



For the Citizens'
Rights Agreements

Assurance Review (Looked after Children and Care Leavers) Annex 6: West Midlands

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

Table of contents

Executive Summary1
Responses from local authorities in the West Midlands: Summary2
The position in the West Midlands3
Support for identified eligible children and care leavers	3
Identification of eligible children and care leavers	4
<i>Lack of documented processes and written operational guidelines</i>	5
<i>Identification of non-EU and EEA EFTA family members of EU and EEA EFTA citizens</i>	5
<i>Support for children in receipt of local authority care and support</i>	6
<i>Record keeping process</i>	7
<i>Retrospective checks</i>	8
Next Steps9

Executive Summary

In December 2022, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to all 14 local authorities in the West 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.¹ Further detail of the IMA's methodology is outlined in our Assurance Review.

Thirteen out of 14 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 keeping²; 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, there is lack of robustness of the identification process for non-EU and EEA EFTA family members of EU and EEA EFTA citizens and thirdly, lack of support for children in receipt of local authority care and support.

The IMA has additional concerns in relation to whether local authorities in the West 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 clarify whether 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 included Birmingham City Council, Wolverhampton City Council, Coventry City Council, Dudley Metropolitan Borough Council, Herefordshire Council, Sandwell Metropolitan Borough Council, Shropshire Council – Unitary, Solihull Metropolitan Borough Council, Staffordshire County Council, Stoke-on-Trent City Council, Telford and Wrekin Council, Walsall Metropolitan Borough Council, Warwickshire County Council, Worcestershire County 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 West Midlands: 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 14 local authorities in the West Midlands asking a series of questions 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 13 local authorities and has 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 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 has analysed 13 responses, excluding one local authority who did not provide a response to the IMA's request.

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 West Midlands

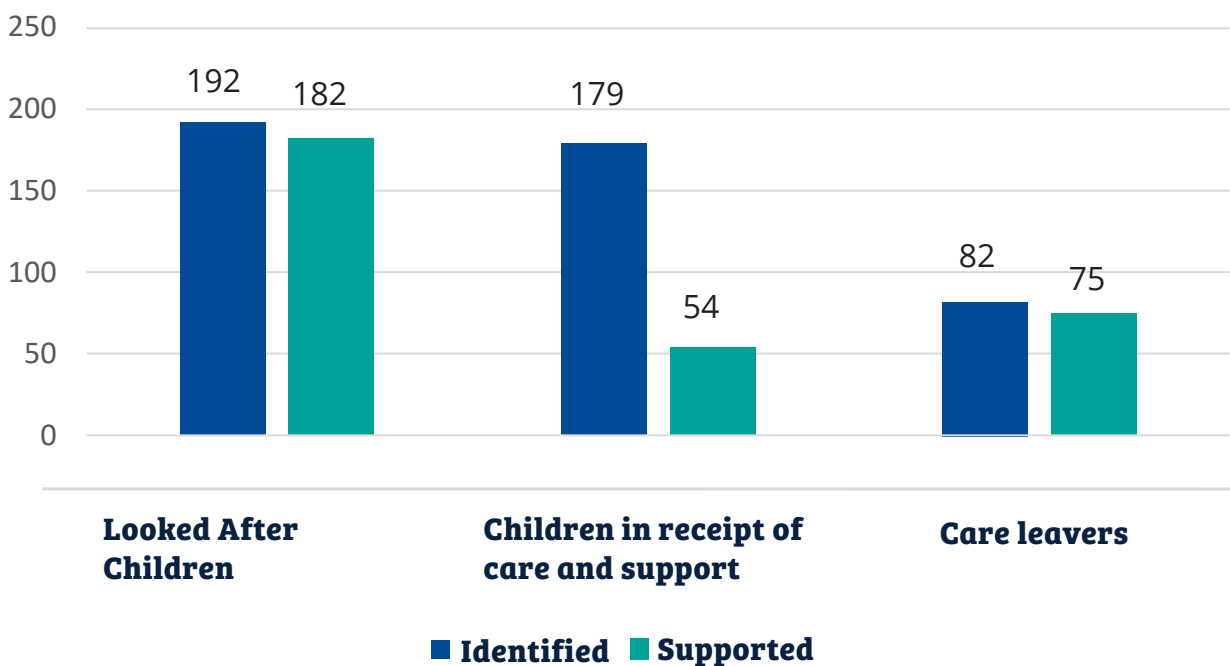
Support for identified eligible children and care leavers

