



For the Citizens'  
Rights Agreements

# **Assurance Review (Looked after Children and Care Leavers) Annex 5: East Midlands**

**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

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In November 2022, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to all 10 local authorities in the East Midlands. 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 leavers.<sup>1</sup> Further detail of the IMA's methodology on looked after children and care leavers is outlined in our Assurance Review.

Nine out of 10 local authorities responded by the agreed upon deadline, and the IMA has assessed the responses according to the following three categories:

- robustness of the identification processes;
- accurate record keeping<sup>2</sup>; and
- completion of retrospective checks.

The IMA identified three main 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-EEA and EFTA family members of EU and EEA EFTA citizens and thirdly, the conflation of ethnicity and nationality in some responses.

The IMA has additional concerns in relation to whether local authorities in the East Midlands 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 did not confirm that these checks 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 the East Midlands: Summary

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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 10 local authorities in the East Midlands. A series of questions were asked with regards to the identification of all those eligible to apply, and subsequent support and monitoring of these applications.<sup>3</sup>

2. [The IMA received responses from nine local authorities and assessed them according to the following three areas:](#)

- the identification of eligible children and care leavers;
- record keeping processes; and
- retrospective checks.<sup>4</sup>

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.

5. If a local authority did not provide a response to the IMA or a response was received after the deadline or agreed extension, the IMA has graded it 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 have analysed nine 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 support, care and support 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 the East Midlands

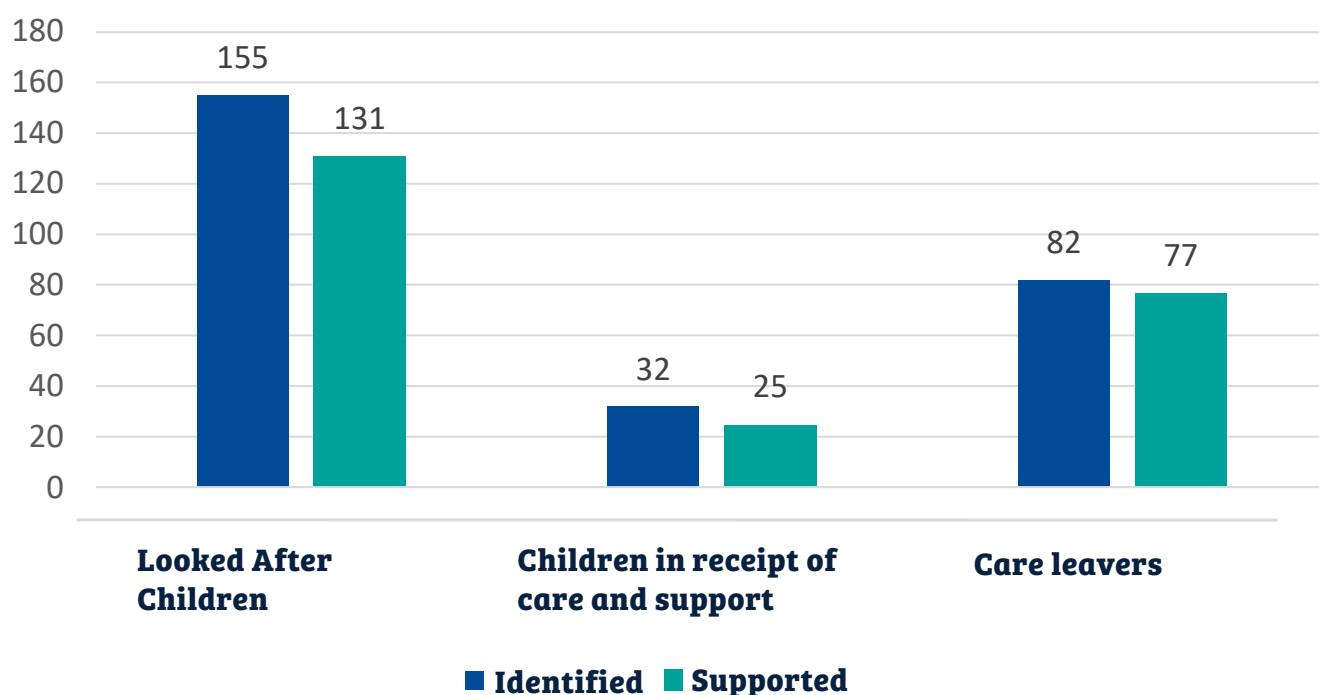
## Support for identified eligible children and care leavers

*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 number 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 below compares the total number of eligible children identified in each cohort against the overall number of children and care leavers who have been supported to make an application. This information was captured in the responses provided by local authorities.

