



For the Citizens'
Rights Agreements

Assurance Review (Looked after Children and Care Leavers) Annex 7: East of 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 January 2023, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to all 11 local authorities in the East of 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 of 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](#).

Nine out of 11 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 has identified three 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 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 the East of 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 comprise Bedford Borough Council, Cambridgeshire County Council, Central Bedfordshire Council, Essex County Council, Hertfordshire County Council, Luton Borough Council, Norfolk County Council, Peterborough City Council, Southend-on-Sea City Council, Suffolk County Council, and Thurrock 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 of England: 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 11 local authorities in the East of 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 nine local authorities by the agreed upon deadline, and has assessed these nine responses 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 have analysed nine responses, excluding two 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 and care, 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 of England

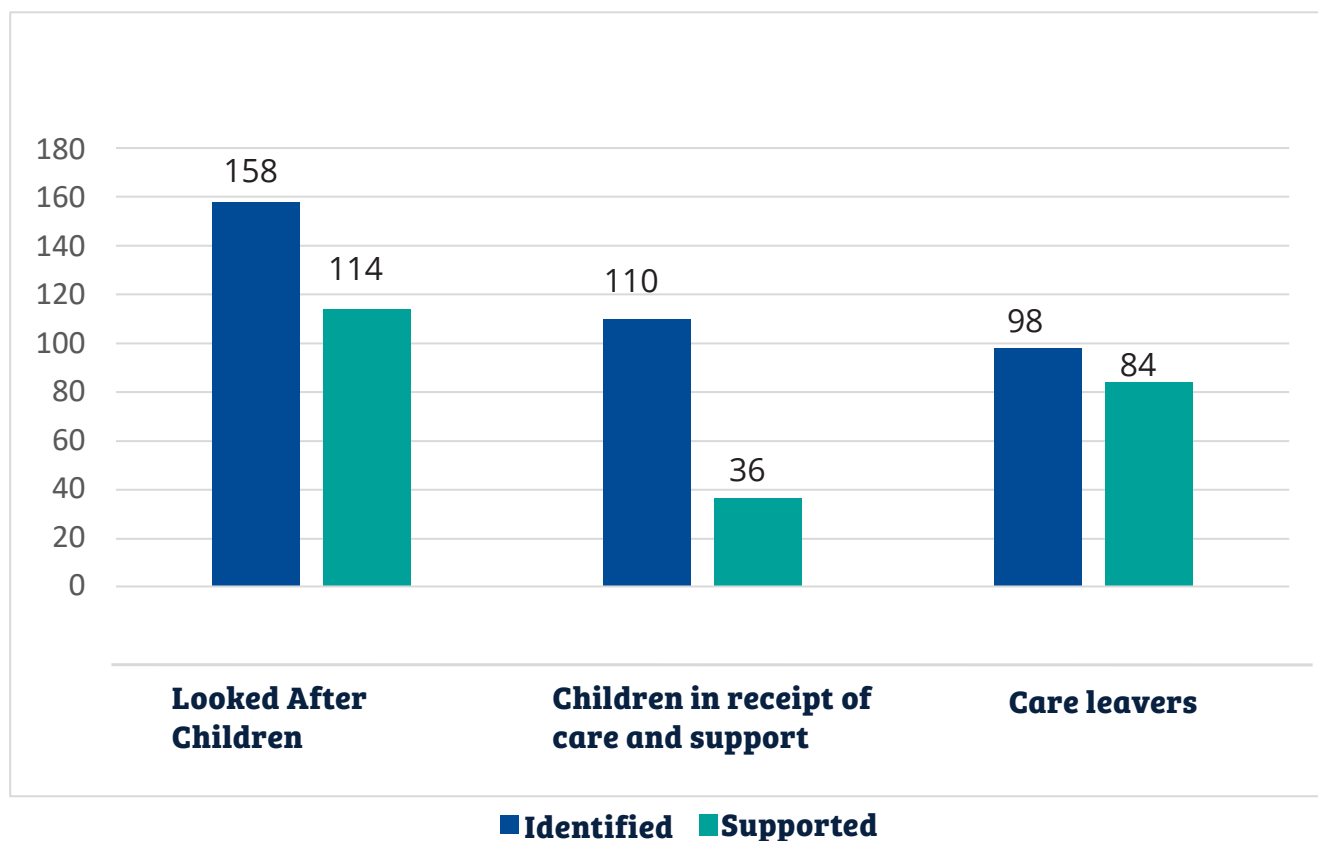
Support for identified eligible children and care leavers

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

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 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 local authority responses.

