On reading the Statement of Evidence it became clear to the Guardian that the wording of the statement implied that the young person was

referring to a singular uncle when in fact he was referring to four different people. This meant that the young person's statement was inaccurate and did not make sense. In response, the Guardian assisted the young person to create a family tree as a useful visual aid to help the young person provide his family's details. The Guardian compiled details of all the young person's uncles including their name, immediate family details, occupation and order of age. This information was passed to the Legal Representative prior to the substantive interview and included in a letter for the young person to present to his UKBA case owner on the day of his substantive interview. As a result of this work UKBA received accurate and clear information in relation to young person family details, making his statement easier to understand and avoiding unnecessary questioning during the interview. This was of benefit to both the young person and the Case Owner. In addition, the young person's credibility was not jeopardised.

The role of the Guardian in assisting other agencies and organisations to provide appropriate support and information to young people was particularly evident in those areas of Scotland where Social Workers and others have less experience historically of working with separated young people and perhaps have a more limited understanding of the asylum process or of the young person's needs and rights. In these cases the Guardianship Service provides detailed information relating to asylum, trafficking, the rights of separated children and young people, and working with interpreters, to help Social Workers better understand the processes in which the young person would be engaged and to encourage best practice. An information pack on these issues has been created and can be shared with local authorities and other agencies that come into contact with this group of young people.

Working with legal representatives

The project has made a real difference to the lives and

experiences of the young people it has worked with. I have been able to compare the experiences of young people who have a Guardian to those who don't (e.g. age disputes or young people who are just over 18). There is a vast difference in the level of understanding of the asylum process and the ability to engage in it in a positive way to ensure that the information that UKBA need to make the most appropriate decision is communicated (Legal Representative)

Virtually all (95%) of the young people in the cohort had a Legal Representative for their asylum claim. Many also had a Legal Representative to assist them with the welfare related aspects of their claim including where there was a dispute over age. Those without a Legal Representative had either gone missing or moved elsewhere. Many Legal Representatives in Glasgow have considerable expertise in working with separated asylum seeking children and young people and there is also a specific project at the Legal Services Agency (LSA) to provide legal advice to refugee and migrant children and young people (up to age 25) in Scotland²¹.

Although the Guardianship Service is not responsible for ensuring that the young person has access to a Legal Representative (this is the responsibility of the Social Worker), **Guardians worked closely with Legal Representatives to ensure that all of the circumstances of the application for asylum and of the young person's background and family history were known and understood before the substantive interview takes place.** Legal Representatives who contributed to the evaluation process were strongly of the view that the Scottish Guardianship Service played a valuable role in supporting young people through lengthy and often complex legal processes. Many stakeholders also considered that the work of the Guardians had a positive impact on young people's experience of the asylum process:

The Guardians are influencing a lawyer's practice to make sure that the young person is given every opportunity to tell their story (Stakeholder)

Guardians give young people the confidence to challenge the process and get the best out of the lawyer (Stakeholder)

According to Legal Representatives, Guardianship played an important role in ensuring young people had timely access to legal representation, developed an awareness and understanding of their rights, developed confidence to voice their opinion and secure their rights and were able to understand and reflect on legal advice before making important decisions. They also considered that the Guardian's role in helping young people to adjust to life in Glasgow provided an important context within which young people had the capacity and willingness to engage fully with the asylum process:

The role of a Guardian as an independent advocate for a young person is helpful to our work in the representation of young people because our clients can find lawyers intimidating and legal advice too complex. A Guardian can allay a young person's fears by offering to attend legal appointments and can work with a young person to clarify his or her understanding of legal advice in a less formal environment (Legal Representative)

Legal Representatives provided specific examples of instances in which they considered the Guardians have contributed directly to improving the quality of evidence that a young person is able to present to decision makers such as the UKBA and Local Authorities. These included:

- Providing brief factual summaries of the backgrounds of young people to Local Authorities who have used this as a basis for identifying a young person as a potential victim of trafficking under the NRM;
- Facilitating legal appointments by practically assisting a young person to attend the office of the Legal Representative; and
- Providing letters of support to highlight any issues that might make a young person particularly vulnerable for example, health

²¹ In January 2012, the Women and Young Persons' Department launched a unique and innovative new project providing legal advice to refugee and migrant children and young people (up to age 25) in Scotland. The Young Persons' Project is supported by funds from Paul Hamlyn Foundation. More information can be found at <http://www.lsa.org.uk/lsa.php?id=39&n=2> Prior to this Project, the LSA was able to provide specialist advice and support to young people, particularly those with trafficking indicators, through its Women and Children Department.

or mental health conditions, experience of independent living (or lack thereof), barriers due to language or comprehension.

In more than two thirds (68%) of cases a Guardian attended the majority of appointments with the young person's Legal Representative. There are a number of reasons why Guardians were more likely than Social Workers to attend interviews with the Legal Representative. These include instances where the young person was accommodated outside Glasgow meaning that it was easier for the Guardian to attend or where the young person had developed a good relationship with his or her Guardian and requested that they attend. In some cases it would have been inappropriate for the Social Worker to attend, for example where there was a dispute over age and the social work assessment was being challenged by the young person. According to Legal Representatives, the attendance of the **Guardian at legal appointments added value to the information-gathering process because Guardians had the time, expertise and resources to do additional work to fill information gaps and clarify issues where necessary.** Those Legal Representatives who have clients with a Guardian and clients without told us that the improvements in the quality of the experience for those young people with a Guardian were clear:

I would say that the support is generally of a high quality, by which I mean both that the approach appears to be genuinely friendly and child-centred, and that the interventions taken (e.g. liaising with other professionals, and referring / signposting), appear to be well-planned, useful and appropriate...I would say there is no question that each of the Guardians I have worked with have improved the quality of the experience for the children they are supporting and that the improvement is tangible
(Legal Representative)

Legal Representatives considered the work of the Guardian in supporting the young person to understand and engage with the asylum process to be particularly important where the Social Worker has a less active role; where there is a

potential conflict of interest because of a dispute over age; and where professionals including Social Workers have less experience in working with young people who are seeking asylum or who have been trafficked. They also commented on the benefits of a Guardian in cases where the young person is detained. Cases include Polmont YOI and Dungavel IRC:

We have found that the geographical or physical circumstances of detention pose particular challenges, in addition to the difficulty of working with a range of professionals with a more limited understanding of the needs of the client group and the barriers our clients might face. We think the Guardians played a pivotal role in these cases in identifying areas of concern, educating other professional about the client group and their rights and helping young people to secure those rights
(Legal Representative)

There is also evidence that **Guardians played an important role in linking services** and ensuring access to legal advice and representation. In one case, for example, a young person who had been trafficked to Scotland was convicted of cannabis cultivation and imprisoned in England. The Guardian made contact with the staff at the secure unit where the young person was being held and was able to continue to communicate with and support the young person by telephone. The Guardian initiated further conversations regarding asylum and trafficking and helped the young person to understand these concepts and the associated risk to his safety. When it became apparent that the young person had not accessed immigration advice, the Guardian offered assistance to staff in identifying a Legal Representative. The Guardian consulted with Immigration Law Practitioners Association (ILPA) to identify an appropriate Legal Representative. In another case the Service was able to ensure that a young woman who had been trafficked and was serving a custodial sentence for cannabis cultivation was able to access legal advice and representation (Case study 3).

Case study 3: Access to legal advice and representation

The Guardianship Service received anonymous information about a young person who had received a custodial sentence for cannabis cultivation despite being noted when she was arrested that she had marks on her ankles and wrists suggesting they had been bound. The Guardian had already developed good links with a children's charity working in prisons and young offenders' institutes and asked a staff member in the male service to make enquiries with their colleagues in the female prison as to whether there were any prisoners matching the young person's description. The manager of the service in the female prison recognised the description and the Guardian visited the young person in prison and gathered some background information on her experiences. A referral was then made to a Legal Representative specialising in trafficking cases. Subsequent enquiries revealed that the young person had previously been in contact with a Local Authority who had assessed her as being under 18 years of age and made a referral under the NRM which had been accepted after she had been sentenced for the offence. This decision was not communicated to the young person and she did not receive legal advice. The young person was due to turn 18 shortly after her release date from prison. The Guardian was pro-active in enabling the young person to receive appropriate legal advice and assistance to ensure that both her trafficking and asylum claims were investigated and progressed fully. The Guardian also negotiated with relevant agencies to ensure that the young person had appropriate accommodation and post-release support. The Guardian has since accompanied the young person to both her screening and substantive interviews and to medical and psychological assessments. The young person is awaiting a decision on the outcome of her claims.

The substantive asylum interview

As noted above, the Guardian was able to undertake preparation work for the substantive interview with the young person. This included discussing with the young person their preferred venue and sharing any concerns raised with the Social Worker whose responsibility it is to relay these concerns to UKBA. Where it was agreed with UKBA that the substantive interview was to take place in the offices of the Guardianship Service, the Service became responsible for providing an appropriate room and refreshments.

In those cases where the location of the substantive interview was known, the majority (74%) took place at the offices of the UKBA in Glasgow. Nine interviews (20%) were held in the offices of the Guardianship Service. The remaining interviews were held at the offices of the LSA (3) and in a detention centre (1). With one exception, all of the interviews held at the offices of the Guardianship Service took place in the first year of the Service²².

The location of the substantive asylum interview was the subject of considerable discussion and some disagreement during Year 1 of the Pilot. For a period at the beginning of the Pilot substantive asylum interviews were sometimes held in the offices of the Guardianship Service at the request of the young person. UKBA subsequently required that only those with 'additional vulnerabilities' could request for the substantive interview to be held outside the UKBA's office in Glasgow. Because these 'additional vulnerabilities' were not specified clearly or agreed, there were periodic conflicts between Guardians, Social Workers and UKBA Case Owners in relation to individual cases. There was concern among Guardians and some Legal Representatives that the benefits to young people of holding the interview in an environment with which they were familiar and in which they felt comfortable and safe were not fully appreciated by other professionals. Whilst some of the young people with whom we spoke told us that it was 'okay' to be interviewed in the UKBA

²² The exception involved a young person who was experiencing documented psychological difficulties.

²³ These are mainly young people who arrived more recently but there are also some older cases in which the substantive interview has been delayed due to a dispute over age

offices, others did not:

It's not okay. The security check you when you come, they take your belt and they check you. You really don't feel comfortable.

The issue for many young people appeared not to be the interview room itself but rather the general environment of the UKBA offices, particularly the waiting room and the security staff and procedures. Young people found this particularly difficult when they were required to wait for some time before the interview began (for example, if the interpreter was delayed).

Over time these conflicts over the location of the substantive asylum interview resolved. This appears partly to be the result of **improved communication and information-sharing between the Service, Social Workers and UKBA** which meant that the location of the interview no longer served as a 'flashpoint' for wider concerns about young people in the asylum process. In addition UKBA took steps to improve the facilities at its Glasgow offices so that they are more suited to young people. An interview room was painted in bright colours and some of the young people's artwork from the participation groups was displayed on the walls. Young people were also able to visit the UKBA offices with their Guardian or Social Worker in advance of the substantive interview so that the environment was familiar on the day.

Early in the life of the Service there was also disagreement over whether the Guardian or the Social Worker should be present in the substantive asylum interview as the 'responsible adult'. This issue was resolved through the introduction of a Protocol setting out the roles and responsibilities of the Guardian and Social Worker (discussed further in Section 6). It was agreed that the Social Worker would attend the substantive interview with the young person although in practice the Guardian often took on this responsibility. Sometimes this was because the Social Worker was unavailable or because the young person requested that the Guardian be present because

the relationship was more established - the young person felt confident that the Guardian understood the circumstances of the application and could advocate on his or her behalf if necessary. The Guardian could speak with the Legal Representative and/or the Social Worker regarding a possible delay to the substantive asylum interview where it was not considered to be in the best interests of the young person for the interview to be conducted at an early stage.

The Guardian and Social Worker attended in an equal number of cases. In two cases both the Social Worker and the Guardian attended the substantive asylum interview, and in one case both the Legal Representative and the Social Worker were in attendance. In a quarter (25%) of cases the substantive interview had not been conducted by the data cut-off date for the evaluation²³. It is important to note that in 7 cases (12%) the substantive asylum interview was conducted with neither a Social Worker nor Guardian (nor any other responsible adult) present because the young person was being interviewed as an adult. In one case the interview was conducted in a detention centre. One young person was interviewed without a responsible adult present because he had turned 18 by the time of the substantive interview.

In some cases **the presence of the Guardian as a responsible adult in the context of the substantive interview was useful in ensuring that the correct procedures were followed.**

For example, UKBA conducted a substantive interview with a young person who answered all the questions by the Case Owner. At no point in the interview did the Case Owner raise the subject of the young person being fingerprinted in Italy. The young person received a refusal on their asylum claim and was granted Discretionary Leave until she was 17½. The refusal letter stated that the young person's credibility had been severely damaged due to the fact that she had been fingerprinted in Italy and had not divulged this information to UKBA. The Guardian was concerned that UKBA had not followed their own guidance in respect to allowing the young person

the opportunity to respond to any inconsistency during the substantive interview.²⁴ The Legal Representative requested a further interview. Although this was not permitted, the young person was provided with the opportunity to provide a further statement addressing the issue of the fingerprints. The fact that all Guardians were trained to OISC Level 2 made it more likely that such errors of process would be noticed at an early stage in the claim reducing the likelihood of an incorrect decision and possible appeal.

