



For the Citizens'
Rights Agreements

Assurance Review (Looked after Children and Care Leavers) Annex 9: South 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 February 2023, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to all nineteen local authorities in South 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 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](#).

Eighteen out of 19 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; 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, there is lack of support for all 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-EU and EEA EFTA family members of EU and EEA EFTA citizens.

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

1. These local authorities comprise Bracknell Forest Council, Brighton and Hove City Council, Buckinghamshire Council, East Sussex County Council, Hampshire County Council, Isle of Wight Council, Kent County Council, Medway Council, Milton Keynes City Council, Oxfordshire County Council, Portsmouth City Council, Reading Borough Council, Royal Borough of Windsor and Maidenhead, Slough Borough Council, Southampton City Council, Surrey County Council, West Berkshire Council, West Sussex County Council, and Wokingham Borough Council.

Responses from local authorities in South East 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 19 local authorities in the South East asking a series of questions with regards to the identification of all those eligible to apply, and subsequent support and monitoring of these applications.²

2. The IMA received responses from 18 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.³

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 the 18 responses received, one local authority did not provide a response to the IMA's request.

2. Where this review refers to '(all) children and care leavers' this includes looked after children, children in receipt of local authority care and support, and care leavers.

3. Retrospective checks here refers 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 South East England

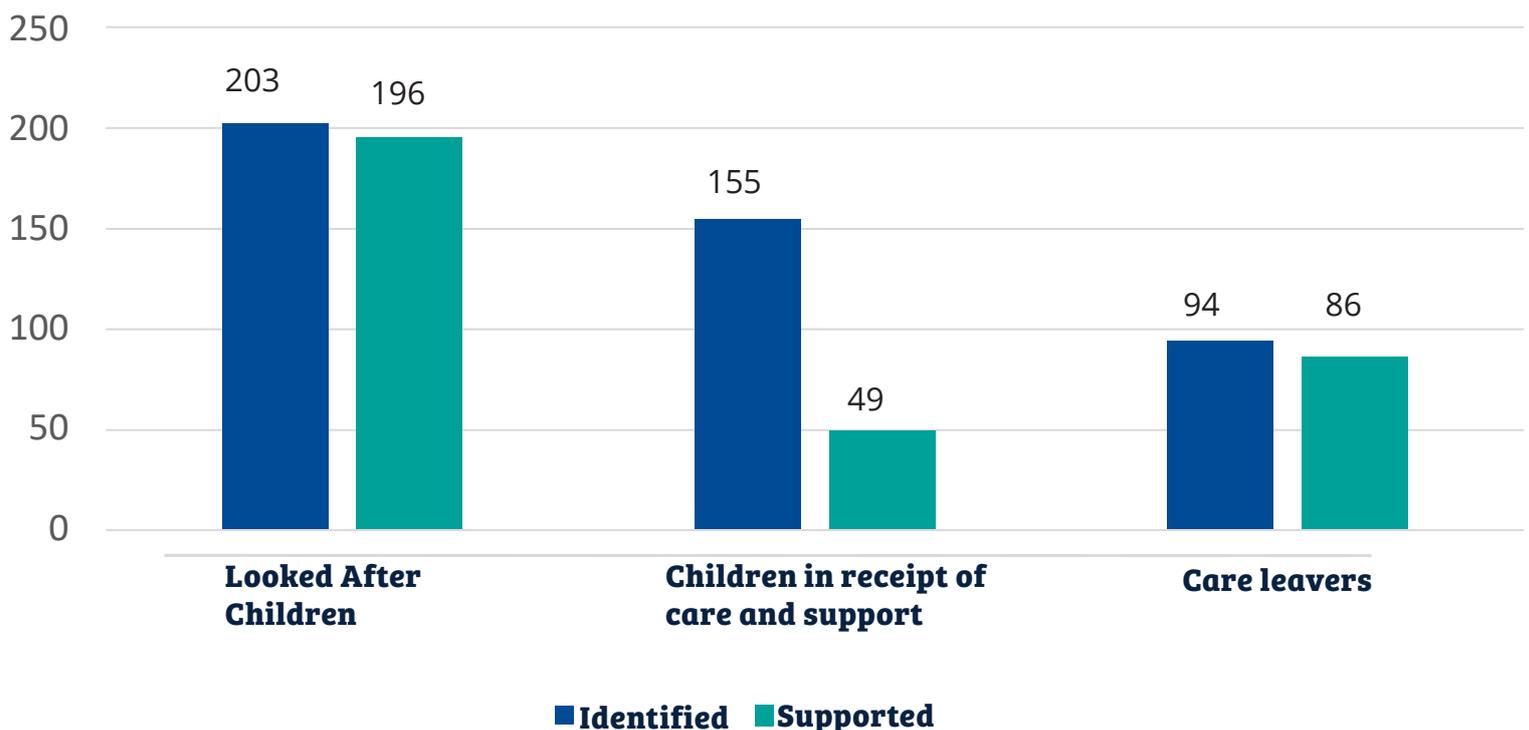
Support for identified eligible children and care leavers

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 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 to the IMA's request.

