



For the Citizens'  
Rights Agreements

# **Assurance Review (Looked After Children and Care Leavers) Annex 2 - North East England**

**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 October 2022, the Independent Monitoring Authority (IMA) for the Citizens' Rights Agreements wrote to all 12 local authorities in North East 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 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 12 local authorities responded, and the IMA has assessed the responses according to the following three categories:

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

The IMA has 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 support for all children in receipt of local authority care and support to make an EUSS application. Thirdly, the identification process for non-EEA and EEA EFTA family members of EU and EEA EFTA citizens.

The IMA has additional concerns in relation to whether local authorities in North East England 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, which could impact the rights of children or care leavers under the Withdrawal and Separation Agreements. The IMA also reserves the right to consider further action.

1. These local authorities included Durham County Council, Darlington Borough Council, Gateshead Council, Hartlepool Borough Council, Middlesbrough Council, Newcastle City Council, North Tyneside Council, Northumberland County Council, Redcar & Cleveland Borough Council, South Tyneside Council, Stockton-on-Tees Borough Council, Sunderland City 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 on our website](#)

# Responses from local authorities in North East England: Summary

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1. In order to establish whether all children and care leavers under local authorities' remit are being identified and supported to make applications to the EUSS, the IMA wrote to all 12 local authorities in North East England. 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 (see definitions below), 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.
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 will grade a local authority as red for all three categories (see table below) The IMA will complete a further review with the local authority as part of an individual assurance review
6. The IMA has analysed nine responses, excluding Gateshead Council who did not provide a response by the agreed-upon deadline, Middlesbrough Council and South Tyneside Council both of whom did not provide a response to the IMA's request. These local authorities will be reviewed as part of their individual assurance review.

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 in order 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.

	<b>Identification</b>	<b>Record Keeping</b>	<b>Retrospective checks</b>
<b>Green</b>	Response provides a detailed process for identification of eligible children and care leavers under the remit of local government, including non-EEA family members of EEA citizens <sup>5</sup> . This includes the provision of supporting documentation outlining their process, and details of how the process and awareness of the EUSS has been disseminated to those identifying and supporting eligible children or care leavers.	Response explains a clear record keeping process which includes record of the EUSS application status/outcomes, contact details, and when the child or care leaver would be eligible to upgrade from pre-settled status to settled status.	Response confirms that retrospective checks have been completed and are based on an identification process which has also been graded as green.
<b>Amber</b>	Response provides a process for the identification of eligible children and care leavers under their remit in little detail. Local government body does not have supporting documentation or has not provided details of dissemination of information and the EUSS guidance to staff.	Response explains record keeping process. However, it is unclear, or it is not the case that all details of the EUSS application status/outcomes, contact details, and eligibility to upgrade from pre-settled status to settled status are consistently recorded for all eligible children.	Unclear from response whether retrospective checks of all children under the local government body's remit and care leavers have taken place, or checks based on identification process which has been graded as amber.
<b>Red</b>	Response provides unclear identification process (for example, refers to identification of children using recorded ethnicity), and the local government body does not provide supporting documentation or detail of dissemination of information and process guidance to staff.	Response does not provide record keeping process or explains that it has not yet been established for the EUSS by the local government body.	Response indicates that retrospective checks of all children under the local government body's remit and care leavers have not taken place, or checks based on identification process which has been graded as red.

5. Where this assurance review refers to non-EEA family members this refers to non-EU and EEA EFTA citizens who are family members of EU AND EEA EFTA citizens.

