



For the Citizens'  
Rights Agreements

# **Assurance Review (Looked after Children and Care Leavers) Annex 8: London**

**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 January 2023, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to all 33 local authorities in London. 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 of all eligible looked after children, children in receipt of local authority care and support, and care leavers. Further detail of the IMA's methodology on looked after children and care leavers is outlined in our [Assurance Review](#).

Twenty-seven out of 33 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 support for children in receipt of local authority care and support to make an EUSS application; and thirdly, there is lack of robustness of the identification process for non-EEA and EEA EFTA family members of EU/EEA EFTA citizens.

The IMA has additional concerns in relation to whether local authorities in London 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 comprise of City of London, the London Boroughs of Barking and Dagenham, Barnet, Bexley, Brent, Bromley, Camden, Croydon, Ealing, Enfield, Hackney, Hammersmith and Fulham, Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, and Wandsworth. As well as the Royal Boroughs of Greenwich, Kensington and Chelsea, and Kingston upon Thames, and Westminster 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 [here](#).

# Responses from local authorities in London: 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 33 local authorities in London asking a series of questions 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 27 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.<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 these local authorities as part of an individual assurance review.

6. The IMA have analysed 27 responses, excluding six local authorities 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 London

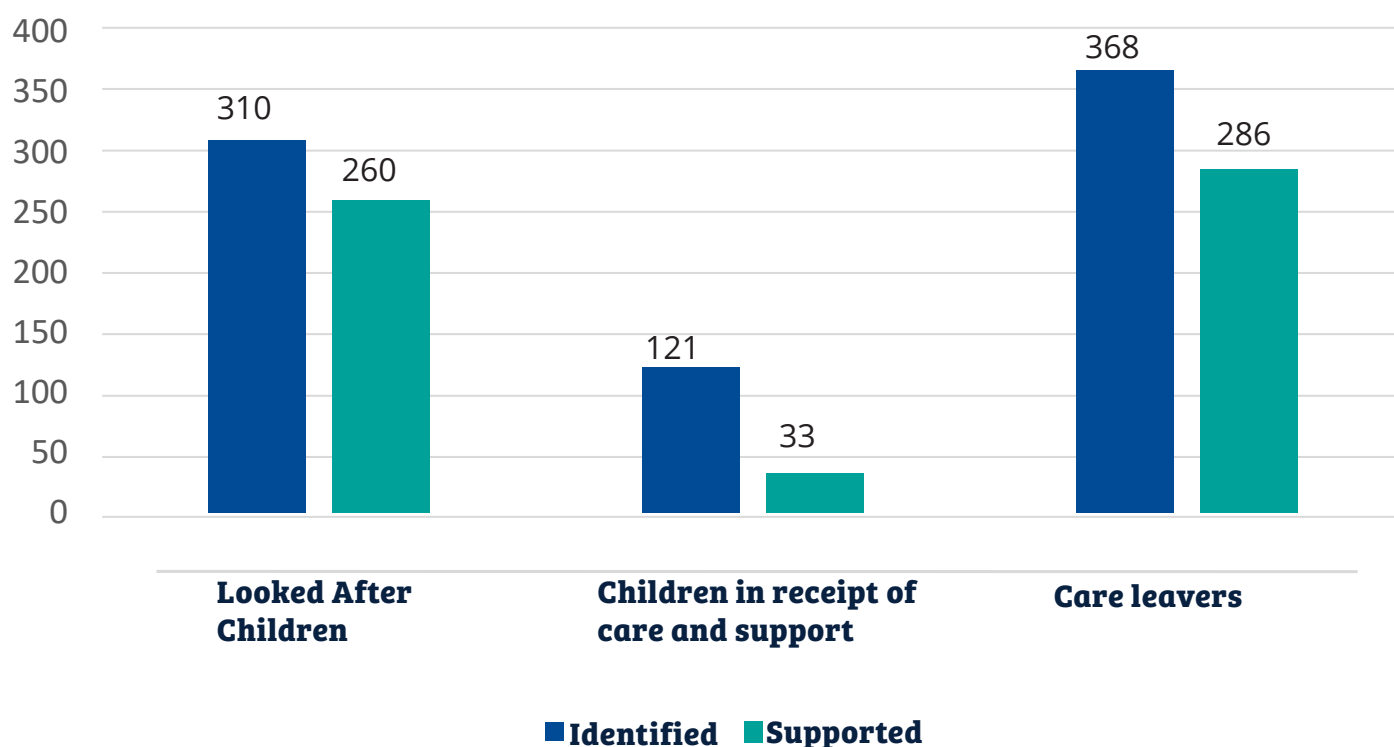
## Support for identified eligible children and care leavers

