



For the Citizens'
Rights Agreements

Assurance Review (Looked after Children and Care Leavers) Annex 10: South 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 February 2023, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to all 15 local authorities in South 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 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](#).

Eight out of 15 local authorities responded by the agreed upon deadline, and the IMA has assessed these responses according to the following three categories:

- robustness of the identification processes;
- accurate record keeping; 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, there is lack of robustness of the identification process for non-EU and EEA EFTA family members of EU and 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 South 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 comprise of Bath and North East Somerset, Bournemouth, Christchurch and Poole, Bristol, Cornwall, Dorset, Devon, Gloucestershire, Isles of Scilly, North Somerset, Plymouth, Somerset, South Gloucestershire, Swindon, Torbay and Wiltshire.

Responses from local authorities in South West 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 15 local authorities in South West England 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 eight local authorities, and has assessed these responses 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 (see 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. 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 eight responses, excluding seven local authorities who 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 support and care, and care leavers.

3. 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 South West England

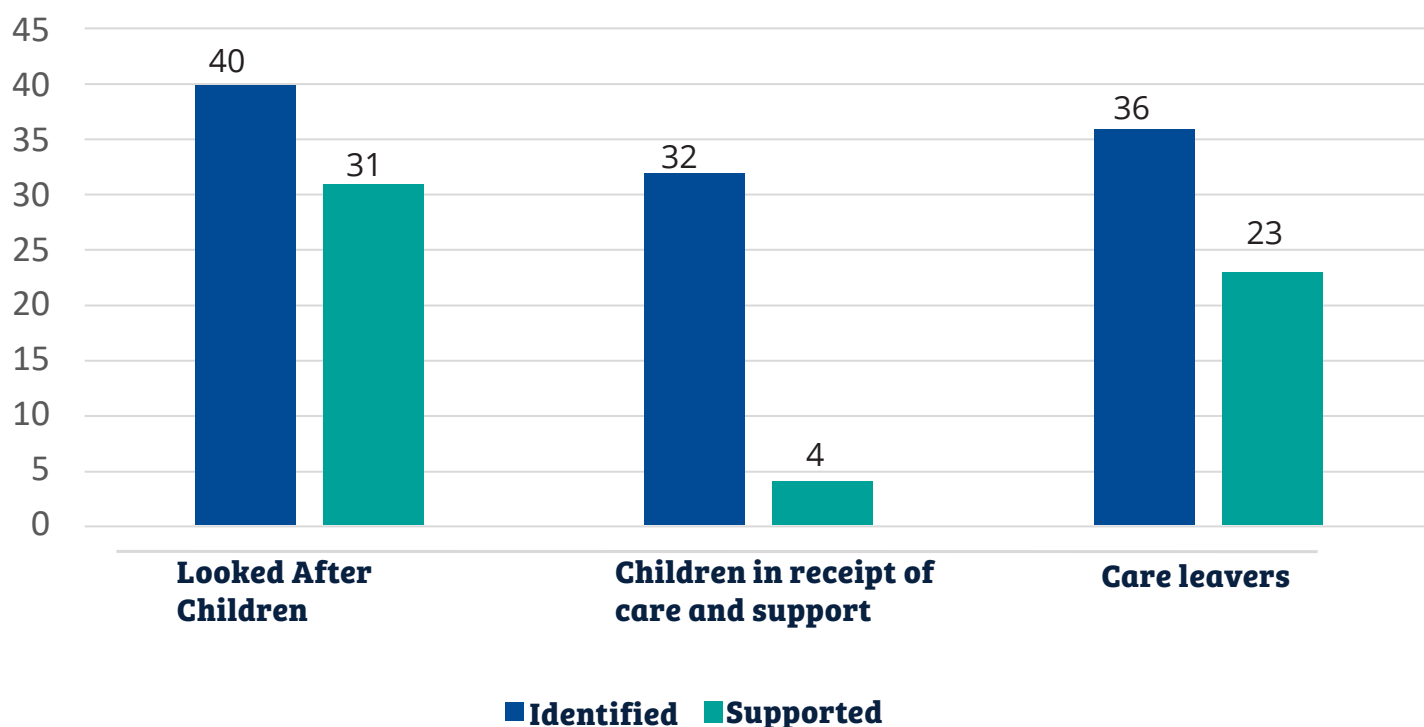
Support for identified eligible children and care leavers

The majority of looked after children and care leavers identified are being supported by their local authority. However, the IMA is not assured 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 seven local authorities 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. 78% of looked after children and 64% of care leavers identified were reported to have been supported by a local authority.⁴

10. This was not the case for children in receipt of care and support. Figures reported in responses from eight local authorities indicate that 13% of children in receipt of care and support identified were subsequently supported to make an EUSS application.