8. These figures exclude two local authorities who did not provide a response to the IMA's request for information.

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 a majority of looked after children and care leavers identified were subsequently supported to submit EUSS applications. 72% of looked after children and 86% of care leavers identified went on to be supported by a local authority.⁵

10. Analysis of the figures reported in the nine local authority responses indicate that only 33% of children in receipt of care and support were subsequently supported to make an application.

11. Despite the majority of looked after children and care leavers identified reportedly being subsequently supported, there remains a large discrepancy between the figures identified versus supported in terms of those identified. Twenty-eight percent of looked after children, and 14% of care leavers identified were reportedly not supported. In the case of children in receipt of care and support this proportion is 66%. No explanations were provided by these local authorities regarding these discrepancies.

12. Further clarity on these discrepancies will be sought upon commencement of individual assurance reviews with local authorities.

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

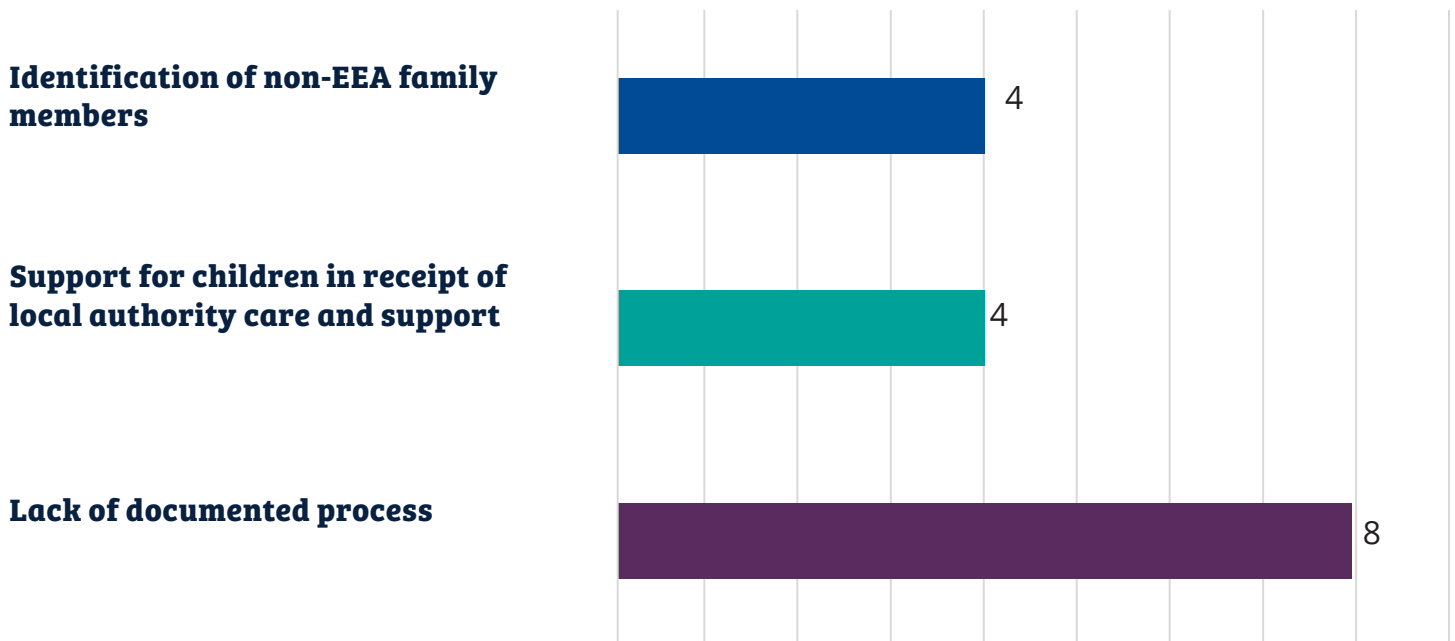
Identification of eligible children and care leavers

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. All of the 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 were graded as amber (64%) and the remaining as red (36%). Two responses were graded as red due to no response being provided.