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 and care leavers identified were subsequently supported to submit EUSS applications. Ninety-seven percent of looked after children and 91% of care leavers identified were reported to have been supported by a local authority.⁴

10. This does not appear to be the case for children in receipt of care and support. Figures reported in responses from 18 out of 19 local authorities in the South East indicate that 31% of children in receipt of care and support identified were subsequently supported to make an EUSS application.

11. Some responses provided explanations regarding these discrepancies. In the case of one looked after child the response noted that they were yet to be supported as they had very recently been identified. Two care leavers were reported to be refusing support and one care leaver was reported to have completed their application independently. 97% of looked after children and 95% of care leavers have thus been accounted for. There remains a 3% discrepancy between the number identified versus the number supported for both cohorts.

12. In the case of children in receipt of care and support, one local authority accounts for a large proportion of those identified are not confirmed to have been supported. The response notes that the respective local authority is unable to provide data on the number of supported children and is working to do so. As such, the number of children in receipt of care and support remains unknown.

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

4. Of the 18 local authorities included in this figure (see paragraph 6).

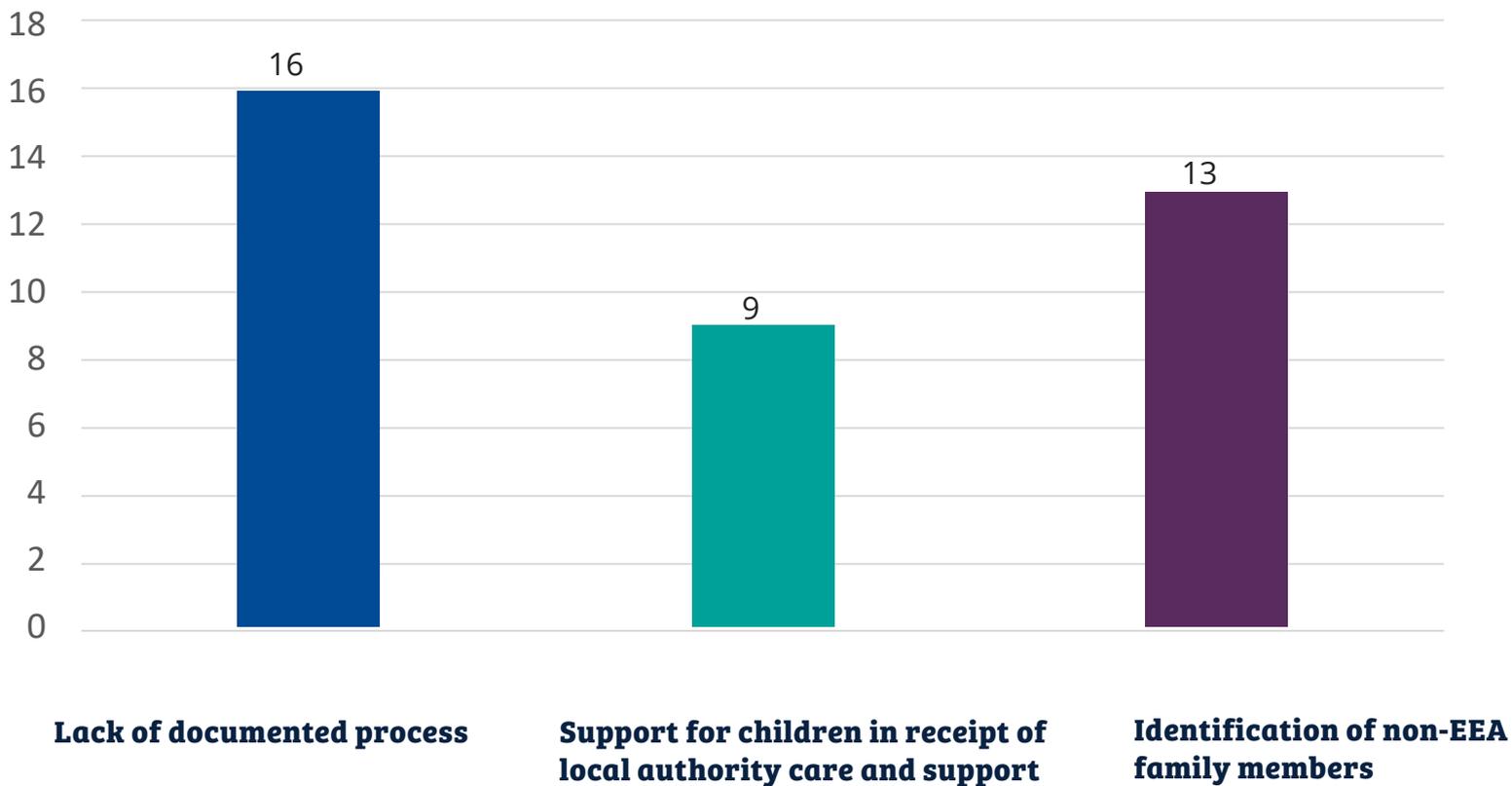
Identification of eligible children and care leavers