*The majority of looked after children and care leavers identified are being supported by their local authority. However, the IMA is not satisfied at this stage that all identified children in receipt of local authority care and support are being supported by the 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 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 any data in their response, and a further five local authorities who did not provide a response to the IMA's request.<sup>5</sup>

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



5. This figure includes one local authority, as their response did not provide data on the number of children and care leavers supported and as such, resulting in a discrepancy of 66 children and care leavers. Data received in responses from two local authorities have additionally been included in this figure. However, both responses note that their figures provided for looked after children are inclusive of children in receipt of local authority care and support.

9. Figure 1 demonstrates that the majority of looked after children and care leavers identified were subsequently supported to submit EUSS applications. 84% of looked after children and 78% of care leavers identified were reported to have been supported by a local authority.<sup>6</sup>

10. Figures reported in responses from 26 out of 33 local authorities in London indicate that only 27% of children in receipt of care and support who were identified as eligible for the EUSS were subsequently supported to make an application.

11. Some responses provided explanations regarding these discrepancies. For example, in the case of four looked after children, the response noted that these children were Irish nationals and did not need to apply to the EUSS. A further eight children in receipt of local authority care and support are accounted for as the response explained that all families were able to complete applications themselves.

12. Further clarity on all 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

6. Of the 26 local authorities included in this figure (see paragraph 6).

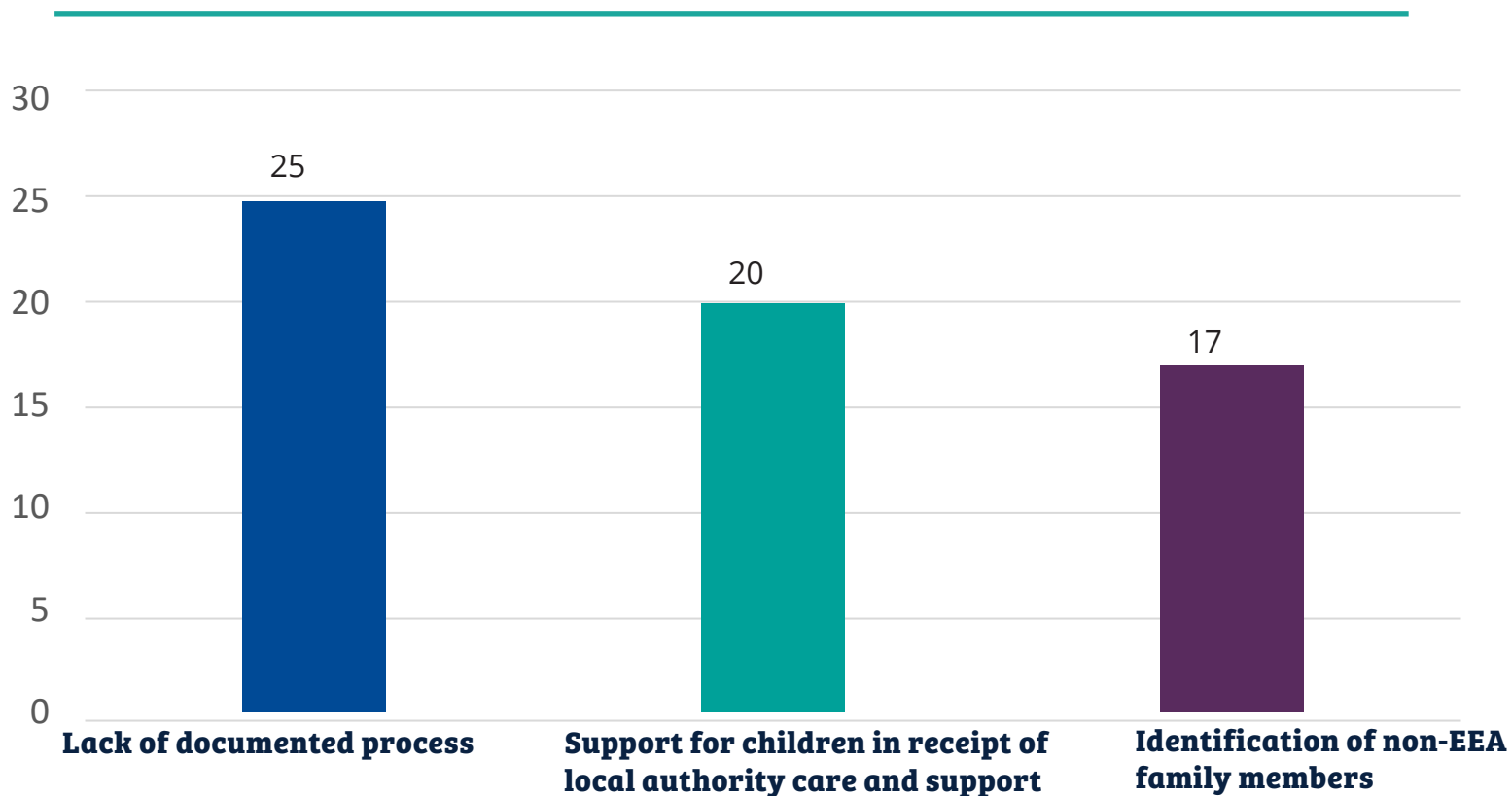
# Identification of eligible children and care leavers