After the interview: additional evidence and clarification

Following the substantive interview the Guardian spends time going through the record of what was said with the young person. At this stage additional information can be provided to the Legal Representative clarifying details of family members and their relationships with one another where this has not been clear or understood, together with correct spellings and explanations of terms and expressions used. This was particularly likely where the Guardian did not attend the substantive asylum interview. Any discrepancies identified by the Guardian were also noted together with any gaps in the account provided by the young person. Where appropriate the Guardian provided a supporting letter setting out the additional information and the reasons for any discrepancy or non-disclosure.

In cases where a referral to the Service had been made following the substantive asylum interview, Guardians were able to review the papers to ensure that all of the circumstances of the case were taken into account in the decision making process. In one such case a young person, who had been trafficked to the UK for the purpose of cannabis cultivation, was advised by a Legal Representative over the telephone. The Legal Representative completed the Statement of Evidence form over the telephone and did not ask the questions that would have elicited the answers

needed for a clear and accurate description of the young person's exploitation in their country of origin, en route to the UK and within the UK. No referral was made to the NRM by either the Legal Representative or the young person's Social Worker. After reading the record of his substantive interview the Guardian identified indicators that the young person may have been trafficked and made a referral to a specialist legal firm. The Social Worker submitted an NRM notification to UKBA on behalf of young person and the young person was assessed accordingly. The young person was given the opportunity to provide a fuller account of all the reasons for which he could not return to his country of origin and received a Conclusive Decision through the NRM process that on the balance of probability 'it is more likely than not' that he had been trafficked.

Although Guardians are not responsible for relaying the decision about the asylum application, our review of evidence confirms that they undertook preparation work with the young person prior to a decision about their claim to ensure the young person understood all possible outcomes, including any changes to their rights and entitlements. Guardians attended the decision meeting if requested and discussed the decision with the young person to ensure that they were fully aware of the implications.

Age disputes and the process of age assessment

Although the issue of age assessment is dealt with here in relation to the asylum domain, it also determines the type and level of support to which an individual is entitled and therefore has significant implications for the young person's well-being (Case study 4). According to data provided by the Guardianship Service, more than half (54%) of the young people referred to the Service were age disputed. Of these, just over half (55%) were age disputed by UKBA and just under half (45%) by a Social Worker. In two cases the age of the young person was disputed by both UKBA and a Social Worker. According to data

²⁴ UKBA Asylum Policy Instructions state that 'Case owners should ensure that they sensitively, put all inconsistencies in the child's subjective evidence or between the subjective and objective evidence to the child at the interview, to allow them an opportunity to explain further' (Processing an Application from a Child, paragraph 13.4).

provided by UKBA, 14 young people (out of 61 for whom an initial decision has been made) were believed to be an adult at the time of the decision. In other words nearly a quarter (23%) received a decision as an adult. All of these applicants, except one, had their claim for asylum dealt with as an adult.

Case study 4: Disputes over age

Abdul arrived in the UK in April 2011 and was referred to the Service in June of that year. Abdul believes that he is 14 years of age but has been assessed as 16. Like many young people he struggles to understand why he has been assessed as being older than he claims and is emotionally distressed that the year of birth given to him by his mother, 1997, is not believed by the social worker. According to Abdul, "all mothers know when their son is born". The Guardian has worked with Abdul explaining the purpose of the age assessment, why age is important in the UK in relation to rights and entitlements and his right to challenge the assessment. Because of the dispute over his age, Abdul is unable to attend school. He has refused to attend college because he wants to be with young people who he considers to be of a similar age. As a consequence Abdul has become increasingly socially isolated and withdrawn and his mental health has deteriorated. The Guardian advocated for a delay in the asylum process to allow sufficient time for an assessment of Abdul's mental health and has also advocated for a re-assessment of Abdul's age that takes account of the experience of those working with him since he arrived in the UK. At the time of writing the age dispute was ongoing and there had been no decision on the claim for asylum.

significant developments with regard to age disputes and the process of age assessment in Scotland, including the publication of the *Age Assessment Practice Guidance* developed by the Scottish Refugee Council in conjunction with the Glasgow City Council (2012). The development of the guidance arose in part because of the existence of the Guardianship Service which collected evidence to illustrate the impact of age disputes on the young people with whom it was working. The Guidance indicates the key principles and considerations that are relevant to approaching and planning the age assessment of young asylum seekers. Whilst it is not intended that the Guidance be used proscriptively as a checklist to replace professional judgement, it offers reference points and prompts a structure within which an assessment can be undertaken and helps ensure that the thinking behind a decision is made explicit. The Guidance takes account of the wider context of assessment, and, specifically, of the importance of *Getting it Right for Every Child*.

This approach to the assessment of age, combined with greater collaboration and co-operation between all of those involved in the process, led to improved outcomes for young people seeking asylum in Scotland. Where an age assessment was conducted more than three quarters (77%) of the young people were assessed as being under 18 years of age. Ten of the young people who had been assessed as being over 18 years of age challenged the age assessment. Two were successful and were subsequently accepted as being under 18 by the relevant social work department and granted Discretionary Leave by UKBA.

There is evidence that the Guardian played an important role in cases where the age of a young person has been disputed. This was because the process of being age disputed and required to undergo an age assessment can severely undermine the confidence and trust that a young person has in his or her Social Worker.

Age assessment changes the relationship between

During the lifetime of the Pilot there were some

the social worker and the young person because you are having to make a judgment
(Social Worker)

For example, in one of the case files examined the Guardian noted that one young person "*has expressed feelings of hurt and anger, saying that she feels her Social Worker hates her. She has also expressed feeling betrayed by staff at the through care unit because information passed to Social Services in the course of them caring for her has informed the conclusion of the age assessment.*" Another young person struggled with the fact that he has been age disputed, repeatedly asking the Guardian why he was not believed about his age.

The role of the Guardian in relation to the age assessment process was developed in the context of the Practice Guidance and wider discussions and consultation undertaken in Scotland regarding the age assessment process. According to the Protocol, **the role of the Guardian in the context of age assessment is primarily to help the young person to understand why an age assessment is being conducted and what it will involve, as well as explaining the outcomes and ramifications of an age assessment decision.** The Guardian may be asked for a written report to inform the age assessment process as required. In several cases the Guardian provided a letter of support for a young person undergoing an assessment of age or challenging a negative age assessment decision. These letters detail the Guardian's experience of working with the young person and the young person's ability to look after themselves and undertake basic tasks unsupported such as cooking and managing appointments, travel independently, absorb and retain new information and deal with difficult situations, as well as the nature of their participation in activities organised by the Service and their ability to engage with other young people using the Service.

The Guardian also had an important role to play where the age assessment decision was a negative one, explaining the written age assessment in detail and helping the young person to identify

and comment on any inaccuracies prior to submission to UKBA. **Guardians explained how to correctly challenge an age assessment decision through recognised processes** if required.

If the young person was assessed as being over 18 years of age Guardians continued to provide a service until the young person had exhausted all legal avenues for being recognised as a child. The Guardian assisted the young person where appropriate to challenge the decision, for example, through a Judicial Review of the process or through the provision of additional information in support of the claimed age.

The case of two young people who were trafficked into Scotland and age disputed by a Local Authority outside Glasgow dominated much of the work on age assessment during Year 2 of the Pilot. This case escalated very quickly and involved significant legal work. Perhaps not surprisingly a range of views about the value of Guardianship in relation to this case were expressed. From the perspective of the Service, Guardians played an important role in supporting the young people concerned, not least because their relationship with Social Work had entirely broken down. Concern regarding their on-going welfare and well-being, including access to medical treatment, education and appropriate accommodation, continued. The health of both young people deteriorated. From the perspective of the Legal Representative, the contribution made by the Guardian was crucial because it would have otherwise been impossible to give the case the level of attention needed given the speed at which the situation escalated and the geographical location of the young people involved. In this context the Guardian focused on the on-going welfare and support of the young people whilst the Legal Representative focused on the legal aspects. Good communication between the Guardian and the Legal Representative facilitated this process:

It is clear that both boys have a relationship of trust with the Guardian which is significant as they have no trust in any other service/individual. Their well-being has continued to be monitored by the Guardian and

she continuously ensures that they understand what is going on in their legal case as well as other welfare/support matters – critically access to education. The Guardian has also been present during meetings with an expert which greatly allayed the fears of the boys in respect of this expert and improved the quality of the information the expert obtained. I do not know if it would have been possible to run all the legal challenges that are being run on this file (in terms of complexity of the case and geographical location of the children) if the Guardianship project had not been involved
(Legal Representative)

From the perspective of the Local Authority concerned, the involvement of the Service added further complexity, scrutiny and anxiety, leading to a perception of meddling or of being exposed by the Service. Evident friction between the Service and the Social Workers and others representing the Local Authority.

The age of the two young people was to be determined in the Court of Session in July 2011 after a hearing on the evidence. The case was set down as a test case and attracted considerable interest. The Service was involved in the Court action in two ways. Firstly, the Guardian directly gave evidence providing a very detailed account of the Guardian's interaction with the brothers over a lengthy period of time, including explanations of the process and possible outcomes and reassurances of on-going support by the Service. The Guardian advocated for the brothers to attend school rather than college (as was their wish) whilst the issue of their age was being determined: both were keen for their situation to be normalised. In addition the Guardian acted as a Supporter for the young people, providing practical assistance in getting to the Court, supporting them whilst they gave evidence and demanded the Court on their behalf to put in place measures to protect their privacy due to the level of attention the case had attracted. This improved the ability of the young people to participate in the legal process.

The decision making process

There were differences of view among those who participated in the evaluation about the contribution made by the Guardian to the decision that a young person received regarding his or her claim for asylum. There was a perception among some Social Workers and UKBA Case Owners that Guardians were concerned only with securing Refugee Status for young people regardless of whether this was an appropriate outcome or in the young person's best interests. This was reflected in concerns that the Service was not yet conversing systematically with young people about the possibility of return to their country of origin if their application for asylum was unsuccessful (see below). We also heard concerns that a Guardian could, in some way, give the young person an 'unfair advantage' in the asylum process, for example by 'coaching' a young person on the most important aspects of his or her claim.

Case Owners in UKBA were largely of the view that Guardians had not made any difference to the decision making process, at least as far as the final outcome was concerned:

The Guardian hasn't made any difference, it hasn't affected anything I have done, it hasn't affected any decision. I haven't seen any evidence of anything the Guardian has done affecting decisions
(UKBA Case Owner)

Case Owners do, however, acknowledge that because the Guardians worked primarily with and through the Legal Representative, particularly in relation to the information-gathering process, their contribution may not be apparent. In the early stages of the Pilot the Guardians had taken their concerns directly to UKBA Case Owners. Whilst this created some tensions it also provided Case Owners with direct first-hand experience of their work and contribution to the process.

It is also important to acknowledge the difficulties inherent in unpacking the relationship between the work of the Guardians and the decision

making process. There are a range of factors which may contribute to whether a young person receives a positive or negative asylum outcome. Moreover because the number of young people involved in the Pilot was relatively small, asylum outcomes may be skewed significantly by factors such as country of origin. Nonetheless there is some evidence from the evaluation that Guardians contributed to ensuring that young people were granted protection where appropriate. This evidence can be seen in relation to both initial decisions and asylum appeals.

Initial decisions

Around a quarter (24.7%) of young people had yet to receive a decision on their application for asylum at the conclusion of the evaluation period. The reasons for delays varied considerably. Sometimes delays were associated with age disputes: in these cases the asylum process was suspended until the age of the young person was assessed and any challenges to the assessment been concluded. In some cases the reasons for the delay in reaching a decision were unclear.

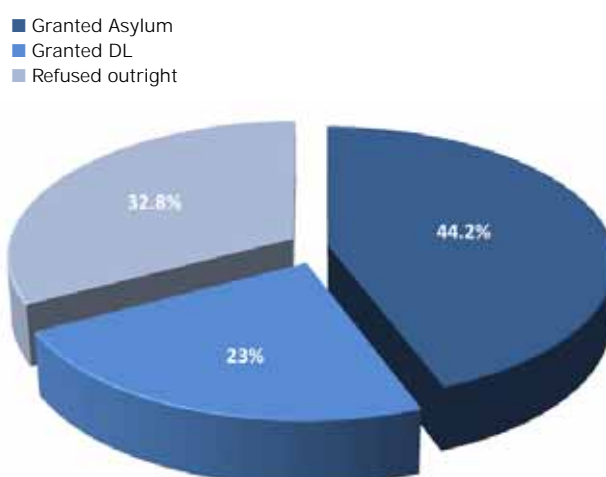
Three quarters of the young people receiving a Service (61 in total) had obtained an initial decision on their application for asylum. Initial decisions in these cases are presented in Figure 11 and Table 4. Around a third (32.8%) were refused outright. Five of the young people were refused on Third Country grounds and their asylum claims were not considered²⁵. Just under a quarter (23%) of young people were refused asylum but granted Discretionary Leave because they were accepted as being under 18 years of age and it was deemed that there were not adequate arrangements in the country of origin for them to return.