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 from the nine responses analysed. These are detailed below (see figure 2).

Figure 2. Number of responses demonstrating identified overarching concerns



5. Of the 8 local authorities included in these figures

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

15. The IMA's third overarching concern lies with the identification of non-EEA family members. Of nine responses analysed, 44% either did not detail a process for identifying and supporting non-EEA family members (noting that for some this process was still being developed) or were unclear whether this cohort was being identified.

16. This concern is reflected in the figures provided, with only two non-EEA family members being identified according to local authority responses. This accounts for just 0.5% 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. Of those analysed, three responses did not provide a figure for the number of non-EEA family members identified.

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

Support for children in receipt of local authority care and support

18. The IMA has noted a discrepancy between the number of children identified who are in receipt of local authority care and support, and the number subsequently supported by the local authority. According to responses only one in three (33%) children in receipt of local authority care and support identified went on to be supported by the local authority. Of the four out of nine local authorities identified as having discrepancies in their responses, none provided an explanation for these discrepancies.

19. The IMA would be concerned if identified children in receipt of local authority care and support are not being adequately supported to make an EUSS application and/or the local authority is not ensuring that they are additionally supported in moving from pre-settled to settled status where applicable.

Lack of documented processes and written operational guidelines.

20. Eighty-nine percent of responses did not provide the IMA with a written process for identifying and supporting all eligible children and care leavers (including non-EEA family members) with their EUSS applications.

21. A formalised written process may ensure better consistency in the application of the identification process, support for those cohorts and more accurate record-keeping. It may promote greater awareness amongst staff of the EUSS and the local authority's responsibilities. 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.

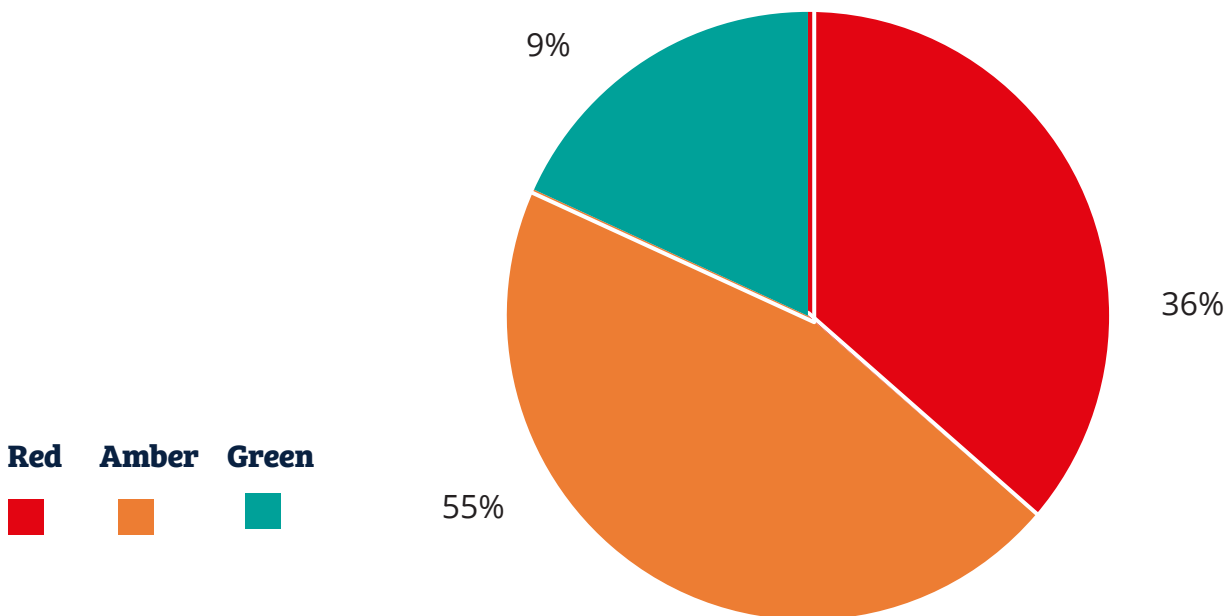
Record keeping processes

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-one percent of 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. Thirty-six percent of responses were graded as red and 55% amber.