*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. All responses were graded as amber or red on the basis of the information provided to the IMA regarding identification processes for eligible children and care leavers. The majority of responses were graded as amber (55%) and the remaining as red (45%). Six responses were graded as red on the basis that they did not provide a response to the IMA's request for information.

14. In relation to all responses being graded as either amber or red regarding the identification processes detailed, the IMA has identified the following three overarching concerns reflected in multiple responses. These are detailed below (see figure 2).

**Figure 2. Number of responses demonstrating identified overarching concerns**



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

15. The IMA's first concern is the lack of documented processes and written operational guidelines provided by local authorities. Of the 26 responses analysed, 96% did not provide the IMA with any written process or guidelines for demonstrating how eligible children and care leavers are identified.

16. A formalised written process may ensure better consistency in the identification process, improve support for these cohorts and facilitate more accurate record-keeping. It may also promote greater awareness amongst staff of the EUSS and the local authority's associated responsibility. As such, the IMA requires further assurance where processes have not been fully outlined for eligible children and care leavers.

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

17. From the responses received by local authorities, the IMA note a significant discrepancy between the number of children identified as eligible for the EUSS, and the number who have been supported to make an application. According to responses, just over 27% of identified children in receipt of local authority care and support went on to be supported with their EUSS applications.

18. These discrepancies were seen in responses from six local authorities, whilst a further 14 reported that they did not record figures on this cohort. As such, from the information received, the IMA is not assured that local authorities are supporting all eligible children for whom they have a responsibility in making an application to the EUSS. This will be investigated further upon engagement with individual local authorities.

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

19. The IMA's third overarching concern lies with the identification of non-EU EEA EFTA family members of EU EEA EFTA citizens. This concern is reflected in both the process and figures provided by local authorities in relation to this cohort.

20. Sixty-five percent of responses analysed by the IMA demonstrated an issue with identifying and supporting non-EEA family members. These responses stated either that the local authority had no process in place for this cohort or provided an unclear process. Four of these responses also noted that they do not record figures for non-EEA family members.