Table 4: Initial decisions, Scotland only, September 1st 2010- August 31st 2012

Table 4: Initial decisions	Grants of asylum	Refused asylum, granted DL	Outright refusal (including on non-compliance and third country)
61	44.2%	23%	32.8%

The remaining young people (44.2%) were granted Refugee Status or Humanitarian Protection at the initial decision stage²⁶. This is higher than the recognition rate for separated asylum seeking young people in the UK more generally (see below). Moreover some young people who received a negative initial decision were granted Leave to Remain on appeal: seven young people were granted Refugee Status on appeal and two were granted Humanitarian Protection (see below).

Figure 11: Initial decisions %, Scotland only, September 1st 2010- August 31st 2012



It is important to set this data in the context of asylum outcomes in Scotland prior to the introduction of the Guardianship Service. According to data provided by UKBA²⁷, 36 separated young people claimed asylum in the 12 months prior to September 1st 2010. Of these, 4 (11%) were granted asylum or Humanitarian Protection (HP) whilst 13 (36%) were refused asylum but granted Discretionary Leave i.e. because it was accepted that the applicant was

²⁵ Asylum claims may be refused without substantive consideration of the application if the applicant can be returned to a safe third country. A safe third country is one of which the applicant is not a national or citizen and in which a person's life or liberty is not considered by UKBA to be under threat.

²⁶ Only one young person was granted Humanitarian Status at the initial decision stage.

²⁷ It should be noted that we have been unable to run detailed checks on the data provided by the UKBA due to the restructuring of the Agency which was taking place during the final months of our evaluation. It should also be noted that the period in which the decision was made is not necessarily the same as the period in which the young person arrived due to the length of the decision making process.

under 18 years of age. Nearly a quarter (22%) of applicants were refused outright. The proportion of those granted Refugee Status at the initial decision is a quarter of those granted asylum in the period since the Guardianship Service was in operation. According to data provided by UKBA, the proportion of young people granted asylum and LTE/LTR increased to nearly half in the first year of the Pilot: around 48% of applicants were granted asylum in the first year that the Pilot was in operation.

It is also important to compare the data for decisions in Scotland during the period prior to and during the Pilot with data on decisions for separated young people claiming asylum in the UK more generally. This is because policy developments and other trends may impact on rates of refugee recognition.

Data on initial decisions for separated young people in the UK as a whole is available for the period 2006-2011 and for the first three quarters of 2012 (Table 5).

It is clear from this data that there has been a

significant increase in the proportion of young people granted Refugee Status or Humanitarian Status in the period since 2006, rising from just 7.2% to more than 20% in 2012. This suggests growing recognition of the particular circumstances under which separated asylum seeking young people arrive in the UK, as reflected in changes to procedures for processing applications from children including the publication of guidance for Case Owners by UKBA (2007) and specialist training for Case Owners. It may also reflect a change in the circumstances of those arriving given the substantial decline in the number of asylum applications made by separated young people over the corresponding period.

Although it is difficult to compare decision making in Scotland during the lifetime of the Pilot with decision making in the UK more generally due to the relatively small number of cases involved, there are differences in the proportion of young people being granted asylum in Scotland compared with those seeking asylum in other parts of the UK. Across the first two years of the Pilot, 44.2% of young people were granted

Table 5: Initial decisions, UK totals, 2006-12

Year	Total initial decisions	Grants of asylum/HP	Refused asylum granted DL	Outright refusal (including on non-compliance and third country grounds)
2006	2,881	7.2%	68.1%	24.8%
2007	3,384	13.6%	52.5%	33.9%
2008	3,377	10.4%	53.2%	36.4%
2009	3,479	10.5%	55.8%	33.7%
2010	2,359	14.4%	47.2%	38.4%
2011	1,353	18.5%	45.6%	35.9%
2012 (Q1-3)	720	20.7%	43.6%	35.7%

Data source: Home Office (2012) Data tables - *Immigration Statistics July - September 2012* – published December 27th 2012, available at www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q3-2012/

protection compared with around 20% in the UK more generally over the same period. By contrast less than a quarter (23%) of young people were refused asylum but granted Discretionary Leave compared with around 44% for the rest of the UK. The proportion of outright refusals was roughly similar (around 35% in the UK and only slightly lower in Scotland at around 33%). This comparative analysis suggests more young people in Scotland had their claims for protection recognised under the Refugee Convention. It is difficult however, to attribute these outcomes directly to the work of the Guardianship Service, as it may reflect other factors, for example the quality of decision making in Scotland more generally or the countries of origin of young people seeking asylum in Scotland. Although the young people receiving a Service come from a total of 17 countries, the majority (85%) come from just seven countries, namely Afghanistan, Vietnam, Nigeria, Iran, Somalia, Gambia and Eritrea. Evidence from the evaluation indicates that young people from some of these countries, most notably Iran, Somalia, Gambia and Eritrea are granted Refugee Status more often than other nationalities in the cohort.

Asylum appeals

In some cases the initial decision was not the end of the process. The Guardian discussed with the young person the next steps in the cases of outright refusal or Discretionary Leave and supported the young person to respond to the refusal grounds if appropriate. Of those young people who were refused outright (20 in total), 12 appealed against the decision. Half of the appeals were dismissed, three were granted refugee status, one was granted Humanitarian Protection and two were granted Discretionary Leave (DL). Of those who were refused but granted Discretionary Leave, five appealed against the decision and all were granted leave to remain on appeal: four were granted Refugee Status and one was granted Humanitarian Protection. These outcomes may be partly attributable to support

of the Guardian in assisting a young person to appeal against an initial decision and in providing evidence in support of an appeal.

There is some evidence that **Guardians assisted a young person to exercise his or her right of appeal against a negative decision**. Because Guardians were trained to Office of Immigration Services Commissioner (OISC) Level 2 standard and developed a body of knowledge through their experience of working exclusively with young people, they were able to share information about relevant research and case law relevant to an appeal application. In some cases the Guardian took steps to ensure that a young person was enabled to exercise his or her appeal right in the face of contrary opinion from other professionals (Case study 5).

Case study 5: Exercising appeal rights

A 15 year old boy arrived in Glasgow and was looked after and accommodated by the Local Authority, having been separated from his mother on the journey to the UK. He was placed in a children's unit with staff who were very understanding and attentive to his needs. He was very sad about the separation from his mum and was observed by all staff who worked with him to be extremely shy. From the outset, the Legal Representative advised the Social Worker that there were no grounds for asylum but that the Young Person should go through the asylum determination process in order to be granted Discretionary Leave. Shortly afterwards the young person was refused asylum but granted Discretionary Leave for 2½ years. Although the young person wanted to appeal against the refusal of asylum, his Legal Representative advised that there were no grounds to do so and refused to represent him. The Social Worker also discouraged an appeal. By contrast the Guardian supported the young person

in his right to appeal against the refusal and, with the young person's permission, sought a second legal opinion from a Legal Representative with particular experience of handling asylum claims made by children and young people. The Legal Representative agreed to represent the young person. Although the appeal was very stressful for the young person the Guardian provided emotional support throughout the process. The appeal was successful and the young person was granted Refugee Status.

There is also evidence of **preparation work undertaken by the Guardian with the young person prior to any appeal hearing**. This included visiting the Immigration Asylum Chamber (IAC) with the young person prior to the hearing and **requesting reasonable adjustments** to the court via the Legal Representative if there were any concerns with regards to the young person's wellbeing at the court, **attending the court hearing** with the young person if requested, **sharing information** about the appeal hearing with others as appropriate and **debriefing** after the appeal hearing with the young person to ensure that they had understood everything and to ascertain whether they had any outstanding concerns.

In some cases the information provided by the Guardian was crucial to securing a positive outcome on appeal. For example, in one case (below) the Immigration Judge particularly singled out observations made in a letter by a Guardian about how bewildered a young person appeared to be when she first arrived in Glasgow as a basis for certain factual findings which were contrary to UKBA's position. If the Guardian had not been available to support the young person upon her arrival, she would not have been able to offer this factual observation, and this evidence would not later have been available in support of the young person's case (Case study 6).

Case study 5: Evidence at appeal

Patience was refused asylum on credibility grounds. She claimed to be of an ethnic group that practiced female genital mutilation and had only lived in remote rural areas in her country of origin. The refusal letter from UKBA contended that she was a member of an ethnic group that live in urban areas and do not practice female genital mutilation. Patience was referred to the Service by the Legal Representative. At the time she was displaying very obvious signs of trauma and was subsequently diagnosed with severe Post Traumatic Stress Disorder. The Guardian invested considerable time in getting to know the young person and had to provide a more extensive orientation service than usual. It was clear to the Guardian that the young person was unaccustomed to urban life of any kind; she was unfamiliar and fearful of the urban environment including escalators, trains and traffic lights. When the young person appealed the refusal of her asylum claim, the Guardian was able to provide extensive evidence of the young person experiencing, and overcoming, barriers to disclosing her true identity as well as documenting experiences consistent with someone who came from a remote village rather than a city. The Guardian also provided a letter of support. Patience was granted Refugee Status.

Where Discretionary Leave has been granted until a young person is 17½ years old **Guardians worked with the Lawyer to ensure that any extension application was made in a timely manner**. Guardians prepared young people for their extension application from the age of 17, that is, six months before Discretionary Leave expired. In some cases the Guardian was able to ensure that all relevant evidence was coordinated and submitted to UKBA to support a

young person's extension application. This was particularly important where the young person had previously been unable to participate fully in the asylum process perhaps because he or she lacked the cognitive ability and skills required to recall, understand and process information. We saw examples where the Guardian pro-actively sought letters from the young person's GP, social worker, key worker and teacher to support the young person's extension application. This helped to ensure that UKBA had sufficient up-to-date information on which to base a decision.

The future: planning for resettlement or return

We should all be working together to deliver a fair and robust process. The Guardian has a role to play at the end of the process. If the decision is 'no' then we need to make the child aware of the consequences and the fact that he or she will be expected to return. The Guardian should be having these conversations with children. There are going to be cases where children are sent back so these children need to be aware. It's important to think about what can be done now to prepare children for that possibility. This could be an important role for the Guardian
(Legal Representative)

Alongside the Social Worker and the Legal Representative, the Guardian is responsible for discussing with the young person their future options in the event of a negative decision. This includes discussing Assisted Voluntary Return (AVR), planning for their future in the country of origin and pointing out consequences of non-compliance with UKBA, including in terms of access to public funds. During the course of the Guardianship Pilot, and particularly during Year 1 of the Service, concerns were expressed that Guardians were not conversing systematically with young people about their future in terms of resettlement or return, based on the outcomes of their asylum claims and the possibility that the application for asylum might be refused. This was reflected in the fact that, at the end of Year 1, just 7% of survey respondents agreed or

strongly agreed that the Guardian discussed the prospects of removal of the young person from the UK. By the end of Year 2 this figure had risen to 42% suggesting increased engagement of the Guardians with the returns process.

Return has always been a sensitive and challenging area of work and agencies have historically had difficulty engaging young people in meaningful discussions about possible return to their country of origin. This is all the more difficult where young people themselves are unwilling or reluctant to consider the possibility of return:

Me no even like that topic, no...me kill me-self than go back, truly (Young Person)

Many of the young people do not want to talk about returns so we do what we can in the context of individual attitudes (Guardian)

It's hard to get them to engage, especially when they think there is hope that they can stay (Guardian)

We noted in our first evaluation report that the young people receiving a Service did not feel that they had been engaged in discussions about their future lives in the UK or elsewhere, and that some were very reluctant to talk about these, finding the prospect of return frightening. Some young people had been assisted by their Guardian in preparing for an appeal against the refusal of asylum, but nothing beyond this.

During Year 2 of the Pilot **we observed a significant increase in activities undertaken by the Service to engage young people in the issue of return and to help them to plan solidly for the future in the context of different asylum outcomes.** A small Returns Working Group was also established to take forward the returns work undertaken by the Service²⁸. The Service tested out ways in which to introduce the subject of return to young people. In their conversations with us regarding return, the Guardians emphasised the importance of striking a balance between discussions about return to country of

²⁸ The group is made up of representatives from the Scottish Guardianship Service, UKBA, Glasgow City Council, Red Cross, Refugee Action, Freedom from Torture, Compass mental health and the Scottish Refugee Council. The group met on two occasions.

origin and allowing the young person to feel that they have an opportunity to invest and participate fully in the asylum and legal process. Reflecting this, **the Service developed a model of practice where returns work was not fully implemented until an initial decision has been made by UKBA about the young person's asylum or trafficking application.** The decision to work in this way was supported by the fact that a significant proportion of young people accessing the Service were found to require protection and were granted Refugee Status or Humanitarian Protection. 44.2% of these decisions took place at the initial decision stage rising to 55% after appeal. Guardians maintained that it was unhelpful to subject young people to in-depth discussions about future return which would have added to their anxiety and stress unless it becomes necessary to do so.

It is also important to acknowledge that much of the work undertaken by the Guardians from the outset of their engagement with a young person was intended to assist that young person to make well informed choices about their future. As discussed elsewhere in this report, the Guardianship Service aims to ensure that the young person uses their time effectively whilst in the UK, building their skills and confidence, resilience and overall well-being through participation in groups and other activities. This, in turn, helps the young person in planning and preparing for their future whatever the outcome, whether it is integration or return.