# RAG Grading: local authority Responses<sup>6</sup>

Local Authority	Identification	Record keeping	Retrospective checks
Durham	Amber	Green	Amber
Darlington	Red	Red	Red
Gateshead	Red	Red	Red
Hartlepool	Amber	Amber	Amber
Middlesbrough	Red	Red	Red
Newcastle	Amber	Amber	Amber
North Tyneside	Red	Amber	Red
Northumberland	Red	Red	Red
Redcar and Cleveland	Amber	Amber	Amber
South Tyneside	Red	Red	Red
Stockton on Tees	Amber	Green	Amber
Sunderland	Amber	Green	Amber
<b>GREEN</b>	<b>0</b>	<b>3</b>	<b>0</b>
<b>AMBER</b>	<b>6</b>	<b>4</b>	<b>6</b>
<b>RED</b>	<b>6</b>	<b>5</b>	<b>6</b>

6. This assurance review has considered record keeping, along with any support or other assistance local authorities may need to provide to citizens.

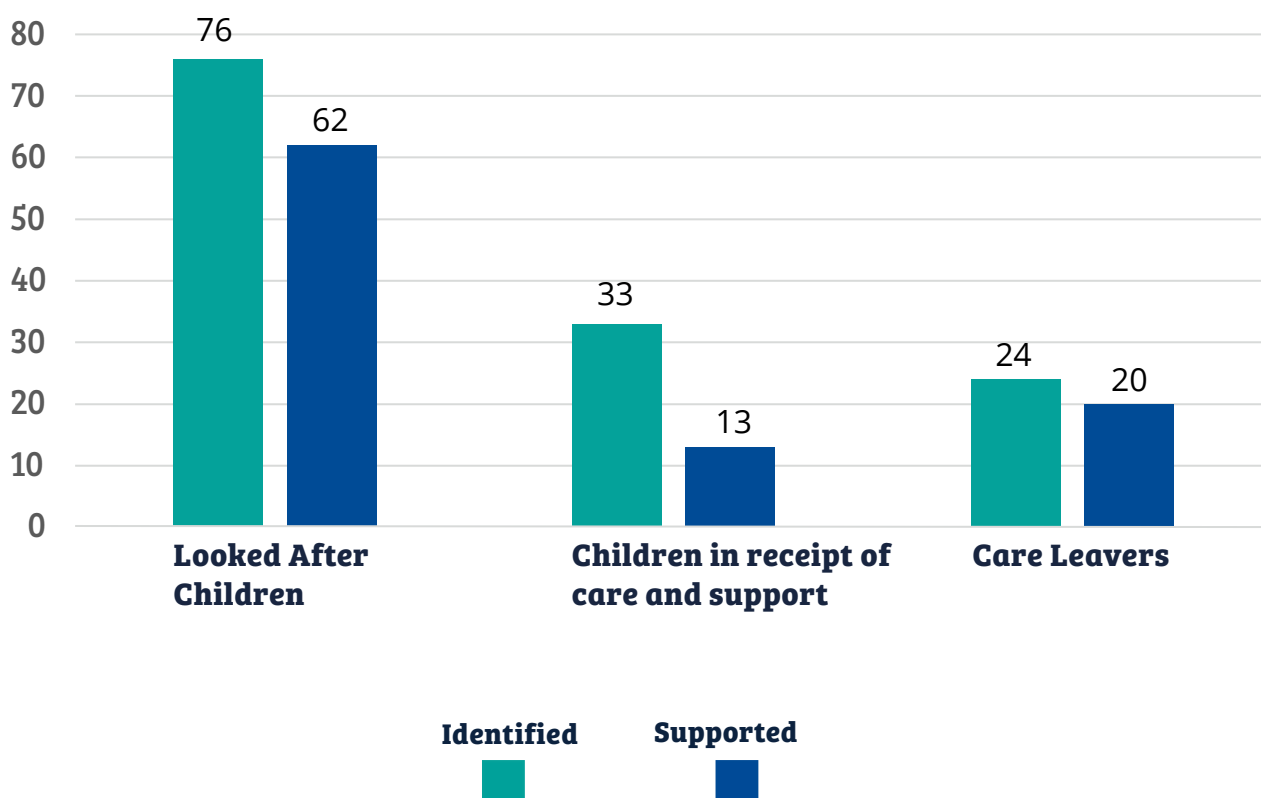
# The position in North East England

## Support for identified eligible children and care leavers

*The majority of looked after children and care leavers identified are subsequently being supported by the local authority. This is not the case for children in receipt of local authority care and support.*

7. The IMA requested 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 responses (these figures exclude Middlesbrough, South Tyneside and Gateshead who did not provide responses in the requested timescales).