The majority of looked after children and care leavers identified as eligible are being supported by their local authority. However, the IMA is not sufficiently satisfied at this stage that all identified children in receipt of care and support are being supported by the 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 figures were not broken down into the categories specified 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 (95%) and care leavers (91%) identified were subsequently supported to submit EUSS applications. However, this is not the case for children in receipt of care and support, with only 30% receiving support to make an application from their local authority.⁵

10. The IMA is assured that looked after children and care leavers who were identified have been supported as local authorities have been able to explain discrepancies in the figures provided, however discrepancies remain with children in receipt of care and support. Therefore, the IMA are sufficiently assured that for these local authorities, 100% of looked after children who were identified were supported. This was also found to be the case for care leavers.

11. With regards to children in receipt of care and support, two local authority responses noted that whilst they identified this cohort, they do not actively support. Instead, they notify them of their potential eligibility and provide parents with information leaflets. This amounts to 93 children between these two local authorities. Another two local authority responses noted that they do not collect data on this cohort.

12. Further clarity on these discrepancies and gaps in data collection – in particular, where no explanation was provided – will be sought upon commencement of individual assurance reviews with local authorities.

Identification of eligible children and care leavers

Based on 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. Fifty-seven percent of responses were graded as amber and 43% red on the basis of the information local authorities provided to the IMA in relation to their identification processes. The following overarching concerns were identified:

5. Of the 8 local authorities included in these figures

Lack of documented processes and written operational guidelines.

14. The IMA's first concern is the lack of documented processes and written operational guidelines provided by local authorities. Of the 13 responses analysed, 92% (12) local authorities did not provide the IMA with any written process or guidelines for demonstrating how eligible children and care leavers are identified.

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. 38% of the responses analysed either confirmed that they have not yet identified this cohort, provided unclear responses regarding whether this cohort is being identified or acknowledged that there was further 'awareness raising' work to be done regarding the potential eligibility of this cohort. As such, the IMA have concerns regarding the identification and support of non-EEA family members in relation to these 5 local authorities.

17. This potential issue is reflected in the figures provided by local authorities in their responses. Of 453 looked after children, care leavers, and children in receipt of care and support reported by local authorities in the West Midlands, only two were non-EEA family members according to responses. This accounts for just 0.4% of the total figure identified.⁶ The IMA are additionally aware of the fact that the West Midlands have the third highest proportion of non-EEA EFTA family member applicants to the EUSS in England;⁷ 9% of total EUSS applicants within the West Midlands as of 31 December 2022 were non-EEA family member applications.

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

6. These figures exclude one local authority who did not provide the IMA with a response, and another local authority, whose response pooled figures on looked after children and children in receipt of care and support into one category.

7. Following North West England and London according to the [Home Office EUSS quarterly statistics](#) (YE December 2022).