This idea of **building resilience** became increasingly important as the Pilot developed. This approach recognises that although it may not be possible to protect young people from further adversity and to provide an ideal environment for them, boosting their resilience should enhance the likelihood of a better long term outcome. It is acknowledged that separated young people who arrive in the UK have often demonstrated some resilience in having made their way to the UK and found protection and support. However young people can be very vulnerable, having no secure base or secure attachment and often having low self-esteem

and low self-efficacy. Improving these factors is boosts young people's resilience and empowers them. The Guardians built much of their work with young people around this.

It has not been possible to thoroughly monitor and evaluate the returns work undertaken by the Service because of the short time frame of the Pilot and the fact that very few young people within the cohort were at a stage where voluntary return is the only credible option for their future. Nonetheless we have found evidence that **the Service explicitly engaged young people in the issue of return where it was appropriate and timely to do so.** Evidence of returns work was found in the case files and in our discussions with the Guardians and Service Manager. In around a fifth (21%) of cases there was evidence on the case file that the issue of returns has been explicitly discussed and a note recorded. This work included ensuring that the issue of return was identified in discussions with young people at a very early stage in the process in order that they understood this to be a potential outcome of the application for asylum. Guardians wove the subject of return throughout these early discussions with young people as it was relevant to most of the subjects covered. Discussions around the concept of 'asylum' introduced the potential prospect of return to country of origin for the young person. This ensured that the young person was aware of the possibility that they could not remain permanently in the UK. At this stage the Guardians made clear to the young person that some people may not be granted permission to stay in the UK and would be expected to return to their country of origin.

If a young person received an outright refusal on the application for asylum or was granted Discretionary Leave rather than Refugee Status, more focussed discussion around the issue of return became necessary. The work can be complex and a combination of factors and activities had to be taken into consideration and delivered to young people on a tailored basis following an assessment of their individual needs, capabilities and current situation or stage in the process.

As the legal process progresses we begin to talk more about the possibility of return. We do all we can to prepare the young person for what might happen to them. We build their resilience through participation work. We help them to get skills here to reintegrate back at home. We check if there are agencies we can contact. As the process goes on there needs to be more detailed discussion.

The more the case develops the more bespoke it becomes. This influences the types of return conversations we will have with the young person
(Service Manager)

The Service developed a Personal Action Plan to help the young person think about and prepare for the future. The Personal Action Plan was developed jointly between the young person and their Guardian. The Action Plan was based on the principles of planning, exploring and proactive coping strategies i.e. on trying to work out possible solutions to potential problems. The Plan, designed to be completed over several sessions with the young person, assisted the Guardian to map the following with the young person: their concerns, fears, ideas, doubts, perceptions of their future, family, health, accommodation, sustaining a living. The Plan can be used to map out the steps and support that could help the young person prepare for the possible return to their country of origin. This could include practical skills such as learning a trade, construction skills, agriculture skills, voluntary work, ESOL or re-learning their own language (Case study 7).

Case study 7: Returns work

Majeed arrived in the UK in December 2010. He is from Afghanistan. His age was disputed and he was detained and screened as an adult. Majeed was referred to the Service in January 2011 as there were concerns that he might be under 18 years of age. He was subsequently assessed and found to be 16. Over the months that

followed a Guardian worked closely with Majeed to explain the asylum process and to assist him with preparations for the substantive interview. Nine meetings were held in total, seven with the Guardian and a further two with the Legal Representative which the Guardian attended. At each stage of this process the Guardian made Majeed aware of the possible outcomes of his application, including the expectation on the part of the UK government that an individual refused asylum will be expected to return to his or her country. Majeed received a decision on his claim in August 2011. He was refused asylum and instead granted Discretionary Leave for two months at which time he would be 17½. An extension application was submitted in November 2011. The reasons, implications and consequences of the refusal were discussed with Majeed at the time of the decision notification. Further targeted discussions about return were held regularly with Majeed between January 2012 and December 2012. There were nine meetings in total which included the development of a Personal Action Plan, discussions about resilience and future planning and the option of voluntary return. Early in December 2012 Majeed decided that he was no longer prepared to engage in discussions about return and told the Guardian that he would rather 'live in the jungle in France' than return to Afghanistan. Majeed turns 19 in March 2013. At the time of writing he had been waiting 15 months for a decision on his extension application. Uncertainty about his future remains.

Where appropriate, joint planning meetings were held with key professionals involved in the young person's life including the Social Worker, Key Worker and Refugee Action to help understand what the young person's situation was and how the young person could be supported if they

returned to their country of origin. This ensured that all key people were aware of what was happening and could discuss and agree the next steps, with the young person being kept at the centre of all discussions. This approach is in line with the Getting it Right for Every Child (GIRFEC) principles and takes a holistic and multi-factorial view of the young person's needs, improving interagency working and offering a more joined up approach.

Timing was very important when planning work for future return. If the young person was granted Discretionary Leave returns work was not to be fully implemented by the Service until the young person turned 17 (Case study 8). This was perhaps the most debated area of practice. UKBA were strongly of the view that where a young person's asylum claim has been refused, in-depth work on returns should begin immediately.

Case study 8: Timing of discussions around return

George is a 14 year old boy who has been refused asylum and granted Discretionary Leave until he is 17½ years old. The young person is very isolated and his mental health has deteriorated since his arrival to the UK. He has expressed views that he has often thought about taking his own life. The young person has been accessing counselling support and is taking anti-depressant medication. The Guardian has explained the asylum decision to the young person and is confident that the young person fully understands what this means with regards to his future. The Guardian is not planning to have further discussions about return until he is aged 17. At this stage the focus will be on ensuring that the young person is accessing appropriate services to meet his needs and that the Guardian engages with the young person through participation work to build his resilience and social networks.

The Service considers that there would be no benefit to the young person in discussing returns prior to turning 17 given his fragile mental health and the fact that he is unlikely to be required to return before he turns 18.

The option of voluntary return was discussed when a young person faced forced removal.

The Service did not explicitly promote Voluntary Return nor would the Guardian insist that a young person engage in discussions about the Voluntary Return process if he or she did not wish to do so. Rather, Guardians made young people aware of the consequences of enforced removal or absconding, and provided opportunities for the young person to meet with Refugee Action caseworkers to discuss the options. If a young person did not engage in discussions about return, the Guardian made a safety pack/plan in their absence. The pack included contact numbers, email addresses, international calling cards and possibly also a mobile phone with pre-loaded credit. In some instances enquiries were also undertaken to identify what support was available to them in the country of origin if they are detained and removed.

Between 1st September 2010 and 31st August 2012 one young person in the Service was returned to their country of origin (Case study 9). In this case the Guardian was able to request that the young person be relocated to an alternate city where he thought relatives may be living. Two young people had also been faced with return to a Third Country but are yet to be removed. In one case, efforts to identify agencies that might support the young person when he arrived were made prior to the young person's possible removal.

Case study 9: Supporting young people who return

Kim is a 17 year from Vietnam who was prosecuted for his involvement in cannabis cultivation. The Guardianship Service supported Kim while he was serving his criminal sentence in a young offender's institution but at the end of his custodial sentence UKBA detained him stating that he was a flight risk and may abscond. Kim was moved around the detention estate and ended up in England where it became very difficult to engage with him because of poor practical arrangements with regards to communication. Kim was also in a different jurisdiction in England and gaining appropriate legal advice became problematic. Kim was subsequently refused asylum but he was identified as a victim of trafficking. His new Legal Representative did not meet him in time to explain other legal avenues open to him. Kim had no face-to-face contact with his Guardian and became confused, tired and withdrawn. With no advice or guidance he agreed to leave the UK under the Facilitated Returned Scheme, a form of return for foreign national prisoners where a small financial package is provided. No practical support package was available to him and, therefore, no pre-planning for a safe, dignified and sustainable return was achieved. It was intended that Kim would fly to a city in Vietnam with which he had no previous connection. The Guardian was able to negotiate with the Home Office that Kim should be allowed to fly into a city where it was thought his aunt might reside. Kim appeared bewildered at the point of removal and had clearly had his rights to representation, advocacy and practical support and advice negated. Kim was returned to Vietnam with no firm plans in place and contact has been lost since.

A close-up, profile view of a woman's face, looking upwards and to the right. The image is heavily overlaid with a solid blue color, which is more intense in some areas than others, creating a monochromatic effect. The woman has dark hair and is wearing a light-colored garment.

SECTION 6

**The domain
of well-being**

Below is an instance, taken from the case notes, of a Guardian and Social Worker at an initial meeting with a young person. The meeting was about the practicalities of the asylum process, accommodation and support. During the meeting, the two workers observed the following:

...he was visually distressed at certain points of the meeting. He was murmuring and lowering his head in his hands saying that he was not meant to be alive and that some people were born to be destructive. The Social Worker and I again tried to reassure him that our role is to help him and advised that we empathise with him and his situation.

It was a difficult meeting for this young person. He was about to embark on a very long and uncertain journey to secure protection in the UK. He was exhausted and frightened. He did not know either the Guardian or the Social Worker. Both tried to reduce his fears. They planned the next steps together, offering reassurance.

In our review of the contents of case notes, examples such as this repeated over time. Asylum, welfare, and social isolation were considered together, and dealt with simultaneously, by a number of professionals to whom a young person turned for assistance. From such beginnings, alliances were formed where possible, misunderstandings repaired, and care provided. The focus was kept, by and large, on the well-being of the young person.

The evidence gathered during the evaluation process suggests that in the domain of well-being, the Guardians routinely worked with Social Workers, health professionals, providers of education and accommodation, as well as other key agencies assigned to provide an enduring sense of well-being. The Guardians described three main types of activity in this domain:

- Linking young people to resources and keeping them going there;
- Ensuring good standards of service delivery and professional behaviour; and

- Filling gaps in resources and services in a timely way.

'Protection' in this domain appeared to be understood in the same way as for any other vulnerable child, related to safeguarding and welfare rather than asylum. Its definitional boundaries were a little more flexible than the concrete and precise procedures in place to determine asylum claims, albeit there was often a sequence of steps to be followed in ensuring that a young person was able to secure the support and care needed. This broader definition of protection fits well within the scope of GIRFEC's eight well-being outcomes (Scottish Government, 2012b:3), taking two linked aspects into account: firstly, the ways services strategically and operationally need to work together to provide a consistent and coherent package of care for vulnerable children, and, secondly, how they are tailored to fit an individual young person, taking his or her history, needs and abilities, hopes and aspirations into account (Table 6).

Table 6: GIRFEC well-being outcomes (Scottish Government 2012a)

Safe...	protected from abuse, neglect or harm
Healthy...	Experiencing the highest standards of physical and mental health, and supported to make healthy, safe choices
Achieving	Receiving support and guidance in their learning – boosting their skills, confidence and self-esteem
Nurtured...	having a nurturing and stimulating place to live and grow
Active...	having opportunities to take part in a wide range of activities – helping them to build a fulfilling and happy future
Respected...	to be given a voice and involved in the decisions that affect their wellbeing
Responsible...	taking an active role within their schools and communities
Included...	Getting help and guidance to overcome social, educational, physical and economic inequalities, accepted as full members of the communities in which they live and learn

Working with Social Work in the domain of well-being

Because protection is both a hard and malleable term in this domain, the boundary of who does what is less clearly laid out than in the asylum domain, particularly around the responsibilities in the shared space between Social Work and the Service. In Year 1, as we have already noted in this report, we repeatedly saw evidence of misunderstandings, misinterpretation, and misgivings about overlaps and gaps that punctuated the day-to-day. In Year 1 of the Service, the Guardians had to validate their presence and rationales for action. This was compounded by a general lack of clarity about what Guardians were supposed to be doing which meant that, in some instances, there was a perception that Guardians were stepping into the territory of social work, in which Social Workers are already experienced and have statutory obligations. From the perspective of Social Workers, the role of the Guardian was to maintain good standards of practice where necessary, collaboratively share some of Social Work's responsibilities if required, undertake some tasks that Social Workers were unable to carry out (for example because of a lack of time or resources) and help remedy matters where things were not going well for a young person. Some of the work undertaken by the Guardians was perceived by Social Workers as extending beyond this remit: the Service was described as 'over-zealous' and at times overly critical. This problem was reinforced by a lack of confidence among Social Workers in the Guardians' knowledge and experience in relation to the domain of well-being and, in particular, social work roles and responsibilities. From the Guardians' perspective, there were deep frustrations with being misunderstood and undervalued, being treated with suspicion or having their credibility questioned and tested when they were trying hard to establish the Service and to do what they perceived to be in the 'best interests' of the young person.

As a consequence the relationship between the

Service and others involved in the domain of well-being was turbulent in Year 1. Year 2 was calmer. This calm emerged primarily because of the extensive hard work undertaken by a number of stakeholders, but primarily by managers and workers in the Service and the Asylum Assessment Team in Glasgow. One clear example of this partnership work, referred to in Section 3, was the emergence of a Protocol – effectively a contract of understanding between the Service, UKBA and the Asylum Assessment Team regarding who does what at each stage of the young person's arrival and progress in Scotland. This Protocol evolved over the course of the Pilot and became more detailed and clearer over time. It appears to us that a formal partitioning of responsibilities as contained in the Protocol was the right response to territorial disputes and confusions. This 'contract' based clarity around roles and responsibilities could be replicated elsewhere in the UK when similar boundary troubles arise.