11. One response provided an explanation regarding a discrepancy of one looked after child identified not supported, explaining that the family made the application on behalf of the child. As such, 80% of looked after children are accounted for. Despite this, discrepancies remain for looked after children as well as care leavers and children in receipt of care and support.

4. Of the eight local authorities who responded to the IMA and are included in this figure.

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.

12. Ninety-three percent of 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. 73% were graded as red with 20% graded as amber and the remaining 7% as green.

13. Seven of these responses were graded as red on the basis that they did not provide a response to the IMA's request for information.

14. Amongst the eight responses received which the IMA have analysed, the following overarching concerns have been identified (see figure 2).

Lack of documented processes and written operational guidelines

15. The IMA's first concern is the lack of documented processes and written operational guidelines. Out of the eight responses received and analysed, 100% did not provide the IMA with 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 promote greater awareness amongst staff of the EUSS and local authority 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. The IMA note a significant discrepancy between the number of reported children identified as eligible for EUSS, and the number who have been supported to make an application.

18. These discrepancies were seen in responses from five local authorities where no explanations for these discrepancies were provided. As such 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 upon further 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. 38% of responses received demonstrated an issue with identifying and supporting this cohort. One response did not provide a process for identifying this cohort and two responses provided an unclear process that did not seem to correctly identify this cohort.