8. These figures exclude one local authority who did not provide a response and one other local authority whose response only provided figures up to 31 June 2021 (and stated that figures for beyond this date had not been collated).

**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 (85%), children in receipt of care and support (78%), and care leavers (94%) who were identified were subsequently supported to submit EUSS applications.<sup>5</sup>

10. The IMA identified discrepancies between the number of children identified as eligible to apply to the EUSS, and the number of children actually supported to make an application. As some local authorities were able to provide explanations as to these discrepancies, the IMA conclude that 95% of looked after children, 94% of children in receipt of care and support and 98% of care leavers are accounted for.

11. However, a further explanation about the remaining discrepancy - in particular those where no explanation was provided, will need to be sought upon commencement of individual assurance reviews with local authorities.

## 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 by any of the local authorities in this region.*

12. Half of responses were graded as red (50%) and the other half amber (50%) on the basis of the information that was provided to the IMA. One response was graded as red as they did not provide the IMA with a response.

13. Of the information that was provided about identification processes, the following overarching concerns were identified: (see figure 2).

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



5. Of the 8 local authorities included in these figures

### ***Lack of documented processes and written operational guidelines.***

14. The IMA's first overarching concern is about formalised processes and operational guidance for identifying eligible children, which was limited in local authority responses. 90% of responses did not supply the IMA with a written process for identifying and supporting eligible children and care leavers with their EUSS applications. Whilst three local authorities did provide supporting documentation, this did not include a written process specific to the local authorities.

15. A formalised written process may ensure better consistency in the identification process, improved support for these cohorts and more accurate record-keeping. It may also promote greater awareness amongst staff of the EUSS and the local authority's responsibility. As such, the IMA requires further assurance where processes have not been fully outlined for both EU and EEA EFTA, and non-EEA family member children and care leavers.

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

16. The IMA's second overarching concern lies with the identification of non-EEA family members. Of the responses analysed, seven local authorities either a) did not detail a process for identifying and supporting non-EEA family members, b) confirmed they do not have a systematic process in place and/or c) were unclear about whether this cohort is identified at all. As such, the IMA require further information from seven local authorities to better assure itself that non-EEA family members can be correctly identified as eligible for the EUSS.

17. The IMA is particularly concerned that, according to the information provided, the process in seven local authorities does not seem to allow for this cohort to be easily identified or adequately supported to obtain residency status under the EUSS.

### ***Conflation of nationality and ethnicity in some responses.***

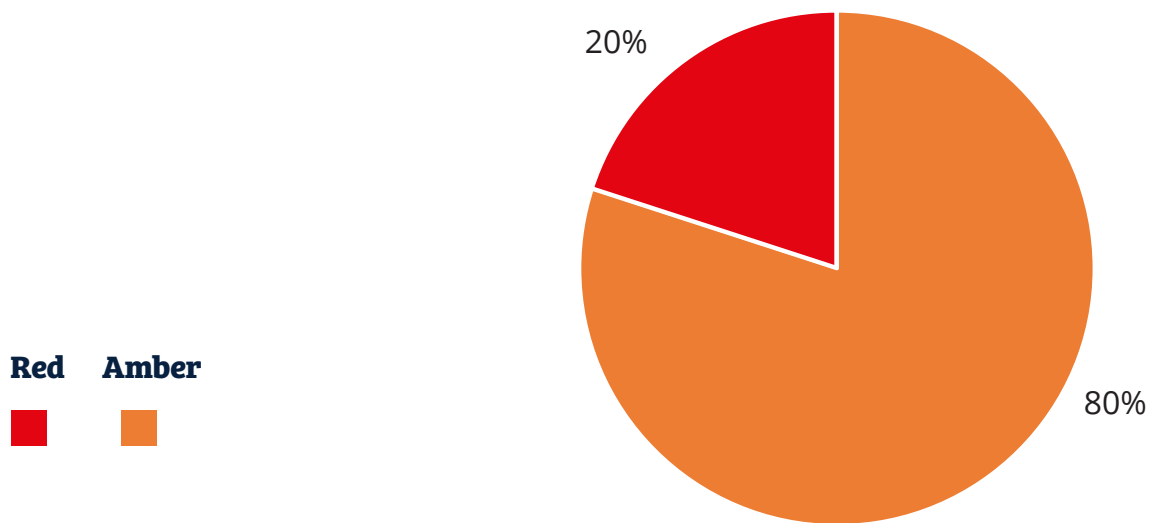
18. Two responses demonstrated a conflation between nationality and ethnicity. These local authorities referred to ethnicity as the basis for identification and demonstrated a lack of awareness on the difference between the two in their response. By using ethnicity as a means for identifying eligible children or care leavers to the EUSS, local authorities are unlikely to be able to correctly identify eligible EU and EEA EFTA children and family members (whether EEA nationals or otherwise).