On the basis of the responses received, the IMA is not sufficiently assured at this stage that all eligible children and care leavers are being identified and supported.

14. 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 (74%) and the remaining as red (26%).

15. 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

16. The IMA's first concern is the lack of documented processes and written operational guidelines provided by local authorities. The majority of the responses received did not provide the IMA with any written EUSS local authority specific process for identifying and supporting all eligible children and care leavers (including non-EEA family members) with their EUSS applications.

17. 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.

Support for children in receipt of local authority care and support

18. The IMA's second concern noted a significant discrepancy between the number of reported children identified who are in receipt of local authority care and support and the number reported to have been subsequently supported by the local authority. According to responses, fewer than a third (32%) of identified children in receipt of local authority care and support went on to be supported with their EUSS application.

19. These discrepancies were seen in responses from three local authorities, whilst a further six reported that they did not record figures on this cohort. Two of the three local authorities did not provide explanations for these discrepancies.

20. A further six responses reported that they did not record any figures for this cohort (see figure 2). This will be investigated further upon engagement with individual local authorities.

21. The IMA would be concerned where 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 (ensuring recognition of the latter once accrued) where applicable.

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

22. The IMA's third overarching concern lies with the identification of non-EEA family members. This concern is reflected in both the processes and figures provided in relation to this cohort.

23. With regards to local authorities' processes for identifying non-EEA family members, 13 of the 18 responses analysed either provided an unclear process for identifying this cohort (eight responses) or confirmed that they do not currently have a process in place (five responses).

24. In answer to the IMA's question on the number of non-EEA family members identified, one local authority identified 65 non-EEA family members and another local authority identified two non-EEA family members. However, one local authority stated that this is the figure of applications made by 'eligible families' encountered, as opposed to non-EEA family members. Likewise, one local authority figure provided is unclear as they state that they have not identified any citizens from this cohort and need to progress this area whilst additionally stating that they have identified two non-EEA family members. As such, it is unclear whether local authorities have a full understanding of non-EEA family members' eligibility.

