



For the Citizens'
Rights Agreements

Assurance Review (Looked after Children and Care Leavers) Annex 3- North West 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

In October 2022, the Independent Monitoring Authority (IMA) for the Citizens' Rights Agreements wrote to 22 out of 24 (see point 7) local authorities in North West 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.¹ Further detail of the IMA's methodology on looked after children and care leavers is outlined in our [Assurance Review](#).

16 local authorities responded, 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 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; and thirdly, the identification process for non-EEA and EEA EFTA family members of EU/EEA EFTA citizens. The fourth and final overarching concern is that some responses indicate conflation of ethnicity and nationality when identifying eligible children and care leavers.

The IMA has additional concerns in relation to whether local authorities in North West 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, and which could impact the rights of children or care leavers under the Withdrawal and Separation Agreements.

¹ These local authorities comprised Blackburn with Darwen, Blackpool, Bolton, Bury, Cheshire East, Cheshire West and Chester Halton, Knowsley, Lancashire, Liverpool, Manchester, Oldham, Rochdale, Salford, Sefton, St Helens, Stockport, Tameside, Trafford, Warrington, Wigan, and Wirral.

²This 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 North West England: Summary

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 23 local authorities in North West 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.³
2. The IMA received responses from 16 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.⁴
3. The IMA has assessed the information provided by each local authority using a RAG (Red-Amber-Green) grading system based on the 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 16 responses, excluding Blackpool Borough Council and Trafford Metropolitan Borough Council who did not provide a response by the agreed upon deadline, and Bolton Metropolitan Borough Council, Lancashire County Council, Liverpool City Council, and Stockport Metropolitan Borough Council all 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.
7. The IMA did not receive a response from Cumbria County Council as this local authority was going through a local government reorganisation at the time of the IMA's request for information. Cumbria County Council has since been replaced by Cumberland Council and Westmorland and Furness Council. The IMA will undertake individual assurance reviews with these councils and these along with Cumbria County Council have not been graded for the purpose of this report.

³Where 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.

⁴Retrospective 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.

Identification**Record Keeping****Retrospective checks**

Green	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 ⁵ . 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.
Amber	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.
Red	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 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 Responses⁶

Local Authority	Identification	Record keeping	Retrospective checks
Blackburn with Darwen	Red	Red	Red
Blackpool	Red	Red	Red
Bolton	Red	Red	Red
Bury	Amber	Amber	Amber
Cheshire East	Red	Amber	Red
Cheshire West & Chester	Red	Red	Red
Halton	Amber	Amber	Amber
Knowsley	Amber	Amber	Amber
Lancashire	Red	Red	Red
Liverpool	Red	Red	Red
Manchester	Amber	Amber	Amber
Oldham	Amber	Amber	Amber
Rochdale	Red	Red	Red
Salford	Red	Red	Red
Sefton	Red	Red	Red
St Helens	Red	Green	Red
Stockport	Red	Red	Red
Tameside	Red	Amber	Red
Trafford	Red	Red	Red
Warrington	Red	Amber	Red
Wigan	Red	Amber	Red
Wirral	Amber	Green	Amber
GREEN	0	2	0
AMBER	6	9	6
RED	16	11	16

