



For the Citizens'
Rights Agreements

Assurance Review (Looked after Children and Care Leavers) Annex 4: Yorkshire and Humber

**Local authority responses on support for Looked after Children
and Care Leavers in making applications to the EU Settlement
Scheme**

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Executive Summary

In November 2022, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to all 15 local authorities in Yorkshire & Humber, England. The IMA is seeking assurance that local authorities are discharging their responsibilities with regards to making and supporting EU Settlement Scheme (EUSS) applications on behalf all eligible looked after children, children in receipt of local authority care and support, and care leavers¹. Further detail of the IMA's methodology is outlined in our Assurance Review.

14 out of 15 local authorities responded by the agreed upon deadline, and the IMA has assessed the responses according to the following three categories:

- robustness of identification processes;
- accurate record keeping²; and
- completion of retrospective checks.

The IMA identified overarching concerns from the information provided:

Firstly, there is a lack of documented processes and written operational guidelines within the majority of local authority responses. Secondly, the lack of robustness of the identification process for non-EU and EEA EFTA family members of EU and EEA EFTA citizens.

The IMA has additional concerns in relation to whether local authorities in Yorkshire & Humber are accurately capturing and storing all data on eligible children and care leavers and their EUSS applications in line with Home Office [guidance](#). In relation to retrospective checks, some local authorities confirmed that these had not taken place and some responses did not clarify whether they had occurred. This is particularly important for eligible children and care leavers up to the age of 25 who may have left care up to seven years ago and may not have been identified.

In response to these concerns, the IMA will consider opening individual assurance reviews where local authorities have not sufficiently demonstrated they are discharging their responsibilities, and which could impact the rights of children or care leavers under the Withdrawal and Separation Agreements.

1. These local authorities comprised Barnsley Metropolitan Borough Council, Bradford Metropolitan District Council, Calderdale Council, City of York Council, City of Doncaster Council, East Riding of Yorkshire Council, Kingston-upon-Hull City Council, Kirklees Council, Leeds City Council, North East Lincolnshire Council, North Lincolnshire Council, North Yorkshire County Council, Rotherham Metropolitan Borough Council, Sheffield City Council and Wakefield Council.

2. This report is completely without prejudice to the IMA's judicial review against the Home Office, further details of which can be found here.

Responses from local authorities in Yorkshire & Humber: Summary

1. In order to establish whether all children and care leavers under a local authority's remit are being identified and supported to make applications to the EUSS, the IMA wrote to all 15 local authorities in Yorkshire & Humber. A series of questions were asked with regards to the identification of all those eligible to apply, and subsequent support and monitoring of these applications³.
2. The IMA received responses from 14 out of 15 local authorities by the agreed upon deadline, and has assessed these 14 responses according to the following three areas:
 - the identification of eligible children and care leavers;
 - record keeping processes; and
 - retrospective checks⁴.
3. The IMA has assessed the information provided by each local authority using a RAG (Red-Amber-Green) grading system, with the aim of identifying potential good practice and/or areas for improvement.
4. The RAG gradings are based on our review of the initial response received from each local authority. The IMA has informed each local authority of their current RAG grading separate to this report.
5. If a local authority has not provided a response to the IMA or a response was received after the deadline or agreed extension, the IMA has graded a local authority as red for all three categories. The IMA will complete a further review with the local authority as part of an individual assurance review.
6. The IMA has analysed 14 responses, excluding one local authority who did not provide a response by the agreed-upon deadline.

3. Where this review refers to '(all) children and care leavers' this includes looked after children, children in receipt of local authority care and support (including children in need), and care leavers.

4. Retrospective checks here refer to a local authority checking historical records to identify any eligible children or care leavers who they have a responsibility to support in making an EUSS application where they are up to the age of 25 (in England) and may have left care up to seven years ago.