Support for children in receipt of local authority care and support

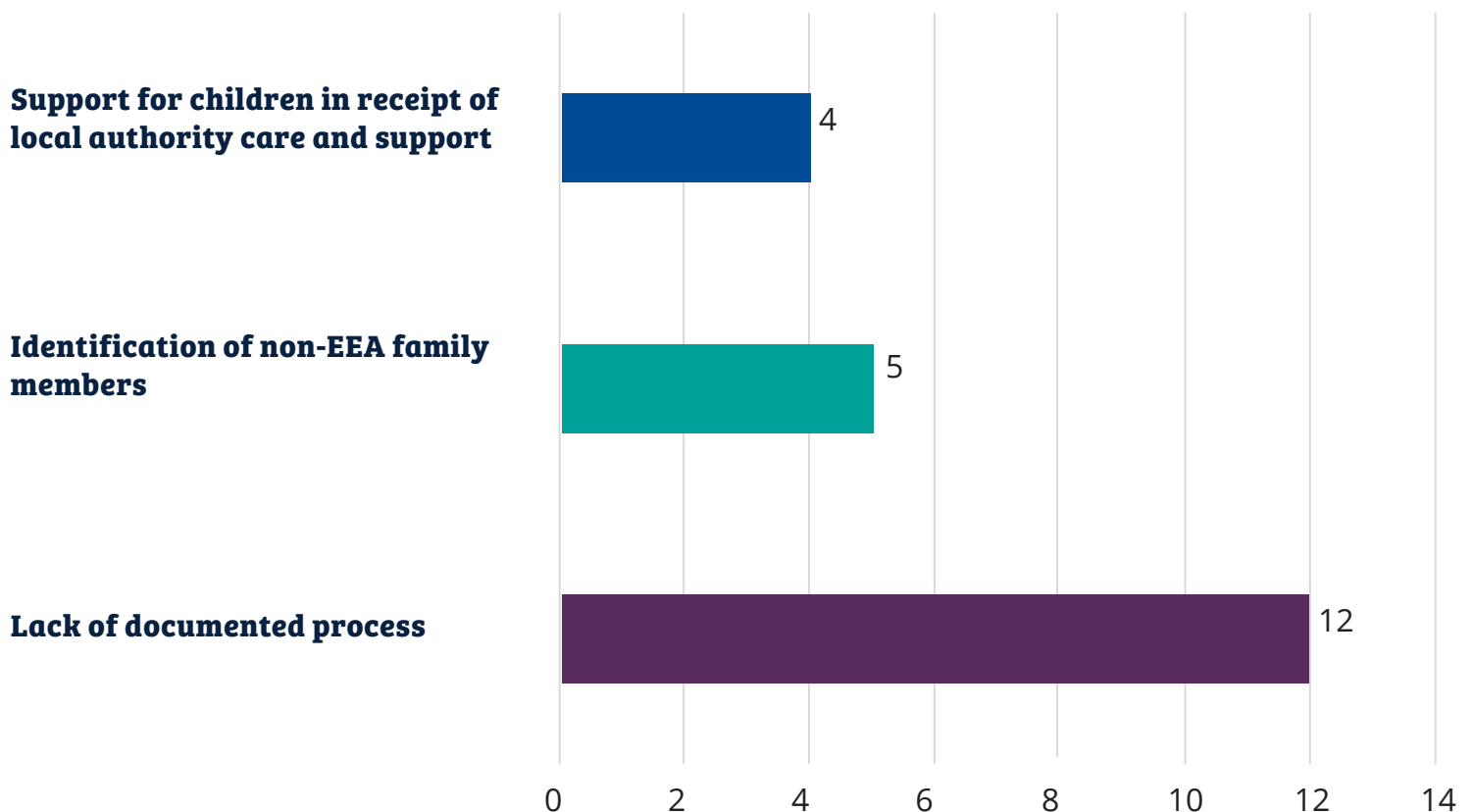
19. From the responses received in this region, the IMA noted a discrepancy between the number of children identified as eligible to apply to the EUSS and the number reportedly receiving support to make an application. This is specifically concerning for children in receipt of local authority care and support. According to responses, less than a third (30%) of those identified went on to be supported to apply to the EUSS by the local authority.

20. Of the four local authority responses where this issue was identified (see figure 2), explanations for this discrepancy were provided by two. However, both noted that whilst they identified this cohort and provided guidance and information to parents/guardians, they did not directly support with making applications. The other two local authorities did not provide any explanations for these discrepancies.

21. The IMA will need to be assured that each child in receipt of local authority care and support who is identified as eligible for the EUSS, is then supported to make an EUSS application (including any further applications).

22. Following analysis, figure 2 below shows how often the above concerns arose amongst the 13 of 14 local authority responses received.