⁶This 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 West England

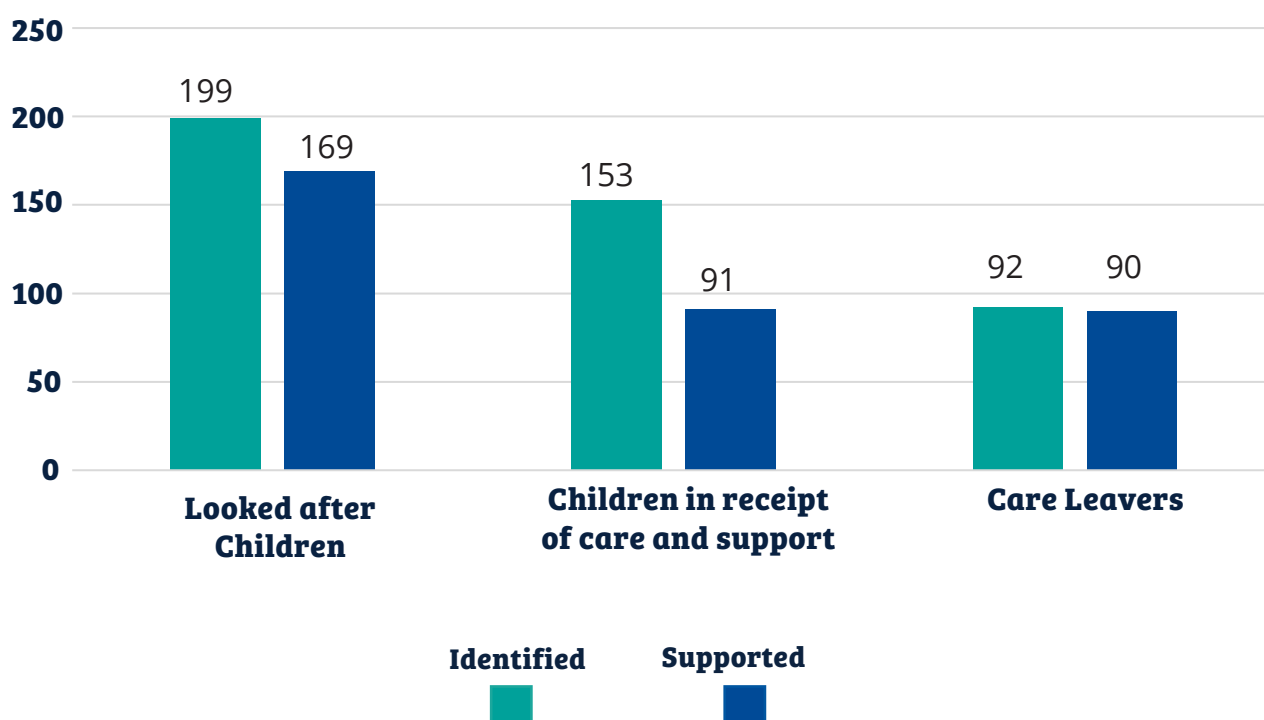
Support for identified eligible children and care leavers

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.

8. 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 below compares the total numbers of children and care leavers identified who are eligible to apply to the EUSS versus those who have been supported as detailed in responses.

9. These figures exclude those local authorities which did not provide a response or provided a response after the agreed upon deadline.⁷ Additionally, the IMA have excluded Blackburn with Darwen Borough Council and Sefton Metropolitan Borough Council from these figures as the categories provided were not in line with those set out in the IMA's letter and cannot be compared with the other responses. In addition, figures provided by Rochdale Metropolitan Borough Council appear to be incorrect as the local authority provided the same figures for all categories except for one cohort where the response cited a higher number supported than identified.

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



10. Figure 1 demonstrates that the majority of looked after children and care leavers identified were subsequently supported to submit EUSS applications. 85% of looked after children and 98% of care leavers identified went on to be supported by the local authority.⁸ This is not the case amongst children in receipt of local authority care and support, only 59% of whom were supported having been identified.⁹

11. The majority of discrepancies in the cases of looked after children were accounted for, with the exception of 8 cases of identification where there was no explanation provided for why these children were not supported. Likewise, only 1 care leaver was not accounted for, with the other refusing support from the local authority. When these explanations are taken into account it leaves 4% of looked after children that were recorded as unsupported and 1% of care leavers in the responses provided. These cases will be followed up upon commencement of IMA engagement with individual local authorities.

12. The greatest discrepancy is seen between the number of identified children in receipt of local authority care and support versus the number supported. No explanation is provided by the local authorities who reported these discrepancies except for Wigan Metropolitan Borough Council who stated that whilst they record the number of children in receipt of care and support identified (44), they do not record the figure supported.

⁷ Blackpool Borough Council, Bolton Metropolitan Borough Council, , Lancashire County Council, Liverpool City Council, Stockport Metropolitan Borough Council and Trafford Metropolitan Borough Council.

⁸ Of those included in these figures (see 5).

⁹ One caveat which the IMA note here is that Bury Metropolitan Borough Council's response stated that 18 children in receipt of care and support had been identified but instead of providing a figure for the number supported the response states the process by which this cohort were supported. As such, these 18 children have been included as having been supported. However, the IMA will seek to further clarify that this was certainly the case upon engaging directly with the local authority.

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 (73%) and the remaining amber (27%) based on the information that they provided to the IMA. 27% of responses graded as red for their identification processes were done so on the basis that they did not provide the IMA with the information requested.

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 overarching concerns detailed below.

- Lack of documented processes and written operational guidelines

100% 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.

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, only 59% of those identified went on to be supported by the local authority. One response explained that of 44 children identified, they do not record figures of those supported. The remaining responses concerned did not provide any explanation for the discrepancies.

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 concern lies with the identification of non-EEA family members. Of responses received, 44% (or 7) of the 16 analysed either did not detail a process for identifying and supporting non-EEA family members, referred to a process for EU nationals only, or confirmed that they did not have a systematic process in place for identifying this cohort.