The position in Yorkshire & Humber

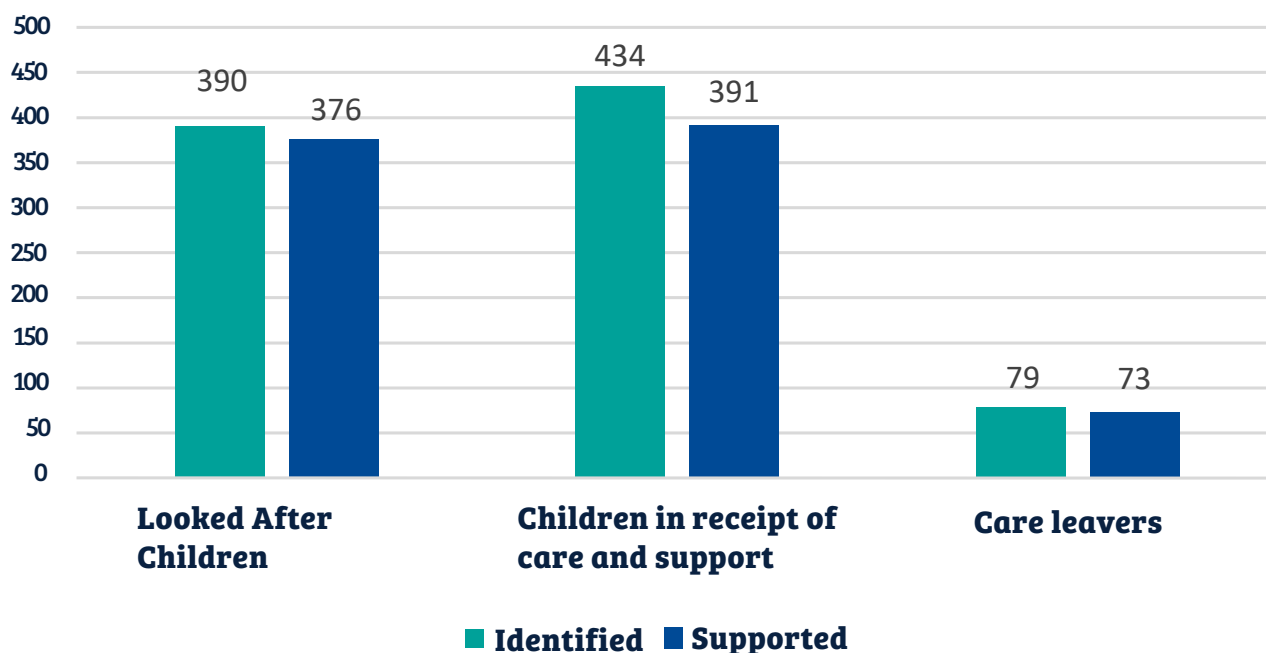
Support for identified eligible children and care leavers

The majority of looked after children, children in receipt of local authority care and support, and care leavers identified are being supported by a local authority.

7. The IMA requested data on the numbers of eligible looked after children, children in receipt of local authority care and support, and care leavers who have been identified and received support. Figure 1 compares the total number of children and care leavers identified who are eligible to apply to the EUSS versus those who have been supported as detailed in local authority responses.

8. These figures exclude one local authority who did not provide a response by the agreed upon deadline, as well as another local authority who did not provide any statistics in their response. Additionally, one response provided a set of figures which did not separate looked after children (LAC), children in receipt of care and support, and care leavers. As such, this local authority's response has also been excluded from the figures demonstrated below.

Figure 1. Graph comparing numbers of LAC, children in receipt of care and support and care leavers identified vs. supported



9. Figure 1 demonstrates that the majority of looked after children and care leavers identified were supported to submit EUSS applications - 96% of looked after children and 92% of care leavers identified went on to be supported by a local authority.⁵

10. The majority of discrepancies in the cases of looked after children and care leavers were accounted for, with the exception of 9 looked after children and one care leaver. This accounts for 98% of looked after children and 99% of care leavers.

11. With regards to children in receipt of care and support, responses received by local authorities have not provided sufficient clarity for the IMA in terms of explanations for these discrepancies. Two local authorities reported large discrepancies between the number of children in receipt of care and support identified versus the number supported. One local authority response stated that the majority identified did not need support, and one local authority response stated their work with the families ended prior to applications being made. It is not clear whether either local authority offered support or information to these families.

12. Further clarity on these discrepancies, as well as those where no explanations were provided will be sought upon commencement of individual assurance reviews.

Identification of eligible children and care leavers

On the basis of the responses received, the IMA is not sufficiently satisfied at this stage that all eligible children and care leavers are being identified and supported.

13. The majority of responses were graded as red (53%) and the remaining amber (47%) on the basis of the information provided to the IMA. One response was graded as red on the basis that they did not provide the IMA with any information within the timescales in response to the IMA's request for information.

14. In relation to 100% of responses being graded as either amber or red in relation to their identification processes, the IMA has identified the following two overarching concerns detailed below.

5. Of the 12 local authorities included in these figures (see paragraph 6)

Lack of documented processes and written operational guidelines

15. The majority, 79% (or 11) of responses did not supply the IMA with a written EUSS specific process for identifying and supporting all eligible children and care leavers (including non-EU and EEA EFTA family members of EU and EEA EFTA citizens) with their EUSS applications. Of the three responses that include written supporting documentation and operational guidelines, one notes that nationality of parents are recorded but makes no reference to non-EU and EEA EFTA family members, and the other omits reference of non-EU and EEA EFTA family members from the included guidelines.