23. One response out of 11 was graded as green (9%) having provided clear explanations of record keeping processes which included record of EUSS application status and outcomes, contact details, and when the child or care leaver would be eligible to move from pre-settled

Figure 3. RAG grading of record keeping



24. Along with the two local authorities that did not provide responses to the IMA's request, responses from another two local authorities did not provide figures on all cohorts of children as requested by the IMA.

25. One local authority did not provide any figures on children in receipt of care and support and another local authority did not provide any figures for care leavers. The IMA will seek clarity regarding these issues upon commencement of engagement with individual local authorities.

26. 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.

Retrospective checks

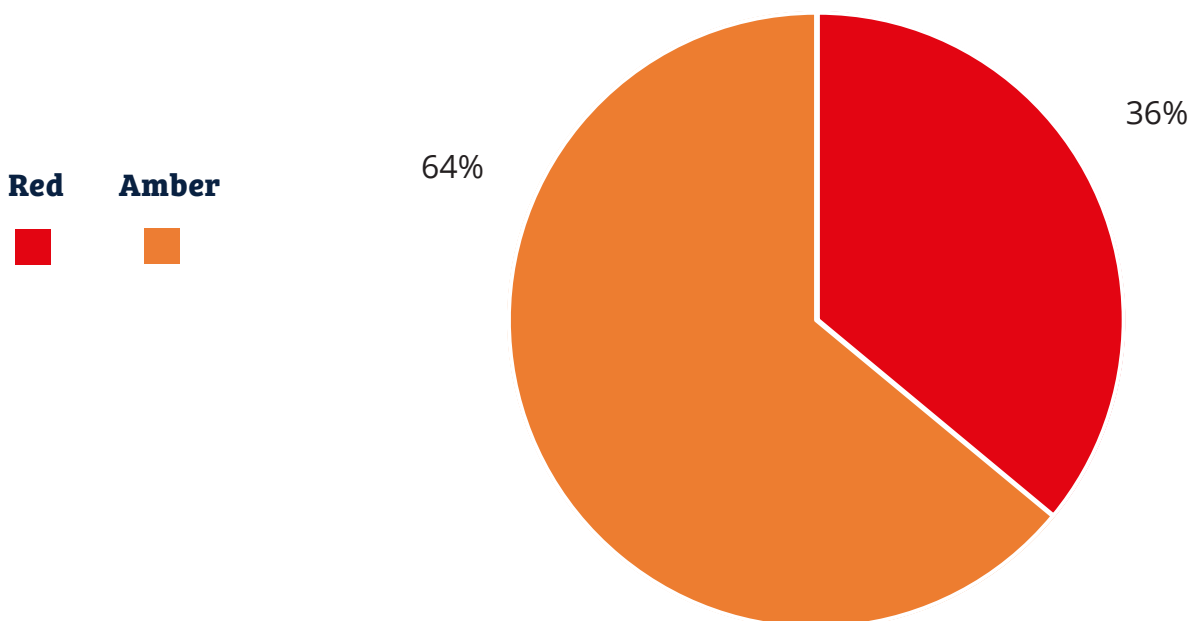
In all cases the IMA was not assured that retrospective checks (underpinned by adequate identification processes) have been completed.

27. All of the responses were graded as either red (36%) or amber (64%) 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.

28. Grading of retrospective checks are linked to the IMA's grading of identification processes included in the 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.⁶

29. The IMA has concerns about all responses from East of England 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



6. 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

30. Responses received from nine out of 11 local authorities in the East of England 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.

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, 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.

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 today, some local authorities have simply needed to provide further information of the arrangements they have in place already. Some local authorities have strengthened their arrangements in order for children to be supported.

33. Following the individual assurance reviews, the IMA will regrade each local authority against our best practice principles and inform each local authority of the outcome of their assurance review with revised gradings.

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.