This concern is reflected in the figures provided. Of the 444 looked after children, care leavers and children in receipt of care and support identified by local authorities in North West England, only 18 were claimed to be non-EU/EEA nationals according to the responses. This accounts for just 4% of the total figure identified. The IMA are aware of the fact that North West England has the highest proportion of non-EEA family member applicants to the EUSS in England;¹⁰ 11% of total EUSS applicants as of 31 December 2022 were non-EEA family member applications.

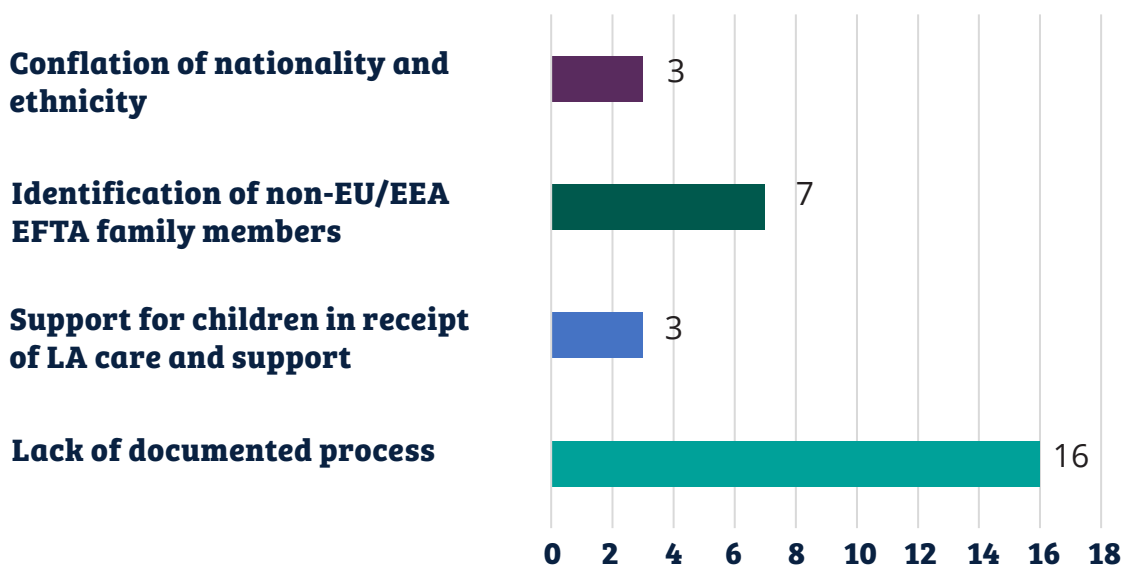
The IMA needs to further assess whether this cohort is being identified and adequately supported to obtain residency status under the EU Settlement Scheme where eligible.

- Conflation of nationality and ethnicity in some responses

19% (or 3) of the 16 responses received demonstrated a conflation of nationality and ethnicity in their response. These local authorities referred to identifying eligible children on the basis of their/their family's ethnicity. By filtering via ethnicity, local authorities will not be able to correctly identify eligible EU and EEA EFTA children and their family members. Thus, it is particularly concerning that these responses refer to ethnicity as opposed to nationality.

15. Figure 2 demonstrates how often these concerns arose amongst those responses received (16 out of 22 local authorities).

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



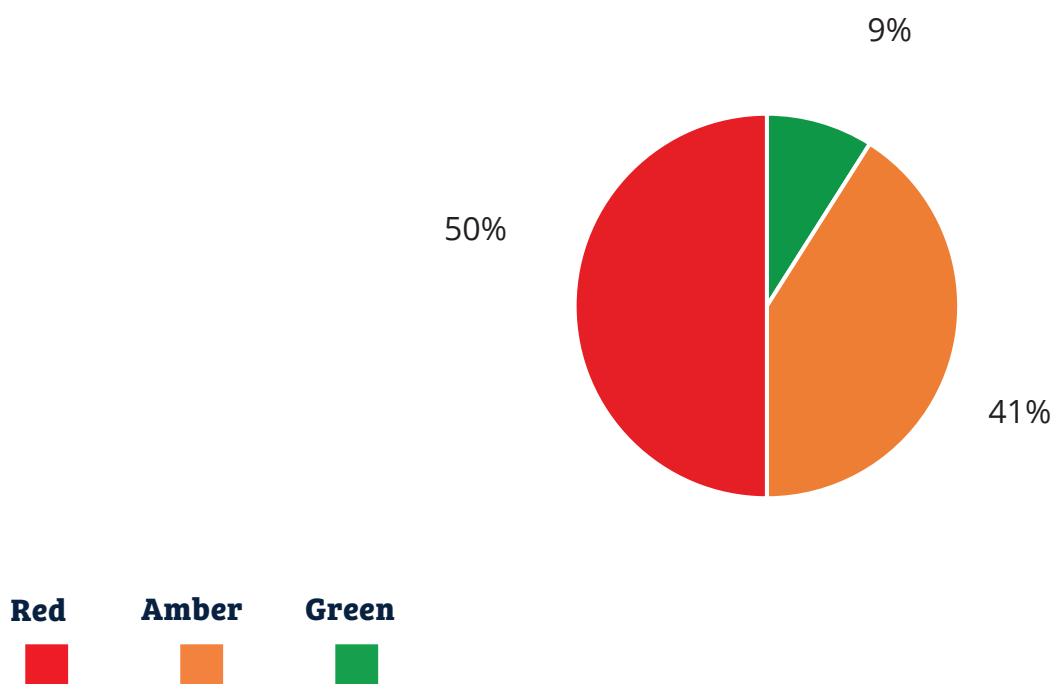
¹⁰ According to the Home Office EUSS quarterly statistics (YE December 2022).