# 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.*

19. All responses were graded as either amber (80%) or red (20%) on the basis of their record keeping processes (see figure 3). As 100% of responses did not satisfy the IMA that adequate record keeping processes are in place, this is a key concern for the IMA.

**Figure 3. RAG grading of record keeping processes**



20. Figures provided by three local authorities raised specific concerns. One local authority's response noted that they had not yet collated figures regarding applications made beyond the 31 June 2021 deadline, and another local authority response stated that figures for children in receipt of care and support that were supported, as well as those who had received a decision on their EUSS application, were not known. One local authority's response noted that figures for children in receipt of care and support are not recorded at all. Further information on these specific issues will be sought by the IMA upon commencement individual assurance reviews with local authorities.

21. No responses demonstrated 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 to settled status.<sup>6</sup>

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



# Retrospective checks

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

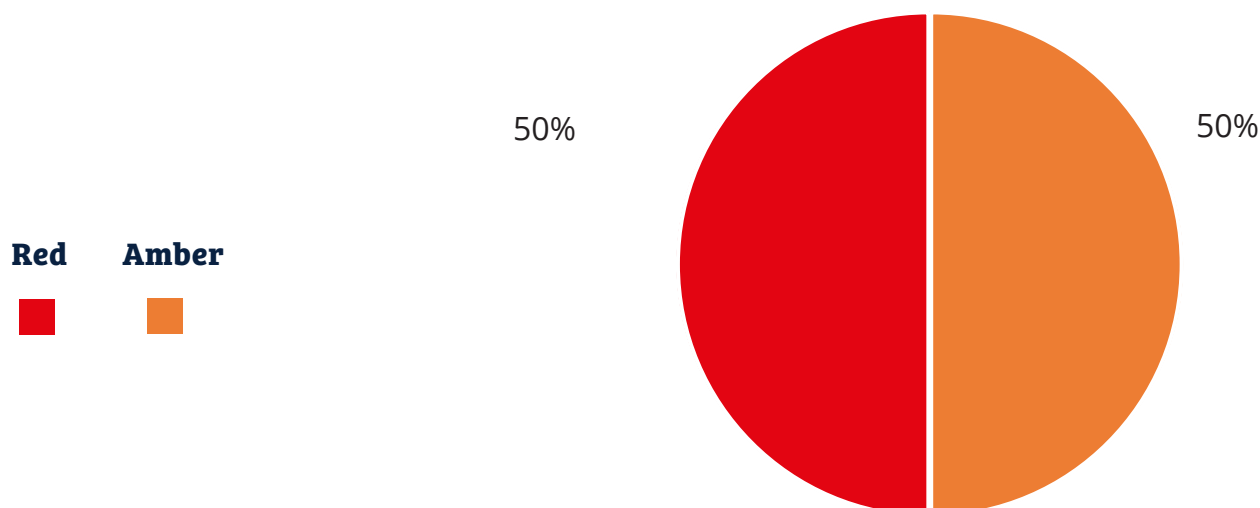
22. Grading of retrospective checks are dependent on the IMA's grading of a local authority's identification processes because successful retrospective checks require a sound identification processes. As such, where identification processes are deemed inadequate on the basis of the responses provided, it follows that retrospective checks will likewise be deemed inadequate.<sup>7</sup>

23. 100% of responses were graded as red (50%) or amber (50%) and did not confirm that retrospective checks in respect of all children and care leavers including those up to 25 who may have left care up to seven years ago.

24. The IMA has concerns about all responses from the East Midlands 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**

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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

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25. Responses received from nine out of 10 local authorities in the East Midlands have 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.

26. 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 the local authority who did not provide a response to the IMA's request for information.

27. The IMA recognises that it is possible that in responding, individual local authorities may not have sufficiently articulated in their original response their processes and procedures for identifying and supporting eligible children to apply to the EUSS. 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 the arrangements they have in place already. Some local authorities have taken steps to strengthen their arrangements in order for children to be supported.

28. 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.

29. 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.