Overall, the young people told us that they did see some key differences between the Guardian and Social Worker. As one young person noted during the focus group:

I tell you the difference in my Guardian and my Social Worker. I see my Guardian a lot. I don't see my Social Worker so much. My Guardian is like my mother, and my Social Worker is like my Father. The mother helps you every day and the father, he comes to correct you...

In such expositions, the young people did not indicate that they had a grasp of the constraints that their Social Worker may be under in terms of limitations of time or a heavy caseload. They were in effect only in a position to comment on availability to them rather than speculating about why differences in availability arose between the Guardianship Service and Social Work. In any case, the 'every day' referred to above indicates something about the ways Guardians used frequency of contact with young people, and had time to give. This was made possible, in part at least, because the rate of

referrals and corresponding caseloads for the Guardians was lower than anticipated (see Section 3) and may have been smaller than that for some Social Workers²⁹. But there is also something about the nature of the relationship with the Guardian that made it feel different to the young people. In the example provided above, the case files indicate that the contact between the Guardian and the young person was, in fact, much more intermittent, but it felt like 'a lot', suggesting that the quality and depth of the interaction with the Guardian was particularly appreciated by the young person, in part because it felt qualitatively different from the contact and support offered by some others.

The young people saw Guardians in this domain as helping them to understand what others did, especially when there were 'too many people' in their lives. This is an important perception by the young people of a key element of the Service – namely that the Service played a key role not because there were too few professionals in their lives, but because sometimes there were too many. The noise generated by these constant engagements and expectations, where young people were required to repeat some form of their story to an endless queue of professionals, needed to be reduced to a sound that young people could hear, sometimes in sequence, and sometimes in a harmonised way, as illustrated by in Case study 10.

Case study 10: 'Too many people'

Sara was trafficked to the UK and sexually exploited. She presented herself to Social Services 5 days before her 18th birthday, at which point she was advised that Social Services would support her until she turned 18 and that she would have to move to adult services, including moving to new accommodation. This represented a period of uncertainty immediately after her escape from her traffickers. The Guardian explained

that the Service would be able to support her beyond the age of 18 and assisted her to access Home Office accommodation and support in an area of Glasgow that she was familiar with. Sara found it very distressing to talk about her experiences but nevertheless had to talk to over 15 professionals in order to articulate her claim for asylum and access all of the healthcare and welfare services that she needed. The Guardian acted as a point of consistency and attended all of the appointments with her. Due to the consistency of contact, her Guardian became familiar with some of the idiosyncrasies of how Sara expressed herself and was able to facilitate communication between her and other professionals, providing clarity and avoiding misunderstandings. The Guardian ensured that information was shared safely and appropriately which gave Sara confidence in disclosing sensitive information.

The Guardians worked in the following ways to generate coherence for young people:

- Partitioning roles for different stakeholders and taking care to explain repeatedly who was acting how in the provision of their well-being;
- Explaining distinctive contributions so that roles and responsibilities were as clearly understood as possible by young people unfamiliar with welfare professionals;
- Encouraging 'joined up working' and making sure that those providing welfare services coordinated effectively; and
- Linking and bridged resources and professional services to narrow any potential gaps in provision of services and to allow young people to be safe and embedded in formal networks of care.

²⁹ Given our focus is solely on evaluating the Guardianship Service rather than all services around young people, we have not taken account of Social Work caseloads, or other constraints on Social Workers that may have limited their availability

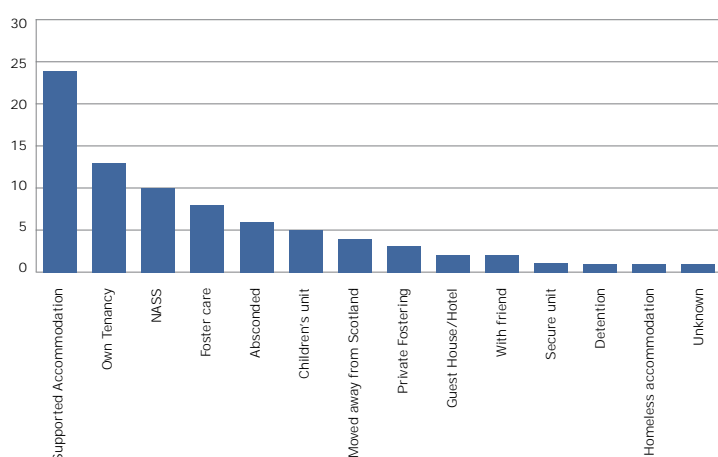
Accommodation

The place in which a young person lived whilst the claim for asylum was being determined could change, sometimes frequently. This was at times because of problems relating to the accommodation itself or to changes in the young person's status that opened up, or closed down, different housing options. For example, a young person could have been accommodated as an adult by NASS because his or her age was disputed but subsequently be assessed as being under 18 years of age and moved into supported accommodation. Some young people who had been trafficked were living independently. They could have been detained because of their involvement in criminal activities but then moved into supported accommodation or foster care. Ensuring that the young person was living in appropriate accommodation could consume significant time and energy on the part of the Service, not least because of the need to keep track of young people's whereabouts and ensure that all of the professionals involved with the young person are kept informed of these changes.

The information from the Service database provided some insights into the nature of these accommodation moves but also provided a snapshot of where the young people who had been provided with a Service were living as of 31st August 2012 (Table 7). At that time young people lived in a variety of care arrangements, ranging from supported accommodation (30%), to foster care (10%) to children's homes (6%). Since the Service began some had moved away from Scotland, absconded or their whereabouts were otherwise not known (13%). Around 16% lived in NASS accommodation, guesthouses, and homeless accommodation. In most cases these young people had been age disputed. Some young people had their own tenancy, were living with a friend or in private fostering (22%). The relatively high proportion of young people with their own tenancy was a reflection of the fact that a significant proportion had been granted Refugee Status (see Section 5) and were able to secure long-term accommodation and

rebuild their lives in Scotland. A small number of young people (2%) were in secure accommodation (for example, a prison, Youth Offenders Institute or Removal Centre). The Service did not procure accommodation, given the central role played by Social Work in doing so.

Table 7: Young people by type of accommodation, 31st August 2012



Although responsibility for securing accommodation rested with Social Workers, it was clear that the Guardians can, and did, intervene at different points in order to try to ensure appropriate accommodation outcomes for young people. They also worked closely with Social Workers to try to improve the transition between children and adult accommodation and support systems where a young person turned 18 and was still waiting for a decision on the asylum application. Case study 11 illustrates some of the work undertaken by Guardians in making sure that safe transitions happened for young people at such 'tipping point' moments in their lives.

Case study 11: Ensuring appropriate accommodation

Husain was approaching his 18th birthday and had not received a decision on his asylum application. He was being supported by Social Services but was due to be moved on to adult services and asylum support. The Guardian advocated for Social Work to continue accommodating Husain until the asylum support application had been processed to prevent him from having to access initial Home Office accommodation. The Guardian provided the necessary information for the asylum support application to the Home Office, also requesting that Husain was accommodated in a particular area of Glasgow due to his vulnerabilities of being a former separated asylum seeking child. When NASS accommodation was made available for Husain he moved directly into it. This reduced the number of appointments, accommodation moves and eased the transition and anxiety for the young person.

Education

Education is a basic right under the Convention on the Rights of the Child 1989 (see UNCRC, 2001), and the GIRFEC intention to help children achieve as well as they can educationally in Scotland is reflected in the note by the Coram Children's Legal Centre that access to education is central to the general well-being of separated children:

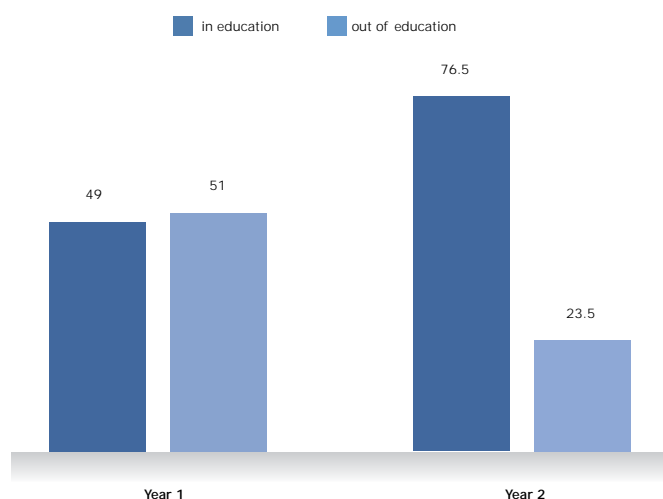
The structure and routine of education helps to provide a sense of normality and security. Schools and colleges can help children and young people through the loss, separation and impact of any changes they are experiencing, whilst allowing them to continue their personal development.
(Dorling and Hurrell, 2012:17)

Education provides structure for each day, a focus on learning about the world and how to be successful within it, a routine that allows the rhythm of life to establish itself, and potentially a growth of social networks with peers, including contact with citizen children. As one educational provider that the Guardians work with noted, education is one golden thread among many that can potentially lead to young people reclaiming a sense of contributing to their own success, through having others recognise the talents that they bring and the difficulties that they experience in a context of forced migration:

The journey that some young people make to access formal education is a very difficult one, and for them it's really crucial that they get a sense of their own potentials and abilities, skills and knowledge. Sometimes they come with very little sense of that because so much has been stripped away from them, and they can't tell anybody what they are good at very often. So it's massively important that we provide a nurturing environment that can pull that out...a lot of my work with these young people is about giving confidence enabling their resourcefulness, and I am constantly amazed at the resilience that they show...
(Education Provider)

In that context, we observed some basic improvements in educational engagement between Years 1 and 2 of the evaluation. We can report that 62 out of 81 young people in the Service database on 31st August 2012 (76.5%) were recorded as receiving some form of education or educational support in local schools and colleges, or via specialist resources, aimed in many instances at improvements in English, prior to starting more formal studies. This was an increase from the 49% noted in our Year 1 report. Around a quarter (23.5%) of the young people had no provision, or provision was not known to the Service. This compares with 51% of young people without educational support or where provision was not known at the end of Year 1.

Table 8: Young people accessing education or educational support, % 31st August 2012



Most young people that the Service worked with in the Glasgow area were in education or educational support. There were a number of different reasons why some young people were not in education: some had moved out of the orbit of the Service, some new arrivals had not been allocated education resources and some were awaiting the outcome of an age dispute. In some Local Authority areas outside Glasgow there were difficulties in providing educational support for young people, due to a lack of existing services and problems in securing places in schools and colleges because there was no language support.

Broadly, we consider that the increase we observed in the provision of education or educational support for young people seeking asylum was attributable to all providers working together to make sure that opportunities for educational engagement were increased. It would not be correct to assume that the Service's presence alone influenced providers and procurers, and we have no evidence to suggest this. However the case file analysis and focus groups with Guardians indicate that the Service assisted others, such as Social Workers and Key Workers in residential units, to enable young people to go to school and college.

There is also evidence of increased partnership working in relation to education. For example, the Service Manager and the head of a specialist ESOL team at a local college met on a regular basis to monitor and review attendance at college and educational progress for each young person within the Service. This emerged through the Educational Provider becoming aware of the Service through the stories young people began telling about their Guardians in 2011, as well as through formal involvement with accommodation providers that referred regularly to the College where the provider was based. Contact was formally established directly with the Service following the Guardianship Learning Event in February 2012. As the Educational Provider observed:

It is now very helpful for the young people to know that I know about their Guardians and the Guardians know me, and they like the fact that they can see us working together. They feel 'held' by that.

In addition Guardians offered advice and advocacy where necessary to young people in terms of their educational engagement, as evidenced by Case study 12.

Case study 12: Building confidence

Honor was age disputed by the Local Authority Social Work department and was challenging his age assessment decision with the continuing support of his Guardian. He was adamant that he was age 14 and not age 18 as Social Services had assessed him to be. This decision on his age affected his eligibility to attend school and he was expected to go to college. Honor did not feel able to go to college as he was intimidated by the prospect of being in class with older pupils when he was only 14 years old and he refused to enrol in his local college. His Guardian made a referral to the Red Cross Chrysalis Life Skills course,

a 10-week programme that aims to support young people who most need support to access services and education. Honor was accompanied by his Guardian to the first class and he began attending the course as he felt that this was less intimidating. Slowly his confidence grew. His Guardian also got him involved in playing for a local football team, a dance class and a boxing club. It took four months of supporting, encouraging and reassuring Honor to get to the stage where he was ready to enrol in a mainstream college to learn English.