Record keeping processes

The IMA is not satisfied, based on responses provided, that 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.

16. 91% of responses received were graded as either red or amber, whilst the remaining 9% were graded as green for the record keeping process outlined in the response provided. The fact that 1 in 2 (50%) responses were graded as red (having failed to outline any record keeping process) is a key concern for the IMA.

Figure 3. RAG grading of record keeping



17. Responses from 7 local authorities detailed that they did not keep records of certain cohorts of children or care leavers throughout their application process or stated that numbers were too low to report. It is thus unclear whether these local authorities are fully aware of whether these children/care leavers for whom records are not kept have been fully supported to obtain EUSS status.

18. The majority of responses did not demonstrate a clear record keeping process for all eligible children and care leavers, including record 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.¹¹

¹¹ Again, this is without prejudice to the IMA's judicial review against the Home Office as cited above.

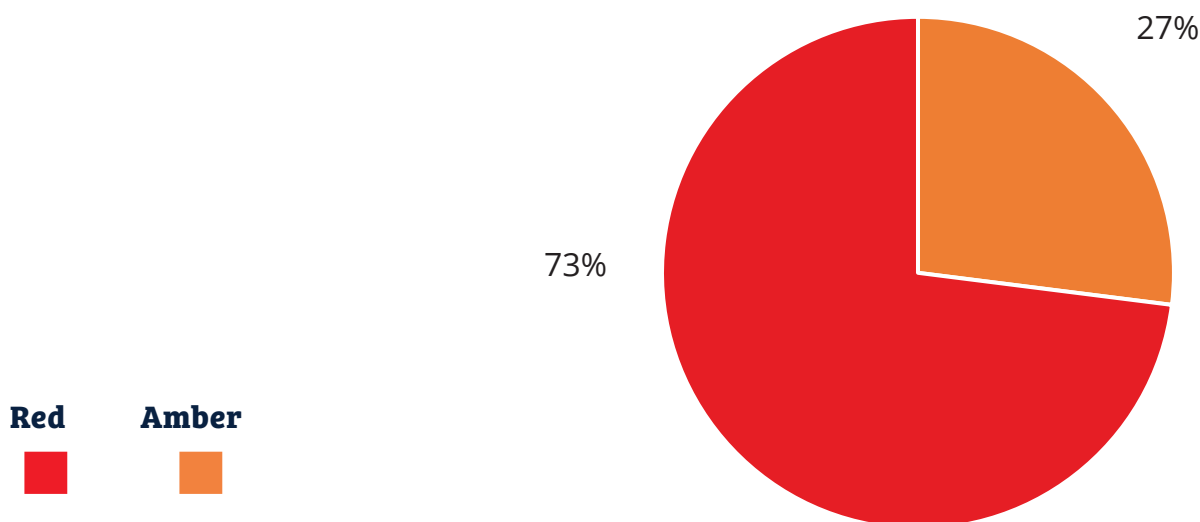
Retrospective checks

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

19. 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 based on the responses provided it follows that retrospective checks will likewise be deemed inadequate.¹²

20. 100% of responses were graded as amber (27%) or red (73%) 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



21. The IMA has concern about all responses from the North West regarding local authorities accurately conducting full retrospective checks of all children and care leavers that are underpinned by adequate and robust identification processes.

¹² 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

22. Analysis of the responses received from 16 out of 22 local authorities that the IMA wrote to in North West England 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.

23. 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.

24. 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.

25. 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.

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