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



8. Figure 1 demonstrates that the majority of looked after children and care leavers identified were subsequently supported to submit EUSS applications. 82% of looked after children and 82% of care leavers identified went on to be supported by the local authority. This is not the case amongst children in receipt of local authority care and support: only 39% of whom were supported having been identified<sup>7</sup>.

9. All discrepancies<sup>8</sup> in the cases of looked after children and care leavers were accounted for and explained in the responses provided. In the case of the 14 unsupported looked after children the majority came into care with status, and some identified alternatively obtained British citizenship. In the case of the four unsupported care leavers, one refused support, two obtained British citizenship and one was refused status.

10. The greatest discrepancy is seen between the number of identified children in receipt of local authority care and support versus the number supported. Eleven of these are accounted for in the responses provided with the majority (eight) of which already having status, two refusing engagement, and one a new referral. The responses did not provide an explanation for the remaining nine children in receipt of local authority care and support. The IMA will seek further clarity around all discrepancies as part of our engagement with individual local authorities.

7. One caveat which the IMA note here is that one response stated that nine identified children in receipt of local authority care and support were currently being supported. However, subsequently stated that zero had been supported to make an application. As such, this figure of 13 may be lower than presented in figure 1. The IMA will seek to clarify this upon further engagement with this local authority.

8. Although eligible children appear to not have not been supported in figure 1, all discrepancies have been accounted for and explained in the responses received from 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.***

11. All responses were graded as either amber (50%) or red (50%) on the basis of the information provided to the IMA. Three (or 25% of) local authorities were graded as red on the basis that they did not provide the IMA with any information within timescales in response to the IMA's request for information.

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

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

None of the responses supplied 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.

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, and non-EEA family member children and care leavers.

## ***Support for children in receipt of local authority care and support***

The IMA has noted a discrepancy between the number of children in receipt of local authority care and support identified in comparison with the number subsequently supported by the local authority. According to responses, 39% of those identified went on to be supported by the local authority. Explanations provided accounted for 55% of these 20 children who were identified but not supported, however no explanation was provided for the remaining 45% of those who were not provided with this support.

The IMA will need to be assured that each child in receipt of local authority care and support are being supported to make an EUSS application and ensuring that they are additionally supported in moving from pre-settled to settled status (ensuring recognition of the latter once accrued) where applicable