We are persuaded, on the basis of cases examined, that the Guardians in Year 2 were confidently persistent with the young people in maintaining educational links, holding them from running away from such opportunities, and shepherding them from isolation, as evidenced by the case of Tesfay (Case study 13).

was in class he would talk, use his mobile phone and created as many distractions as possible to mask the fact that he was struggling. The College, his Guardian and his Social Worker tried their best to support him but by this point he was adamant that he wanted to leave College and his attendance became so poor that he eventually lost his College place. Tesfay filled his long days sleeping and his language skills became worse as he was no longer spending any time speaking to people in English. Educational provisions was already limited and 1:1 English tuition was not available. The Guardian recruited a volunteer who was able to provide 1:1 English tuition once per week for 2 hours at the Guardianship Service to provide some educational provision and to build Tesfay's confidence and language skills, before re-engaging with a College based ESOL course at a later date.

Case study 13: Persistent support

Tesfay was seen as a timid and troubled young person. He spoke about having low moods, persistent headaches, and a poor memory. He showed little capacity to concentrate for even short periods of time. Tesfay was illiterate in his own language and had never been to school. Tesfay was keen to start college and learn English. He attended class regularly but was making little progress. After his first term of College he was unable to pass the beginners class and progress to the next level and a decision was made by the College to allow him to re-sit the beginner's level. Tesfay was unhappy and embarrassed about this as many of his friends were moving up a level. His behaviour began to deteriorate and he began missing class and when he

Mental and physical health

The negative effects of forced migration on psychological and emotional well-being of separated children are well delineated in the empirical and clinical literature (see for example, Fazel and Stein, 2002; Bean et al, 2007; Hodes et al, 2008; Bronstein and Montgomery, 2011). These appear to accrue over time, partly in relation to experiences in their countries of origin, partly associated with the stresses of a difficult and dangerous journey to a country of refuge, and finally in relation to the uncertainties of waiting for an asylum claim to be settled, and finding ways of surviving in a new environment. For young people using the Guardianship Service, all three of these aspects were apparent in the case notes, as well as in the database containing information about medical and psychological assistance that they required.

In Year 1 there were 17 young people (36%) who were noted as having physical or mental health difficulties, from anxiety shown through psychosomatic symptoms (limbs aching, headaches, broken sleep, unpredictable moods, loneliness through isolation), to Post Traumatic Stress. In Year 2, 36 of the young people using the Service (45%) showed a range of recorded mental health difficulties, and talked about experiencing flashbacks, having blackouts, chest pains and dizziness, insomnia, heightened anxiety, poor memory, depression and 'over-thinking'. Some found it difficult to control their anger, and routinely complained of headaches, chest pains, constipation, palpitations, having intrusive thoughts, and difficulty focussing.

In Year 2, 10% also suffered from physical ill health. No health information was available for 28%, and only 17% of young people's records indicated that they were in generally good health. The majority in Year 1 had shown no health difficulties.

Overall, we observed that the Service noticed and responded to much poorer mental and physical health in the young people in Year 2. As in Year 1, the Guardians were active in monitoring distress and symptoms of withdrawal, discussing these with other professionals and the young people themselves in relation to organising treatment that was necessary, bespoke and timely. Case study 14 illustrates how a Guardian responded in one instance, by providing companionship when needed, defining a resource that fitted with the young person's expectations, and following this up with strategies to avoid isolation.

Case study 14: Helping a young person to find the right mental health support

Farid had been in the UK for some time and was treated as an adult before being assessed as a child and referred to the Guardianship Service. Farid was a survivor

of torture, although the Service did not know this at the point of referral. Farid's mood was low, he lacked confidence meeting new people and building trust, his concentration appeared to be very poor and he had been unable to sustain a College placement. Memories of torture were (and still are) an almost constant presence in Farid's thoughts. In addition Farid was extremely anxious about his asylum claim. His difficulty trusting people meant that he had little confidence in his Legal Representative or GP and told the Guardian that neither took him seriously. He sought his Guardian's support for appointments with the Legal Representative and GP. Following a number of GP appointments that Farid and the Guardian undertook together, Farid was diagnosed with depression and post-traumatic stress disorder and prescribed medication. During this process Farid turned 18 and was moved into adult support services and asylum support. Social Services closed his case.

Farid had met with a psychologist prior to being referred to the Guardianship Service but he had not engaged well, saying "those people just ask you lots of questions". His Guardian accepted that he did not want to engage with a psychologist but made him aware that it remained an option should he change his mind. When the Guardian discovered that Farid was a survivor of torture she spoke to him about a specialist psychotherapy service available from a mental health organisation dealing with victims of torture. Farid agreed to his Guardian making a referral, sharing many of his experiences with her as part of the referral process. His Guardian attended the first few appointments to support Farid to overcome his initial shyness and apprehension. In addition to securing a specialist psychotherapeutic resource the Guardian found community based activities

that Farid could engage with such as an 'outward bound' programme that enables individuals to contribute to team building. This further improved his confidence and capacity for trust.

Alongside practical intervention made to improve the delivery of services, there is some evidence that the Guardians acted as witnesses to young people's deep unease. In one case, the notes are sparse, but convey a sense of purposeful, multi-layered attentiveness by the Guardian. The case was of a young sexually exploited woman, who, in the company of her Guardian, had told her story of escape from her captors to 15 other professionals. The Guardian had made sure that all professionals understood what was tolerable for the young woman, in order to be sustaining. Because the young woman had only a passing grasp of what these different professionals did, and how they worked together, the Guardian invested time in clear explanations of role and tasks, working within the bounds of the young woman's limited English and the absence of an interpreter for the rare dialect she spoke. Over time, when the young woman experienced flashbacks, nightmares or hallucinations, the Guardian helped her to develop simple, spell-breaking habits, to help her recover quickly, and to calm herself. The Guardian fetched plants, pictures and flowers to the young woman's home that had been donated to the Aberlour Child Care Trust. Fifteen months after first meeting, the Guardian recorded the following in her case notes.

[The young woman] was feeling down and negative. She feels quite alone sometimes and asks herself why she is bothering to go to college etc. if she has no one to make proud.

I corrected her and said that I am proud of her and so is her worker from [the counselling service], her keyworker etc.

She is religious and believes her parents are in

heaven. I reminded her that they will also be proud.

In making this notation the Guardian turned a pedestrian and dull office task into something humane in a way that we think is the hallmark of the Service. In working within this domain, between and across a range of established professions, we consider that in two years the Guardians established a good level of credibility and usefulness among other stakeholders and young people.



SECTION 7

The domain
of social networks

It's just natural; it's hospitality

*They know where the crisps are, and they
help themselves
(Guardians)*

Block et al (2012), in a study of refugee-background youth in Australia, confirm that part of the compounded loss that is experienced when someone is a forced migrant, is the loss of social networks. Correa-Velez et al (2010) show via a longitudinal study of young forced migrants, that establishing a sense of belonging to their community and to their country of resettlement is essential for well-being. These studies add to a long expressed view that for separated children who seek asylum or are trafficked, this set of networks, relationships, and opportunities to feel 'at ease' require rebuilding (Beirens et al, 2007, Gifford et al, 2009), as part of integration with host communities (Ager and Strang, 2008).

In this section of the report we consider how the Scottish Guardianship Service Pilot appeared to regenerate safe informal networks of care and support. We identify what the domain contains, and how it influenced the young people's lives. In a focus group in Year 1, one of the young people said to us that the Guardians 'make us feel that we are human'. This is very high praise. One way of understanding this comment would be to consider it in the context of the original objective as contained in the Business Plan about building a Service around the young people. Outcome 2 of the Plan referred explicitly to 'a child centred model of practice' (para 2.2.2) within a broader intent of 'serving the needs of separated children in a way that is useful and relevant to them' (para 1.5). Within the Plan therefore, in a preliminary way, was an intention to discover what young people thought they needed and what they felt worked for them, reflecting the commitments made in Scotland to the UNCRC, Article 12, and the notion of participation and to GIRFEC outcomes.

This domain took up less of the Guardians' time in comparison to the major other domains of

asylum and well-being. Our analysis of the 29 case files reveals that across cases in average, Guardians recorded about 13% of their activity as falling within this domain. We had hypothesised that in the early stages of a case, asylum and well-being would predominate, and this proved accurate for all of the 29 cases. However, the Guardians' records also showed that they began to plan for engagement with social networks and activities early in some instances, for example, when connecting young people to places of worship, or in responding to extreme isolation. Mostly in the first month of allocation, each of the 29 cases had noted some form of social activity that corresponded to the young person's needs to 'keep busy in the day', to 'not feel lonely', to 'have fun', to 'take my mind off things' and to 'do something to help other people' (Young people focus groups, 2011/12).

Here, engagements were less formal than in the other two domains. The young people could come and go as they pleased from the Guardianship Office, and move within the domain with ease. This domain appears to offer the young people a sense of feeling comfortable in their lives, not driven by deadlines, correctness, and neatness. They could instead be a little messy, and enjoy some freedoms. It was manifest in two forms, one diffused and the other made of systematic and purposeful activities.

The diffusion was shown by creating a culture of warmth in the spaces and practices used by the Guardians. We noted in the Year 1 report that this was based on what appeared to us to be spontaneous acts of kindness and companionship – being taken shopping, Guardians going to prize-giving events, the Service celebrating a birthday, having social activities where 'not serious talking' happened, where there were opportunities for dancing, playing, singing and chances for young people to behave in ways that made 'everyone happy'. Young people appeared to value highly this sense of solidarity within their lives.

The precision focussed on the young people participating in activities that developed skills,

contacts, confidence, and understandings of Scotland as a place to be in (see Hopkins and Hill, 2006, 2010). Regular group work, art and craft projects, photography lessons, trips to the zoo, the sea and countryside or other cities, and participation in celebrations - allowed young people to spend time together, and generate new network opportunities. In our view, these two approaches are two sides to the same coin, aimed at helping young people towards an enjoyable everyday-ness. We now discuss each of these in more detail.

Creating a 'Home'/Office

In our observations of the ways Guardians made the young people feel welcomed, we saw the Service's endeavours to generate 'a familiar, warm, safe and welcome environment' (SGS Participation Strategy 2012-2013:5), which was homely - an office that feels like a home, not the Home Office. By its nature there were conditions of use. Young people could only access the office by being let in, for example. But in broad terms there was a commitment to being professionally engaged in this space with young people in humane ways.

The Guardians' office building was unremarkable in some respects. It was located in a dull part of Glasgow, among estates for light industry. The short walk from Ibrox subway station was not enchanting. Access to the building was via a metal gate, and entrance was through a buzzer entry system. The Service shared the first floor office space with the Aberlour Youth Service. The Guardians had an open plan desk arrangement, use of two small offices, and a kitchen area with a dining table and chairs. There was a large meeting room furnished with sofas and a TV, a coffee table, as well as a larger meeting table and chairs. Over time, this room had been decorated with artwork and group based activities that the young people had done (Figure 12).

In displaying the young peoples' art and voices in this way, the room resonated with their presence, even when they were not there. It was a place where they could leave their mark. It was in this space that we conducted a focus group with the Guardians in July 2012 when finalising the evidence for the evaluation. The question that was being considered was what the Guardians would choose to say to others about what made the Service distinctive, and what 'added value' to young people's lives in their view. There were

Figure 12: Art work produced by young people



preliminary answers about the development of the Practice Manual and the Protocol. Then there were the following reflections of what the Guardianship offices meant to the young people:

This is a sort of safe space, and the young folk feel relaxed when they walk through the door. Everyone knows them by name, and it's straight away, "how are you?" If they arrive and you're having lunch, it will be "sit down, do you want a bit of this lunch", and everyone is fetching plates ... You would just not get that environment in a more formal organisation. It's a family context, where they form part of the family. It's not 'people can't see you right now, they're on their lunch break, and if you wait in the waiting area, we'll tell you when they are available'

It's not just about coming to see a worker. They are coming to a place where there are people who are all interested. When I came here [to work for the Service] I realised that it was intended that way, it wasn't just an accident. There's a lot to be said for coming in and getting a slice of toast...

I have noticed with [H] when he comes in, he sometimes bring a friend who is not in the Guardianship Service, and he's always showing off, like [acts as if turning to the friend] 'Do you want a cup of tea. Did you know I can just open the cupboards here and take biscuits...' They like that. They like to show people that as well [laughing].

(Guardians' focus group, July 2012)

In the above reflections, a number of observations were being made by Guardians that give an indication of how the Service (and its office space) came to establish itself as a 'home' for separated young people, over and above the design of the work in relation to asylum and well-being. Firstly, there was a note about the importance of safety. Then about recognising someone's individual identity by remembering and acknowledging them by name. Thirdly, food, or the availability of food was tied to the broader notion of sharing and reciprocity. Fourthly, it was distinguished from less permeable, more regulated contexts, where rules are displayed and hierarchies are firmer,

that separate the applicant from the helper. Finally, there was a clear indication that these constructions of welcome, boundary and home, were not accidental. They were part of the design.

In fact, as we have indicated earlier in the report, the emergence of the domain of social networks was not part of the original Business Plan. While appropriately focussing on asylum and welfare in the first instance, there was no conscious articulation of this other domain. Rather the Guardians and young people would co-constructed this domain, starting soon after the launch of the Service, and developing over its lifetime. Sometimes, the Guardians knowing the young people's habits, led them to anticipate their needs, as illustrated by this small vignette:

The banana story

You care if some of them have had their breakfast or their lunch. For example, when I went in with that appointment with M for the age assessment I knew he would come in at 9 o'clock without his breakfast because he is very 'last minute'. I just said, here's a banana, you know. The age assessor noticed, and we were laughing that I'd just given M a banana. I was just thinking, ahead is a 6-hour interview. He will have just fallen out of his bed to meet the appointment time, with no breakfast, so...