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

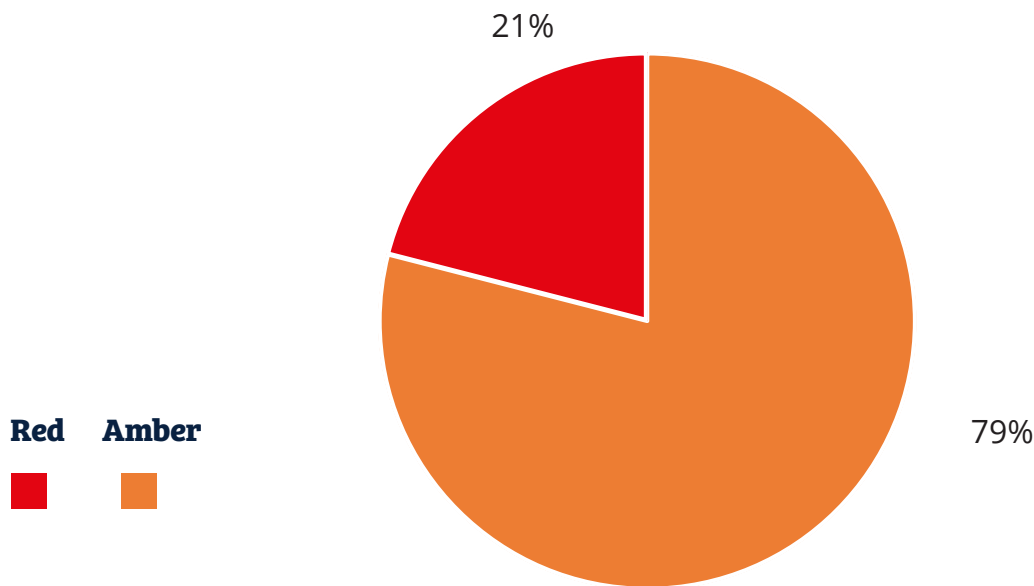


Record keeping processes

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

23. For all 14 local authorities, 100% were not able to satisfy the IMA that accurate and up to date records are being kept in relation to the EUSS applications for all eligible children and care leavers.

Figure 3. RAG grading of record keeping processes



24. Twenty-one percent of local authorities were graded as red and the remaining 79% were graded as amber. A clear explanation of the record keeping process was required, which needed to include, for example, a record of the EUSS application status and outcome, contact details and dates for when the child or care leaver could be eligible to move from pre-settled to settled status.

25. Figures provided from four local authorities highlighted that there were issues with recording data for all cohorts. Two local authorities reported not recording figures of non-EEA family members identified, whilst another two local authorities were unable to provide figures for children in receipt of care and support. Further clarification on these specific issues will be sought by the IMA upon commencement individual assurance reviews.

26. None of the 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 PSS to SS.⁸

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

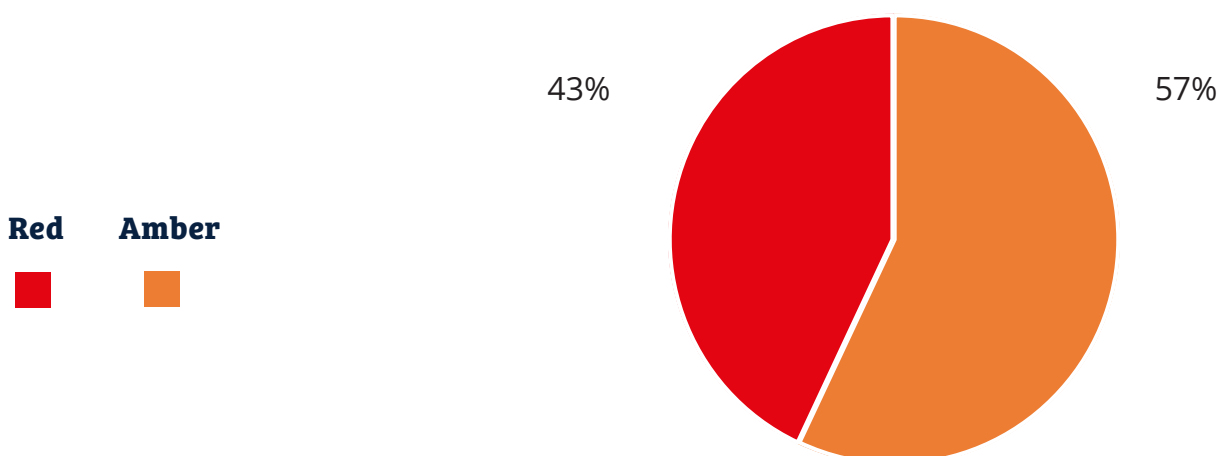
Retrospective checks

The IMA notes that none of the responses assured the IMA that retrospective checks (underpinned by adequate identification processes) have been completed.

27. Grading of retrospective checks are dependant on the IMA's grading of a local authority's identification processes because successful retrospective checks require a sound identification process. 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.

28. All of the responses were graded as either red or amber with 43% red and 57% amber in terms of 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



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

9. The exceptions to this would be firstly, where a local authority's response is graded as 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

30. Responses received from 13 out of 14 local authorities in the West Midlands 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.

31. 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. This could impact the rights of a child or young person under the Withdrawal and Separation Agreements. This includes the local authorities who did not provide a response to the IMA's request for information.

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

33. 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.

34. 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.