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

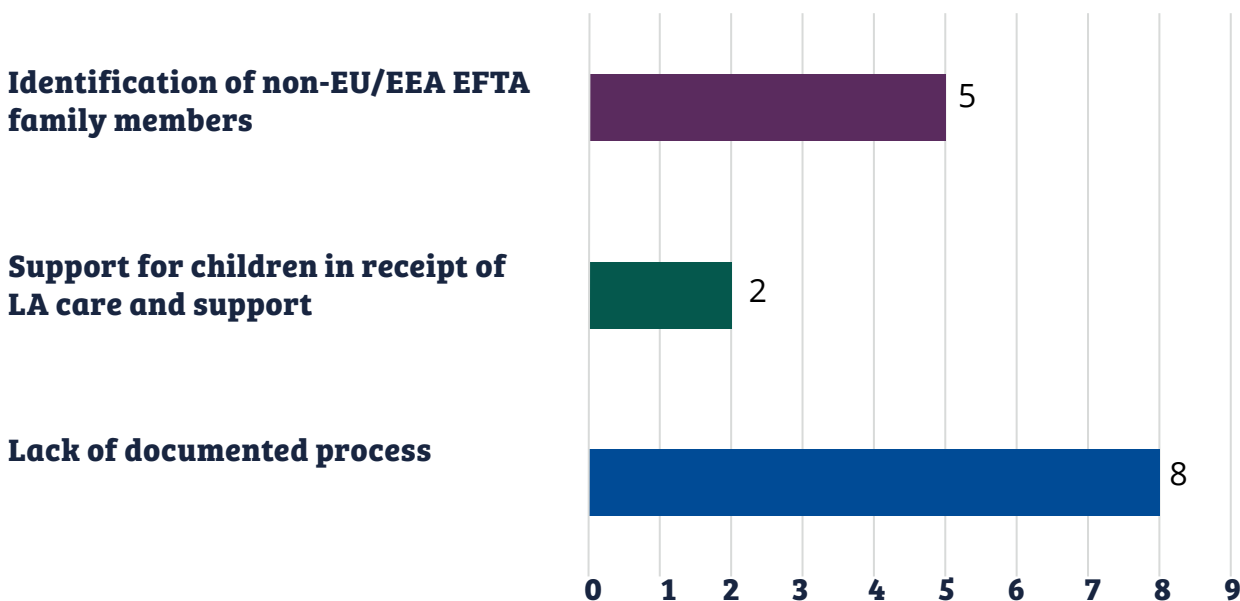
The IMA's third overarching theme from the responses lies with the identification of non-EEA family members. 56% of responses either did not detail a process for identifying and supporting non-EEA family members or confirmed that they do not have a systematic process in place for identifying this cohort.

This was reflected in the figures provided, with only two non-EEA children and/or care leavers being identified in North East England and one subsequently being supported. This accounts for just 2% 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.

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

13. Figure 2 shows how often these concerns arose amongst those responses received (nine out of 12 local authorities).

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



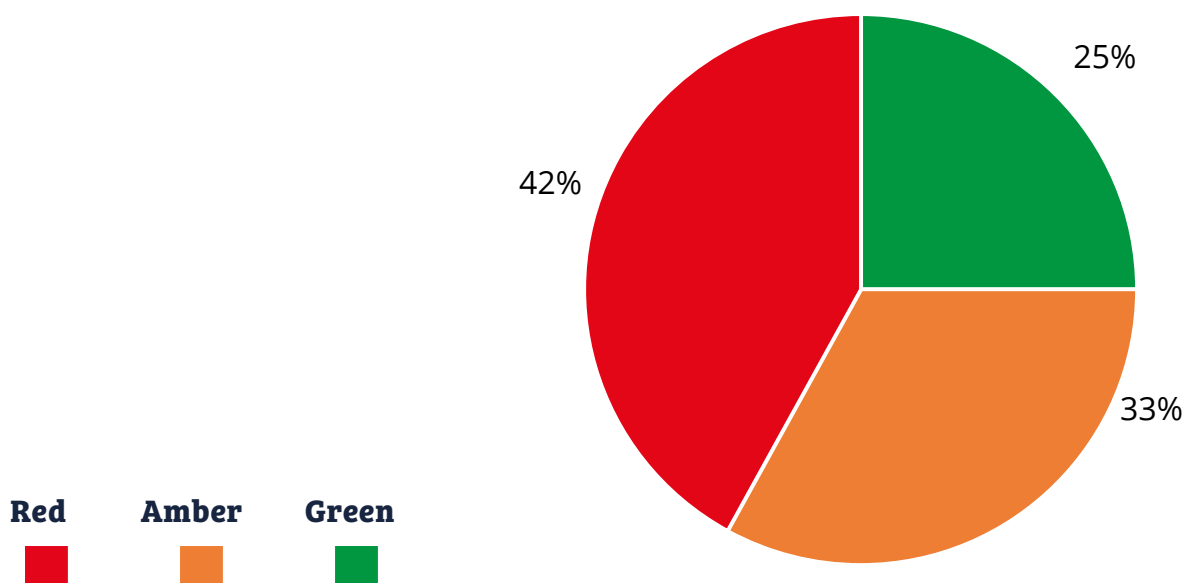
### Record keeping process

***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.***

14. A quarter of responses were graded as green having provided a clear explanation of a record keeping process which included record 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**

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15. Three quarters of the responses 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. 42% of responses reported either having not yet established a clear record keeping process or did not provide detail of such a process.