16. A formalised written process may ensure improved consistency in the application of the identification process, support for these cohorts, and improved record-keeping alongside greater awareness of the EUSS and local authority responsibilities amongst staff. As such, the IMA would require further assurance where these formalised written processes do not exist for both EU and EEA EFTA children, non-EEA family members and care leavers .

Identification of non-EU and EEA EFTA family members of EU and EEA EFTA citizens.

17. The IMA's second overarching theme from the responses lies with the identification of non-EEA family members. Of the 13 responses analysed, 50% of responses either did not detail a process for identifying and supporting non-EEA family members; refer to a process for EU nationals only; or confirmed that they do not have a systematic process in place for identifying this cohort. A further two responses note that there are processes in place for identifying non-EEA family members but only referred to EU nationals throughout their response and attached guidance referring only to EU nationals. Thus, the IMA have concerns regarding the identification and support of non-EEA family members in relation to 64% of responses analysed.

18. This was reflected in the figures provided, with only six non-EU and EEA EFTA family members being identified. This accounts for less than 1% of the total number of identified looked after children, children in receipt of local authority care and support and care leavers reported in the responses. In response to the IMA's question about the number of non-EU and EEA EFTA family members that had been identified, a total of seven responses either provided no figure; noted that they were not able to provide information; or stated that they do not record the number of non-EU and EEA EFTA family members identified.

19. The IMA needs to further assess whether this cohort is being identified and adequately supported to obtain residency status under the EUSS where eligible.

20. Figure 2 shows how often these concerns arose amongst those responses analysed (13 out of 15 local authorities).

Figure 2. Number of responses indicating key concerns with regards to identification processes



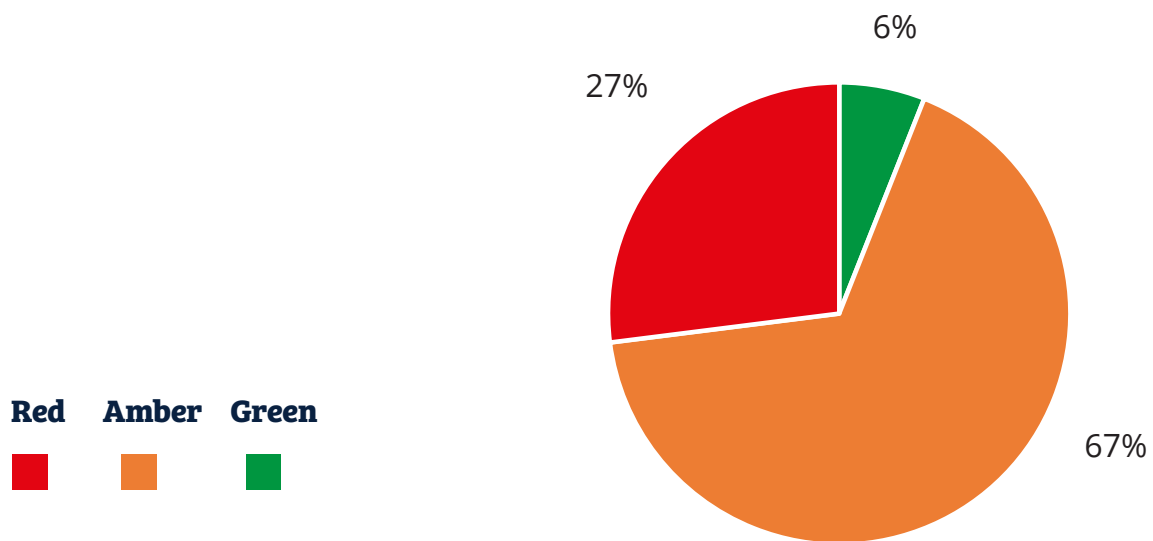
Record keeping processes

The IMA is not satisfied that based on responses provided, accurate and up-to-date records are being kept in relation to EUSS applications of all eligible children and care leavers in each local authority.

21. In regards to all 15 local authorities, 94% (14) local authorities did not satisfy the IMA that accurate and up to date records are being kept in relation to the EUSS applications of all eligible children and care leavers in each local authority - 27% of these were graded as red and 67% as amber.

22. Only one response was graded as green (6%) having provided a clear explanation of a record keeping process which included records of the EUSS application status and outcomes, contact details, and when the child or care leaver would be eligible to move from pre-settled to settled status (see Figure 3).

Figure 3. RAG grading of record keeping processes



23. Responses from six different local authorities did not provide figures on all cohorts of children as requested by the IMA from identification to the number of those who have obtained an EUSS application outcome.