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

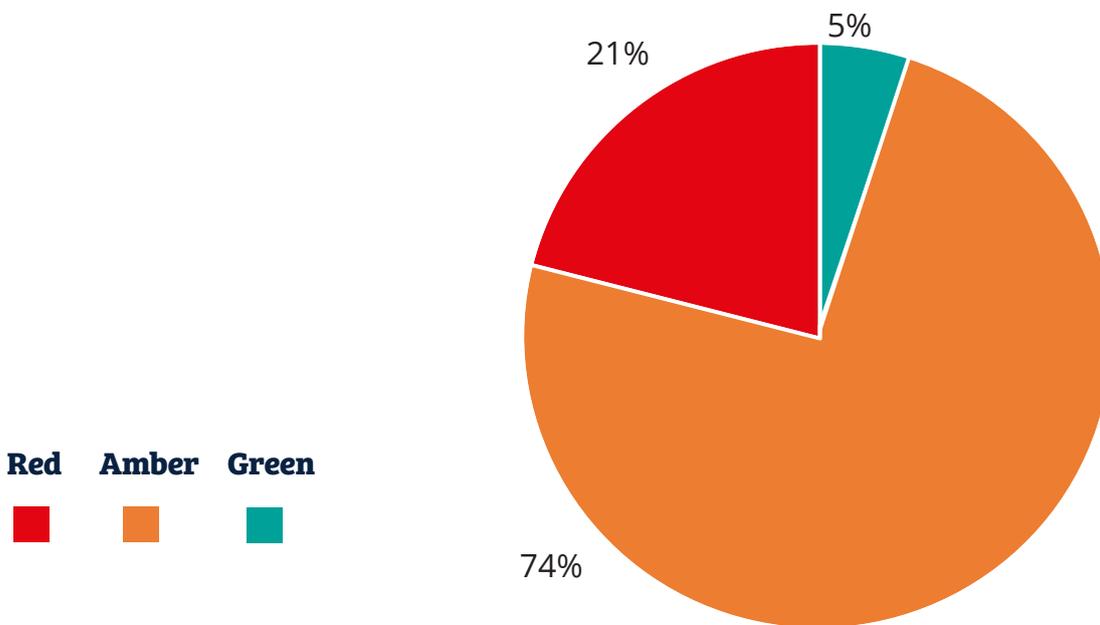
Record keeping processes

The IMA is not assured 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.

26. Ninety-five percent of responses did not assure 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. Seventy-four percent of responses were graded as amber and 21% as red.

27. One response out of 18 was graded as green (5%) having provided a clear explanation of a record keeping process which included record of EUSS applications 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



28. Of the local authorities who did respond to the IMA's request, seven reported not recording figures on all children/care leavers (including non-EEA family members). The IMA will seek clarity regarding these issues upon commencement of individual assurance reviews.

29. The majority of responses do 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.⁵

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

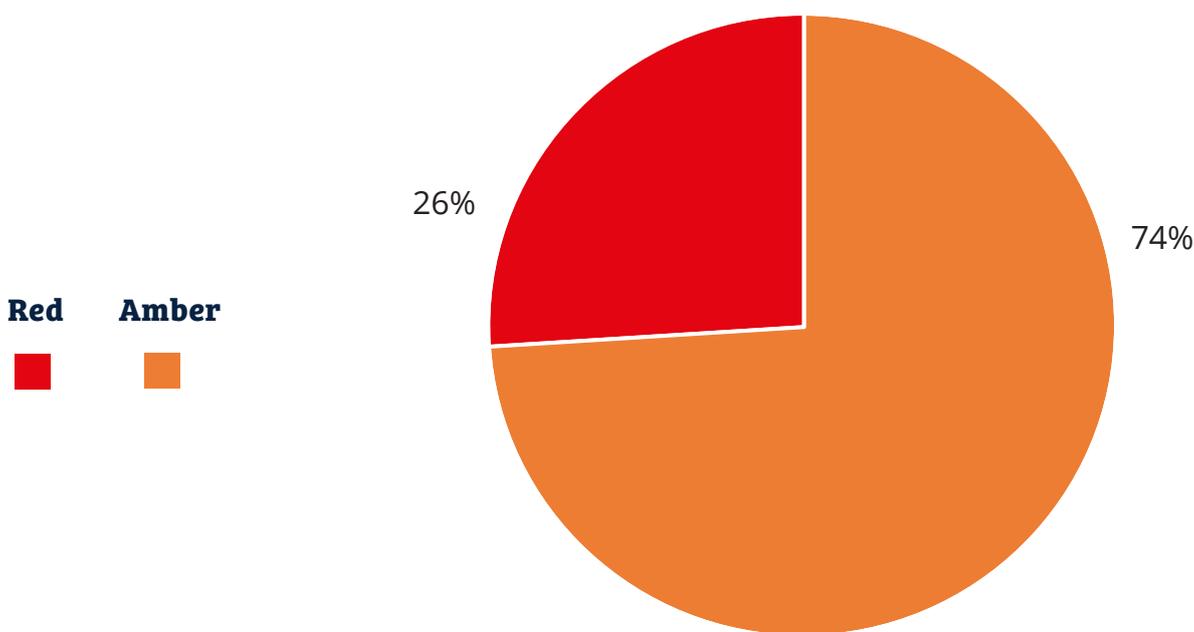
Retrospective checks

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

30. Grading of retrospective checks are 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.⁶

31. All of the responses were graded as either amber 74% or red 26% on the basis of their retrospective checks in respect of all children including care leavers up to the age of 25 who may have left care up to seven years ago (see figure 4).

Figure 4. RAG grading of retrospective checks



32. The IMA has concerns about all responses from the South East regarding local authorities accurately conducting full retrospective checks of all children and care leavers that are underpinned by adequate and robust identification processes.

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

33. Analysis of the responses received from 18 out of 19 local authorities in the South East 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 record keeping and apply robust retrospective checks.

34. 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 authority who did not provide a response to the IMA's request for information.

35. 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.

36. 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.

37. 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.

38. 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.