(Guardian)

Structured participation activities

These anticipatory acts, within a broader culture of hospitality, supplemented a set of regular bi-weekly Participation Groups that were added to over time by workshops, trips, output focussed activities, and residential weekends away. At our request the Service submitted the following information that gives clear evidence of planning and delivering structured activities within the social network domain (Table 9).

Table 9: Participation activities 2011-2012

2011	2012
Participation group DVD nights	Participation group DVD nights, Eid celebrations
Open Aye: 8 week photography workshop ³⁰	Papier mâché workshop over 3 sessions
Flag painting session: paint your own national flag	Making DVD (for Year 1 Learning event) of their experiences Yes increased by 34%
Various dancing and drama evenings delivered by professional drama groups or dancers ³¹	Residential Weekend- being outdoors, thinking about notions of home, shelter, co-operating (making food/developing drama together
Stage Performance in Refugee Week	Singing workshop with musician
Visit to Museum and Art Gallery, and theatre ³²	Refugee week opening concert – visit cultural venue, appreciate Glasgow, watch performance to rehearse confidence in performing
Visit to Tramway theatre	Visit to the Scottish Parliament ³³
Visit to Theatre to see paper puppet show	Discussion groups on 'who helps you'
Participation group Games night– e.g. twister, bingo	T-shirt designing
Party nights for Scottish Guardianship Service's 1st Birthday and Christmas	Samba Drumming
Visit from the local police to find out about the role of the police in the UK	Creating art work to decorate UKBA child friendly room

From the Service's perspective, there was a compelling theoretical rationale that underpinned participation, based on what the Participation Strategy 2012-2013 refers to as 'The Resilience'

Model', within which there is an expression of the Service's adherence to the principles set out in Table 10³⁴.

Table 10: Scottish Guardianship Service: The principles of participation

A resilience led perspective tends to be optimistic and pragmatic. It believes that change is often possible – even in unpromising conditions – and that it may start in simple ways. The fundamental principles are that:

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

³⁰ Information from the workshops is available at <http://www.openaye.co.uk/casestudy4.html>

³¹ Visible Fictions and Barrowland Ballet

³² Kelvingrove museum and Tramway theatre

³³ One young person delivered a speech about his experience of Scotland, being a separated young person, Guardianship and Refugee Week.

³⁴ http://www.aberlour.org.uk/how_we_help/services/248_scottish_guardianship_service

These principles, in line with the existing empirical and clinical literature, emphasise the role of everyday events, people, customs and habits when assisting with recovery from adverse events and circumstances. How these were put into practice is illustrated in reference to one young person who was referred to the Service as potentially having been trafficked (Case study 15).

Case study 15: Safe connections for a trafficked young person

A trafficked young person was accommodated in a Local Authority outside Glasgow. He was in secure accommodation due to trafficking concerns. Two young people of the same nationality who were with him ran away and the young person found himself alone, lonely and isolated, with no opportunities to communicate in his own language.

The young person was closely monitored by staff at his accommodation, and barred from travelling anywhere by himself, in case he too absconded. He was extremely anxious about the asylum process and suffered from recurrent nightmares about being forced to return to his country. The Local Authority was not able to secure any meaningful leisure or recreational opportunities for the young person. The Guardian offered opportunities to attend the Participation groups in Glasgow as a way to meet other young people from similar backgrounds to himself. The young person was keen to attend these. Initially the Social Workers were reluctant to allow this as they were concerned about the risks involved in being in Glasgow and associating with other young people who are also the focus of trafficking. But on the basis of Guardian reassurances, and on weighing up the potential benefits to the young person, the Social Workers agreed to allow participation.

Initially, support staff accompanied the young person when he attended groups. However, the Guardian helped him to communicate his desire to travel independently and offered to meet the young person from the train to accompany him to groups. Over time, he became familiar with the travel routes and was given increased freedom to attend groups on his own. The young person now attends participation activities regularly on his own. He has made many friends. He understands that he is not alone in his experiences of trafficking. He is able to talk with other young people who speak his language and often travels to Glasgow to meet them and spend time participating in everyday things that young people do. He has found it reassuring to know that there are other young people going through the same process as him and that he is not alone. The attendance at the Participation Groups has given him new friendships along with an increased sense of independence and of feeling trusted. He is less anxious now that he has friends and activities to distract him from his worries and overall he finds the asylum process easier to deal with.

The sense of not being alone, of having others who understand where you have been, and where you wish to go, was part of the participation story. Also, importantly, the Guardian acting as a go-between and an advocate, assisted in the pick-up and safe transfer of a vulnerable young person to and from events, and provided assurances to contain the worry about the trafficked young people's disappearance. This capacity to fetch and carry, connect and reassure, and procure opportunities for young people that allow them to bond, carried through in several other cases that we examined. In one, the Service found volunteering opportunities for a young woman who had gained refugee status and now wanted to build her CV prior to further employment.

In another, a Guardian helped a new arrival with no English to secure a place on a photography project, so he could focus on visual images, rather than depend on verbal communications. He met other young asylum seeking people from his own country. Through them he formed a wider friendship network. He is currently enrolled on an ESOL programme, and hopes to graduate to a photography course later.

Figure 13: Collaboration between Open Aye, Red Cross, and the Service



In 2011 the Guardianship Service was funded by a £1000 grant from the British Red Cross Positive Images programme, to work with Open Aye (an organisation specialising in short photography projects), to create a series of participatory photography workshops for young people.

Over June and July 2011 a series of 7 workshops took place with 9 participants from the Guardianship Service. Each workshop had different activities. These included photo games, photography exercises, and slide shows and group discussions. They helped participants generate photos with the aim of creating

a short photo story. The activity enabled participants to build a library of images designed to tell their story about Glasgow from their perspective.

Some young people said:

I know my way around Glasgow better. I made new friends and enjoyed working in a team. I took many beautiful photos of Pollock Park. It was cool!"

"I learned new skills about photography and gained confidence. I felt like a king. I could do anything! I don't want to be a photographer. I want to be the President!"

Some of the photos young people took were displayed in the Guardianship Office, in one case simply called Saltcoats Beach. Jumping for Joy, and another organised around the theme of My Simple Pleasures that was part of the Scottish Natural Heritage photography project (Figure 14).

Overall, in considering the work of the Service in the domain of social networks, a number of features appeared. Firstly, there was evidence of Guardians who generated a culture that dissolved encounters about entitlement, and allowed young people to open cupboards and crisp packets without worry. Broadly, we have presented evidence here that the Guardians looked beyond the horizons of the asylum and welfare domains in order to bring back a sense of the everyday for young people. They saw themselves as humanitarians, generating kindness, and a homely Service. The 'home' of the office where much of

the work took place (and all of our encounters as evaluators took place) was as welcoming as it could be, with displays of art, craft, and a supply of snacks. Doing what they did meant threading small, almost unnoticeable acts (like supplying a banana before an interview) to enabling the young people to move beyond their immediate neighbourhoods to get to know Scotland better. The 'why' of participation was clearly articulated in the Participation Strategy, citing key principles around change occurring through everyday activities. How these activities were organised in the domain, emerged through case work, then through Participation group work, then through community based activities, in collaboration with other voluntary sector agencies. We noted that 13% of the overall time in the Service appeared to be devoted to this domain. If the young people were to be asked whether this was worth it, they would most likely say 'yes'.

Figure 14: 'My Simple Pleasures' and 'Saltcoats Beach: Jumping for Joy'



SECTION 8

Key findings
and conclusions



This evaluation provided an opportunity to observe a model for Guardianship being established and its development over a two year period from 1st September 2010 to 31st August 2012. During that time we witnessed judgements being made about the range and type of work that Guardians undertook, calibrated to the needs, rights, talents and ambitions of young people using the Service. At the beginning of the Pilot the Guardians were, in their words, 'the new kids on the block'. They had to prove both their competence and that their work 'added value' to existing services, many of which are provided on a statutory basis. We saw the Service mature over time, and noted a will by those delivering it to make things better for young people, now and in the future, whilst taking their past into account. We saw enormous complexity in the work of the Guardians, both with young people and with other service providers, and tried to capture this in our report.

We conclude by reflecting on the development of the Service over time and the experiences of separated young people in Scotland. We also provide an assessment of whether or not the model of Guardianship developed by the Service meets the core standards of Guardianship practice identified by Goeman et al (2011) and outlined in our introduction.

The development of the Service over time

Despite some uncertainty in Year 1, **there is now a clear definition of a Guardian, operationalized across services in line with the needs, wishes, feelings and rights of children seeking asylum.** This is reflected in the Protocol and increased understanding among stakeholders, 82% of whom were probably or definitely clear in our Year 2 survey about what a Guardian is and does. **There are clearly identified hub and spoke links between the Service and referring agencies which are reflected in good communication and information sharing.** These links improved significantly over the course of the Pilot, becoming both deeper (stronger relationships

with other professionals with whom there is regular contact) and broader (the geographical reach of the Service and range of organisations and agencies with whom there is contact) during Year 2. The Guardian's **qualifications, skills and functions** were clearly specified and there was clarity around Guardian training, supervision and support needs over time.

Perhaps most importantly, by the time we had concluded our evaluation the **Guardians were seen to be committed to young people in terms of safe and sustaining relationships.** This view was held almost unanimously by young people and supported by stakeholders, 88% of whom somewhat or strongly agree that Guardians acted in the 'best interests' of young people. The positive contribution of Guardianship to the experiences of young people also became clearer to stakeholders over the course of the Pilot. At the end of Year 2 we asked survey respondents what they thought the overall net effect of the Pilot had been. The majority of stakeholders (80%) told us that the Pilot made young peoples' lives better, a view shared strongly by the young people themselves. As evaluators we found no examples in which the lives of young people have been made worse as a result of the Service.

Outcomes for young people

During the course of the evaluation we identified evidence of the 'added value' of Guardianship across three important domains of engagement: **asylum, well-being, and social networks.** As noted in Section 2, the domains overlap in complex ways. Young people lived in each of these domains simultaneously; what took place in one domain impacted on their ability to function effectively, and develop, in the others. Equally, the work undertaken by the Guardian in one domain had an impact on the capacity of young people to deal with issues in other areas of their lives. In other words, **the capacity of a young person to deal with issues in relation to his or her asylum claim was often contingent on**

their general sense of well-being and on feeling social embedded and connected. The work of the Guardians in relation to social networks was not anticipated before the Pilot began but provided an important opportunity for the lives of young people to become 'normalised' - it helped them to rebuild their lives away from the stresses of the asylum process and the complex negotiations and difficulties associated with securing their day-to-day welfare in terms of housing, education and health. This process of normalisation helped young people to re-establish their social contacts and skills and build their capacities to cope with the events taking place in their lives. **This, in turn, enabled them to deal with issues in the domains of asylum and well-being more effectively.**

The value added by Guardianship became increasingly evident over the life of the Pilot as roles and responsibilities were more explicitly articulated and as the knowledge and understanding of Guardians themselves increased. Our findings indicate that there was most scope for a positive contribution by a Guardian when the young person's Social Worker was taking a less active role (possibly due to resource constraints or to a dispute over the young person's age) or where the Social Worker had less experience of working with separated young people seeking asylum or those who were trafficked. This is most typically the case for Social Workers in Local Authorities outside Glasgow.

In relation to the impact of Guardianship on outcomes for young people in the three domains we are able to say the following.

Firstly, **there is clear evidence of Guardians help young people to navigate the complexities of the asylum process resulting in clear, timely and often positive outcomes those who are seeking asylum or have been trafficked into Scotland.** 44.2% of young people in the cohort were granted Refugee Status or Humanitarian Protection at the initial stage, compared with 20.7% over the corresponding period in the UK as a whole and just 11% in Scotland in the 12

months prior to the Pilot commencing. A further nine young people were granted Refugee Status or Humanitarian Protection on appeal. There is evidence that Guardianship has contributed to the decision making process by **improving young people's understanding and engagement in the process, by ensuring that as much information as possible is made available** to UKBA Case Owners to enable them to make a well-informed decision and, perhaps most importantly, **creating a context in which there is increased communication and information-sharing between all of the professionals involved in the asylum process.**

Secondly, evidence from the domain of well-being suggests that interventions by Guardians are viewed as being helpful - not only by young people but also by Social Workers, Residential Workers, and Education and Health Providers, among others. We acknowledge that this has not always been the case. During Year 1 in particular there were tensions and disagreements regarding the roles and responsibilities of the Guardians relative to other service providers, particularly Social Workers. Over time however these tensions largely dissipated as roles became more clearly defined and better understood. Moreover **there has been an emergent and identifiable pattern of practice and strategies used by Guardians and others that generate the best outcomes for young people.**

The role of the Guardian in the well-being domain is primarily one of **linking young people to resources and keeping them going there, ensuring good standards of service delivery and professional behaviour, and filling gaps in resources and services in a timely way.** Examples included identifying and securing appropriate accommodation, most notably the transition into adult services when a young person turned 18, helping young people to maintain educational links, and monitoring distress and symptoms of withdrawal, discussing these with other professionals and the young people themselves in relation to organising treatment that was necessary, bespoke and timely.