24. One local authority response did not provide any figures. The response provided by another local authority did not break down these figures by looked after children, children in receipt of care and support and care leavers. Another local authority's response noted that the number of care leavers awaiting an outcome on their application is not recorded and did not provide figures for children in receipt of care and support awaiting an outcome or having had a decision on their EUSS application. Three further local authorities responses did not provide/state that they did not record numbers of non-EEA family members identified as eligible for the EUSS

25. The majority of responses do not demonstrate evidence of a clear record keeping process for all eligible children and care leavers, including records of EUSS application status/outcomes, contact details, and when the child or care leaver would be eligible to move from pre-settled status to settled status.⁶

6. Again, this is without prejudice to the IMA's judicial review against the Home Office as cited above.

Retrospective checks

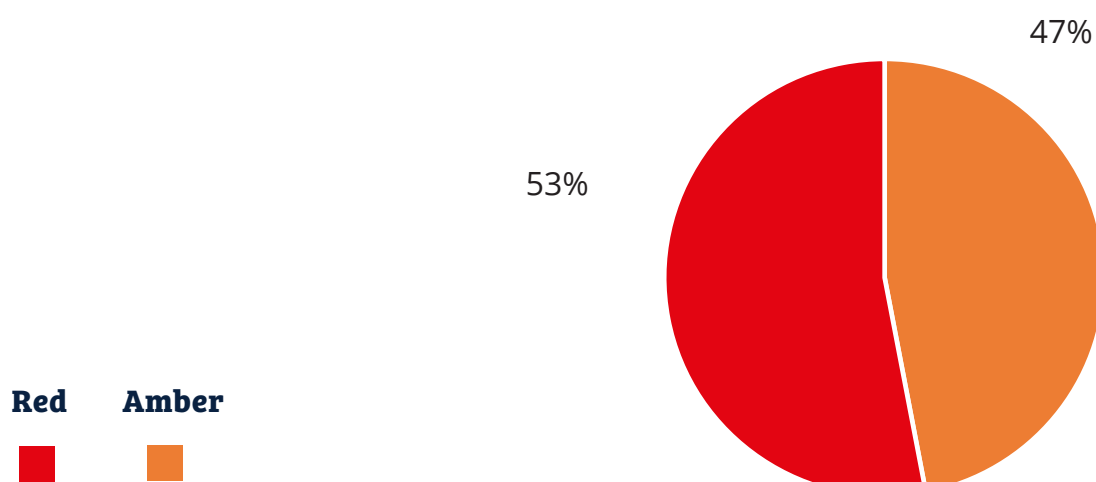
The IMA notes that 100% of responses did not assure the IMA that retrospective checks (underpinned by adequate identification processes) have been completed.

26. Grading of retrospective checks are linked to the IMA's grading of identification processes included in the responses as retrospective checks are based on these identification processes. As such, where identification processes are deemed inadequate on the basis of the responses provided it follows that retrospective checks will likewise be deemed inadequate⁹.

27. All (100%) of responses were graded as either red (53%) or amber (47%) on the basis of their retrospective checks in respect of all children including care leavers up to 25 who may have left care up to seven years ago.

28. The IMA has concerns about all responses from Yorkshire & Humber regarding local authorities accurately conducting full retrospective checks of all children and care leavers that are underpinned by adequate and robust identification processes.

Figure 4. RAG grading of retrospective checks



7. The exception to this would be firstly, where a local authority's response is graded as either amber or green based on their identification process but confirms that retrospective checks have not occurred (retrospective checks would be red). Secondly, where a response's identification process is graded as green, but it is unclear whether retrospective checks have been completed (retrospective checks would be amber). These possible cases are reflected in the definitions provided alongside the grading above.

Next Steps

29. Responses received from 14 out of 15 local authorities in Yorkshire & Humber has enabled the IMA to identify potential overarching issues with regards to the identification of all eligible children and care leavers; the local authorities' ability to undertake accurate record keeping and apply robust retrospective checks.

30. In response to these potential issues, the IMA will open individual assurance reviews for specific local authorities where there are concerns, or where they have not demonstrated how they are discharging their responsibilities, which in turn could impact the rights of a child or young person under the Withdrawal and Separation Agreements. This includes local authorities who did not provide a response to the IMA's request for information.

31. The IMA recognises that it is possible that in responding, individual local authorities may not have sufficiently articulated how they support the cohorts above. During individual assurance reviews, the IMA will work with local authorities to understand how responsibilities are being discharged, refer to the principles identified in the Assurance Review, and may make further recommendations and/or utilise follow up periods. Based on our experience to date, some local authorities have simply needed to provide further information of their arrangements they already have in place. Some local authorities have taken steps to strengthen their arrangements in order for children to be supported.

32. Following the individual assurance reviews, the IMA will re-grade each local authority against our best practice principles and inform each local authority of the outcome of their assurance review with revised gradings.

33. Following the conclusion of all individual assurance reviews for a nation or region, the IMA will produce an updated assurance report for that nation or region.