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



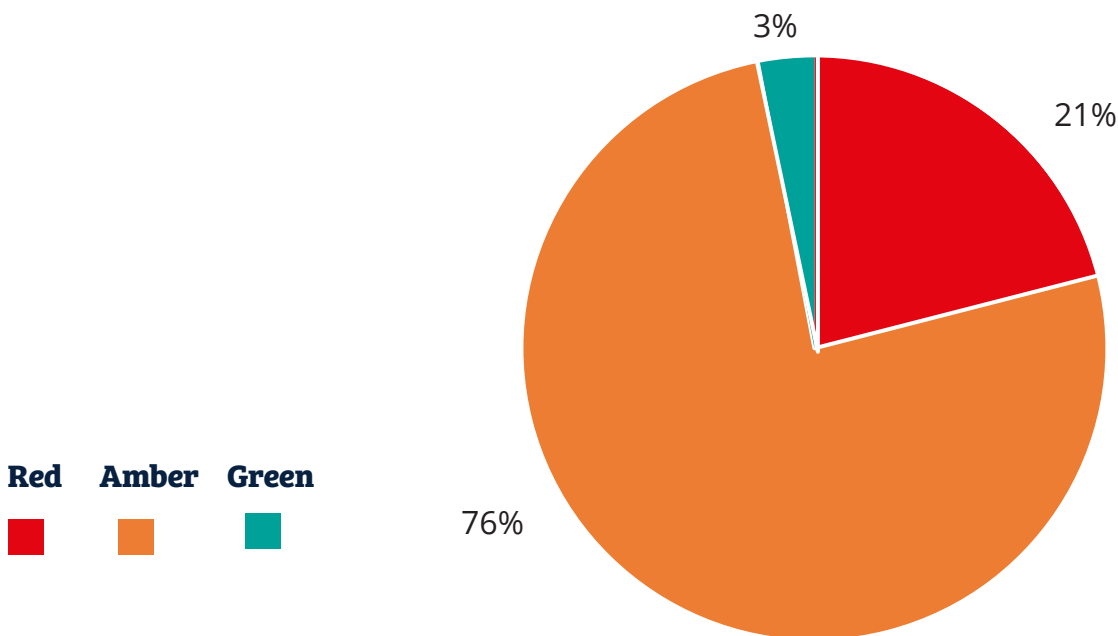
# Record keeping processes

*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.*

22. Ninety-nine percent of responses were not able to 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 in London. 76% of responses were graded as amber and 21% as red.

23. One response was graded as green, having provided a clear explanation of a record keeping process which included record of EUSS applications and outcomes, contact details, and dates when the child/care leaver would be eligible to move from pre-settled to settled status (see figure 3).

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



24. Of the 27 local authorities who responded to the IMA's request, 13 (or 48%) reported not recording specific figures on all cohorts of children/care leavers (including non-EEA family members). Further clarification on these specific issues will be sought by the IMA upon commencement of individual assurance reviews.

25. The majority of responses did 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.<sup>7</sup>

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

# Retrospective checks

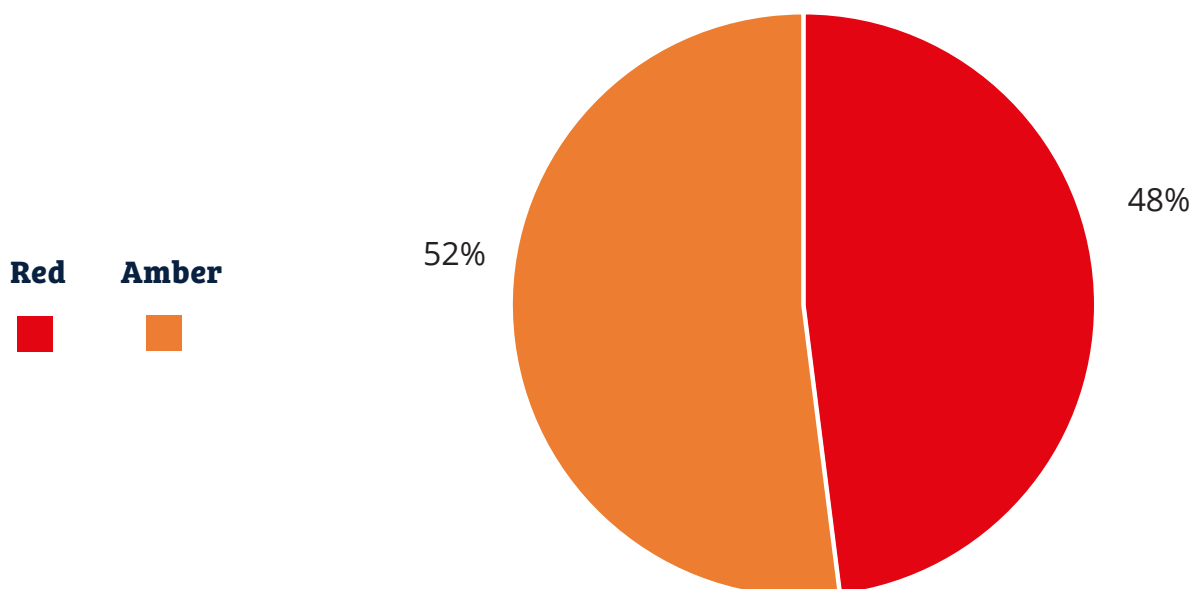
*The IMA notes that none of the responses assured the IMA that retrospective checks (underpinned by adequate identification processes) have been completed.*

26. Grading of retrospective checks is dependent 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.<sup>8</sup>

27. All of the responses were graded as either amber (52%) or red (48%) 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 (see figure 4).

28. The IMA has concern about all responses received from London 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**



8. 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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29. Responses received from 27 out of 33 local authorities in London 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 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.

31. 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.

32. 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.