16. Responses from Northumberland County Council and Darlington Borough Council raise particular concerns. Northumberland's response provided no clear process and noted that staff are advised to follow Home Office guidance, and Darlington's response detailed that they do not routinely record those eligible to apply to the EUSS. It is thus unclear whether either of these local authorities are aware of those children and care leavers who have been identified and would have needed to be/may need to be supported to make an EUSS application.

17. The majority of responses did not demonstrate a clear record keeping process for all eligible children and care leavers, including a record of EUSS application status/outcomes, contact details, and when the child or care leaver would be eligible to upgrade from PSS to SS<sup>9</sup>.

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

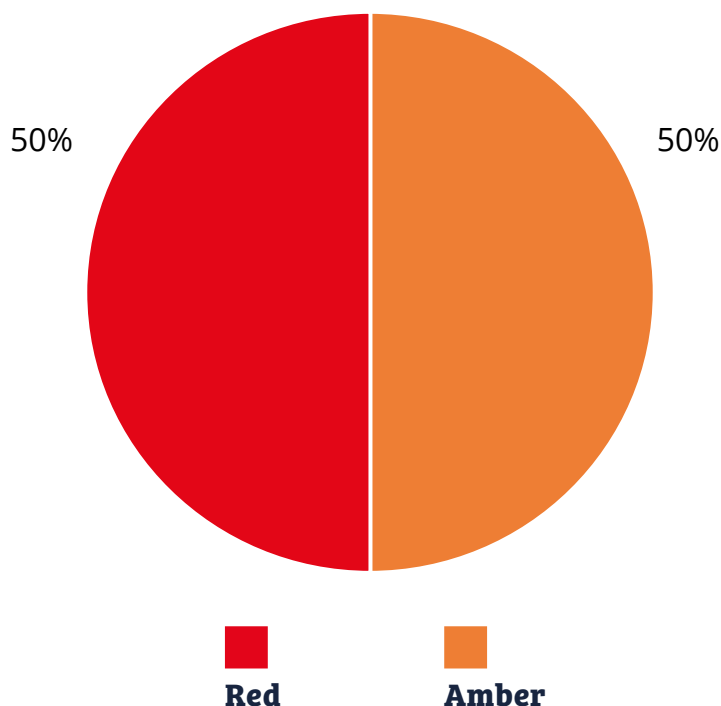
## Retrospective checks

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

18. Grading of retrospective checks are linked to the IMA's grading of identification processes included in 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 inadequate<sup>10</sup>.

19. All of the responses were graded as either red (50%) or amber (50%) on the basis of their retrospective identification checks in respect of all children including care leavers up to 25 who may have left care up to seven years ago (see figure 4 below).

**Figure 4. RAG grading of retrospective checks**



20. The IMA has concern about all responses from North East England regarding local authorities accurately conducting full retrospective checks of all children and care leavers underpinned by adequate and robust identification processes.

10. The exceptions 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 here 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 here be amber). These possible cases are reflected in the definitions provided alongside the grading above.

# Next Steps

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21. Analysis of the responses received from nine out of 12 local authorities in North East England has enabled the IMA to identify potential overarching issues with regards to the identification of all eligible children and care leavers, and the local authorities' ability to undertake accurate record keeping and apply robust retrospective checks.

22. 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 statutory 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.

23. 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 have in place already. Some local authorities have taken steps to strengthen their arrangements in order for children to be supported.

24. 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.

25. The IMA also reserves the right to consider further action such as an inquiry or litigation in line with its statutory powers.