Finally, in the domain of social networks there

is evidence of the ways **Guardians worked to grow informal networks of care and support for young people through a range of participation activities that developed skills, contacts and confidence and understanding**. They did this in two important ways. Firstly, they generated a culture of 'welcome' to young people, and create a sense of 'home' at the Guardianship office. This Office/Home was a poignant contrast to their Home Office experiences. Secondly, they did so by structured activities that introduced young people to Scotland and its people, building up a sense of everyday life, where new skills could be learnt, new connections made, and where participation within the terms of the UNCRC could happen in an untroubled way.

Core standards of Guardianship

In section 1 of this report we set out the core standards of Guardianship practice developed by Goeman et al (2011) focusing on the role of the Guardian, the relationship between Guardians and other service providers and the experiences and understanding of children and young people about Guardianship. Although not available at the outset of our evaluation, it is clear that the model and way of working provided through the Scottish Guardianship Service meets most, if not all, of these standards.

There is evidence that **the Guardian advocates for all decisions to be taken in the best interests of the child** (Standard 1). Across each of the domains we have provided instances in which the Guardian was able to advocate for the best interests of the young people with whom they work on a regular basis, ensuring that the assessment of best interests made by others is based on the views of the young person and his or her individual circumstances. As noted above, this conclusion was shared by the majority of stakeholders working with the Service.

The Guardian ensures the young person's participation in decisions which affect them

(Standard 2). Guardians provided information in a child-friendly way using simple, clear language to ensure that young people understood roles, rules and contexts and checking that the young person could absorb and recall the information. This was particularly evident in relation to the asylum process where we saw clear evidence of Guardians using a range of methods and techniques to explain the asylum process and the roles and responsibilities of those within it. The Guardians used a tailored approach to their work with young people and periodically 'checked-in' with the young person that they have understood what is being said. There were, of course, others who also explained the asylum process including Social Workers and Legal Representatives. But young people told us that they valued the work of their Guardian in repeatedly explaining and revisiting the process to make sure that it was fully and properly understood.

There is evidence that **the Guardian, in partnership with others, most notably Social Workers and Residential Workers, protects the safety of the young person** (Standard 3). Guardians placed a very high priority on the safety of the young people with whom they work and because they had time to get to know the young person and his or her circumstances they were very alert to any changes in the young person's mood or behaviour including any signals of harm or danger.

Across all domains, we found strong evidence that **the Guardian acts as an advocate for the rights of the child or young person** (Standard 4). Over the course of the Pilot, as the knowledge, experience and confidence of the Guardians increased and as their roles and responsibilities relative to other service providers were clarified, the Service became an assertive and committed watchdog, dedicated to defending the rights of asylum seeking or trafficked young people in Scotland and pursuing fair procedures in relation to asylum and welfare issues.

An important part of this process has been the role of **the Guardian as a bridge between,**

and focal point for, the young person and other actors involved (Standard 5). One of the most important aspects of the work of the Guardian was to keep in touch with all relevant actors to ensure that they were all fully informed about the circumstances of the young person and that there was a 'joined-up' approach to service delivery. In the early days of the Pilot we saw significant tensions in this regard arising, in part from misunderstandings and miscommunications but also from a lack of clarity around the role of the Guardian. Guardians were accused of stepping into the territory of other service providers including those with statutory obligations towards young people in Scotland. Over time however the role of the Guardian became much clearer (and formalised through the Protocol) and relationships developed and matured.

This bridge building role was particularly important because it meant that the impact of Guardianship went beyond the work of the Service itself. The improvements in service delivery and in outcomes for separated young people in Scotland was the result of a significant effort on the part of all of those working with the Service to collaborate to improve their own practice and that of others. This effort - triggered by the work associated with establishing and maintaining the Scottish Guardianship Service, including the formal meetings of the Project Advisory and Operational Steering Groups - **lifted the overall quality of service provision by encouraging professionals to work together more closely and demonstrating the advantages for young people when they do.**

We also found evidence that the **Guardian ensures the timely and implementation of a durable solution for young people** (Standard 6), although this work was perhaps less developed than other areas of the Service's work due to the nature of the cases of young people with whom Guardians worked and the relatively short duration of the Pilot. At the beginning of the Pilot, and at the outset of individual cases, the focus was very much on ensuring that immediate welfare and educational needs were met and that the young

person's asylum claim was properly understood. As young people pass through the process, sometimes receiving negative decision along the way, steps were starting to be taken to prepare the young person for all possible outcomes, including return. The Service has plans to develop this work further.

There is strong evidence from our evaluation that **the Guardians treat the children and young people with whom they work with respect and dignity** (Standard 7), that they form **relationships built on mutual trust, openness and confidentiality** (Standard 8) and that they are **accessible** (Standard 9). The report provides numerous examples of the Guardians treating young people in a respectful way with regard to their identity, privacy and cultural differences, of keeping promises, maintaining confidentiality in a way that kept the young person safe, empathising with the young person, providing moral support and making it clear that the young person could come and go at will and on their own terms. Because Service case-loads were relatively low, the Guardians were accessible and able to respond quickly to a young person's needs for support or assistance. Guardians clearly supported young people to develop peer relationship through both formal and informal opportunities, activities and events.

Finally, we consider that **the Guardians are equipped with relevant professional knowledge and competences** (Standard 10). Guardians themselves were proactive in identifying their learning and development needs. Over time the training needs of Guardians became clearer as well as Guardians' own understanding of their personal and professional limits.

A model for others?

The Scottish Guardianship Service provides a good model of how to provide support for young people who are seeking asylum or have been trafficked in a way that meets the core standards

of Guardianship practice developed by Goeman et al (2011). Of course there will always be areas of possible improvement and development, some of which have been identified in this report. We think it was critical that a clear definition of a Guardian's role and responsibilities emerged, thus reducing some of the tensions which were seen in Year 1 of the Pilot. This clarity is particularly important in contexts where Guardianship is established on a non-statutory basis and where the work of the Guardians with other service providers and agencies has to be negotiated and agreed. A clear definition also means that the Guardians themselves can focus on their role in bridging and linking the young person with other service providers and agencies involved in asylum and welfare processes. In our view young people to reflect on their past in a way that is not tied in exclusively to the asylum process which often requires a particular, and usually negative, narrative their experiences in the country of origin. Similarly, the work on planning for the future, in relation to return to the country of origin or integration into Scotland, could be further developed. There is scope in any Guardianship Service to focus on everyday life in the 'here and now', as well as in the past, and in anticipating a future outside the label of being an asylum seeker or as someone who has been trafficked.

We have considered whether Guardians would be able to provide a better service for young people if they had a statutory role. We find this question impossible to answer because we have evaluated a non-statutory model. We can only report that in our Year 2 survey stakeholders were unclear about the differences that a statutory footing would make: a third (30%) of stakeholders responding said that a statutory footing would improve the Service, a third (32%) said that it would not and the remainder (38%) did not know.

We have also reflected on the particularities of the Scottish Guardianship Service and whether the Pilot provides a model for Guardianship that can be replicated elsewhere. As discussed above, we consider that the Service meets most, if not all, of the core standards for Guardianship practice

and that much of the learning from the Pilot could be usefully shared with policy makers and practitioners in other parts of the UK and Europe. We hope that this will happen.

It is important, however, to acknowledge that the Pilot was established within the context of the Scottish Government's work towards harmonising domestic legislation, policies, services, strategies, and practices with the UN Convention on the Rights of the Child 1989. This political and policy context, and the framework established through the principles of Getting It Right for Every Child, clearly carries implications for the ability and willingness of stakeholders to work with the Service to deliver improved outcomes for young people in Scotland. It is clear to us that the Service acted as a mechanism for ensuring that service providers worked together and that the overall level of provision was improved.

It is also clear that Guardianship could support organisations and institutions to meet their statutory duties to safeguard and promote the welfare of children and young people, in terms of both process and outcomes. What is less clear is whether this would happen in a different context or whether the tensions that we saw in Year 1 would simply continue.

It is also important to note that the Service has been relatively well-funded. This, combined with the lower anticipated number of referrals, meant that the caseloads of the Guardians were relatively small for the duration of the Pilot although they increased in Year 2. As a result the Service was able to undertake work in the domain of social networks which was not anticipated at the outset and which would not have been possible to the same degree or in the same way if caseloads were higher or resources more limited³⁵.

Overall, we consider that the Scottish Guardianship Service contained a wealth of evidence about the benefits of Guardianship for young people who are seeking asylum or have been trafficked. The voices of young people were strong and clear. They believed that the Service put them – rather than the processes to which they were subjected – at the centre and

³⁵ As this report was being finalised the Scottish Government announced that it would continue to fund the Service for a further three years. Although this funding is at a reduced level efforts are being made by the Service to secure additional funding to enable the work in relation to social networks to continue and for other areas of work, including in relation to returns, to be developed further.

that the Guardians provided them with a level of acceptance and support which, for complex reasons, they were unable to secure from other adults in their lives. As one of the young people said of his Guardian, '*she endures with me*'. This endurance was an important feature of the Service and one which helped separated young people in Scotland to rebuild their lives and identities in the context of forced migration.

Annex 1: Summary of research evidence

The report is based on the following data and information:

- Qualitative and quantitative data provided by the Scottish Guardianship Service relating to the 81 young people referred to the Service and provided with a Guardian in the evaluation period (1st September 2010 – 31st August 2012). This includes the Service database and case files relating to all young people and 29 sets of case notes which have been analysed in detail;
- Quantitative data provided by the UK Border Agency (UKBA) on asylum applications made by separated young people prior to the commencement of the Scottish Guardianship Service (1st August 2009 - 31st July 2010) and in the first year that the Service was in operation (1st August 2010-31st July 2011), and in relation to asylum outcomes for the 81 young people provided with a Guardian during the course of the evaluation (1st September 2010-31st August 2012);
- Responses to two online surveys sent to all UKBA Case Owners, Legal Representatives, Social Workers, Residential Staff and service providers who have experience of working with the Scottish Guardianship Service. There were 37 respondents in 2011 and 58 respondents in 2012 indicating increased levels of engagement with the Service. For both the 2011 and 2012 surveys around a half of respondents were from Social and Residential Services (51% and 49%) respectively. In 2012 there were also respondents working in education (7%) and legal services (7%);
- Quantitative data provided by COSLA relating to separated asylum seeking children in Scotland over the period of the evaluation;
- Interviews with more than 30 stakeholders (including Social Workers and managers in Glasgow and other Local Authority areas, Legal Representatives, UKBA Case Owners, policy makers, residential care workers and voluntary sector organisations) who are responsible for providing a service to separated young people or otherwise have an interest in the work of the Scottish Guardianship Service. A list of organisations consulted during the course of the first year of our evaluation is provided in Annex 3;
- Focus group discussions with UKBA minor's trained Case Owners and Social Workers (separately and together);
- Focus groups and semi-structured interviews ('conversations') with separated young people;
- Individual and focus group discussions with Guardians and the Service Manager, plus Skype conversations about cases;
- Vignettes and other information about the day-to-day activities of the Scottish Guardianship Service and the relationship between those working with the Service, provided by the Service itself and by other stakeholders and service providers; and
- An on-going review of existing literature and policy documents.

Annex 2

Members of the Project Advisory Group (PAG)

Chair

Kathleen Marshall

Members

Aberlour Child Care Trust

The Diana, Princess of Wales Memorial Trust

Convention of Scottish Local Authorities (COSLA)

Dumfries and Galloway Social Work Department

Scottish Government

Scottish Refugee Council

Big Lottery Fund

Glasgow City Council Social Work Department

ECPAT (End Child Prostitution, Child Pornography
and the Trafficking of Children for Sexual
Purposes)

Irish Refugee Council

Migrant Child Law Centre

Paul Hamlyn Foundation

Scottish Children's Reporter's Administration
(SCRA)

Scotland's Commissioner for Children and Young
People (SCCCYP)

Scottish Immigration Law Practitioners'
Association (ILPA)

Scottish Refugee Council

UKBA

UNHCR

The evaluators were also members of the Project
Advisory Group and attended all meetings
together or separately

Annex 3:

List of organisations consulted

Aberlour Child Care Trust

Anniesland College

Barnado's (Hamilton Park)

Children in Scotland

Convention of Scottish Local Authorities (COSLA)

Dumfries and Galloway Council (Leaving Care Team)

East Ayrshire Social Service Department (Children and Families Initial Response Team)

Freedom from Torture

Glasgow City Council Asylum and Assessment Team

Jain, Neil and Ruddy Solicitors

Legal Services Agency (LSA)

Red Cross (Chrysalis Project)

Scottish Child Law Centre

Scottish Children's Reporter Association

Scottish Immigration Law Practitioners' Association (SILPA)

Scottish Refugee Council

The Mungo Foundation (Campus Project)

UK Border Agency (UKBA)

YPeople

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The Scottish Guardianship Service has secured future funding in Scotland. As our report was being finalised the Scottish Government announced that it would fund the core Service for a further three years, subject to review after one year. Efforts are being made to secure additional resources to enable the work in relation to social networks to continue and for other areas of work, including in relation to returns, to be further developed