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

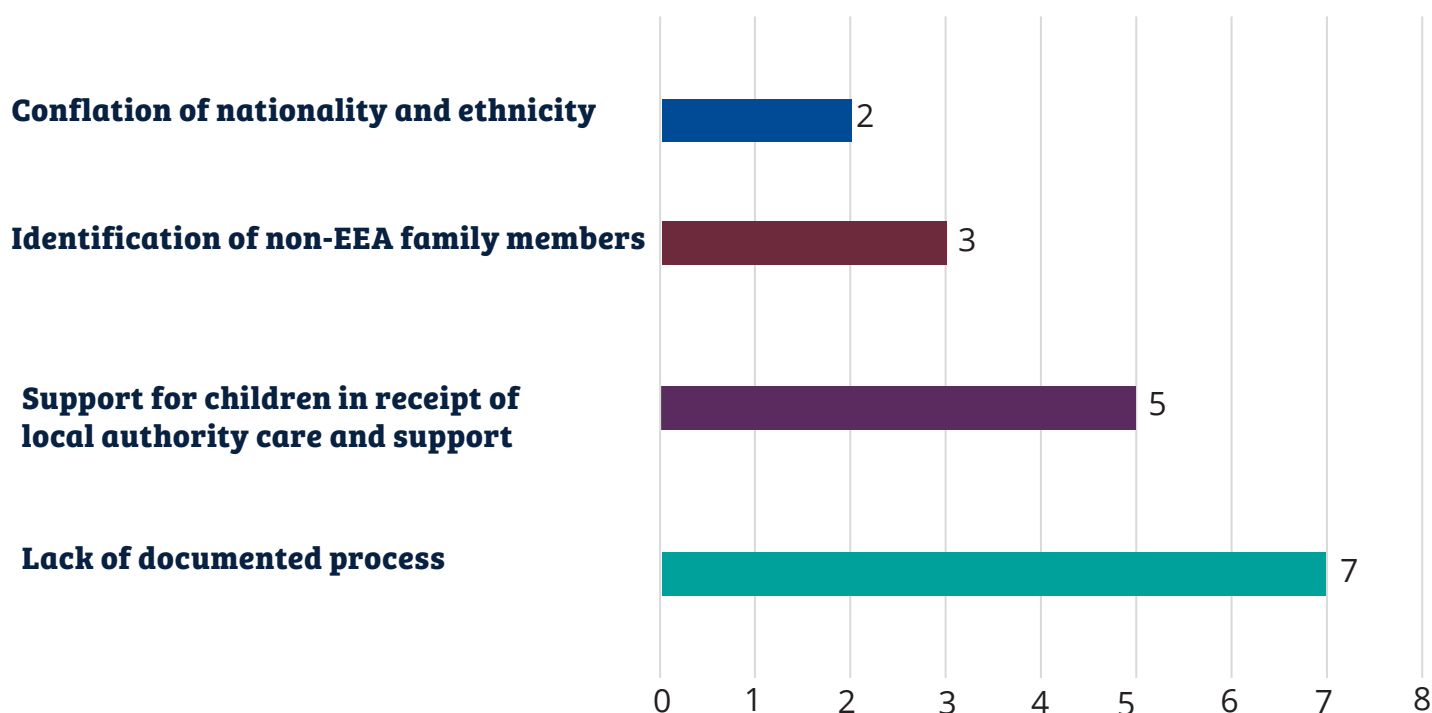
Conflation of nationality and ethnicity

21. Twenty-five percent of responses conflated nationality and ethnicity in their response. These local authorities referred to identifying eligible children and care leavers on the basis of their ethnicity.

22. If filtering by ethnicity, local authorities will not be able to correctly identify eligible EU and EEA EFTA and non-EEA family member children and care leavers. Therefore, it is concerning that these responses refer to ethnicity as opposed to nationality.

23. Figure 2 demonstrates how often these concerns arose amongst the responses received.

Figure 2. Number of responses demonstrating identified overarching concerns



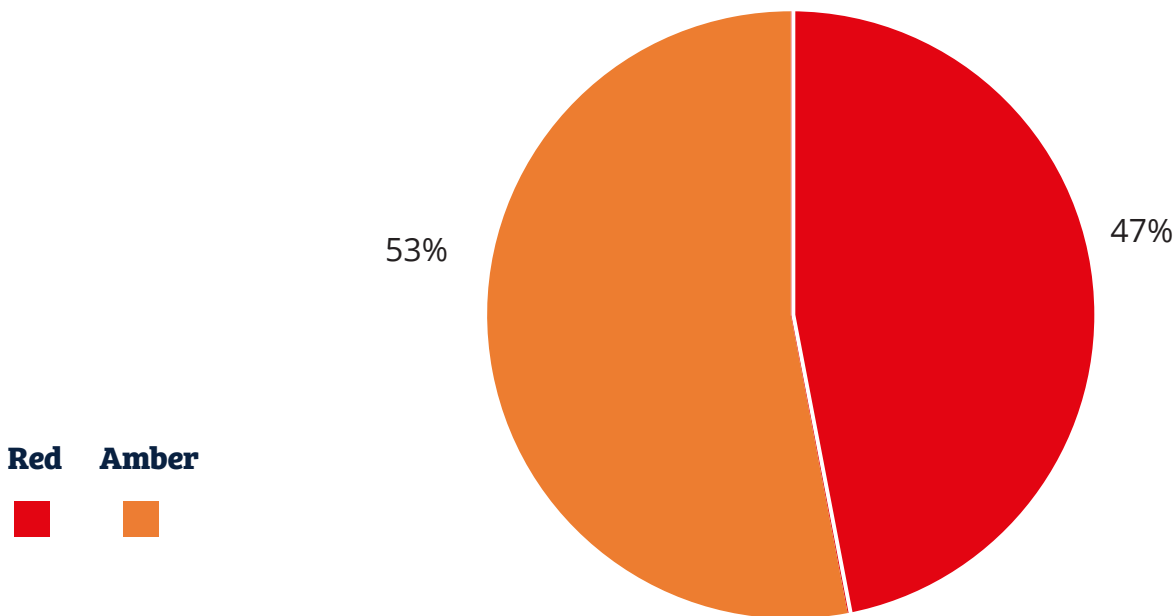
Record keeping processes

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.

24. All responses received 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 with 47% of responses graded as red and 53% as amber.

25. All eight responses graded red were on the basis that they did not provide the IMA with a response to the request for information.

Figure 3. RAG grading of record keeping



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.

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

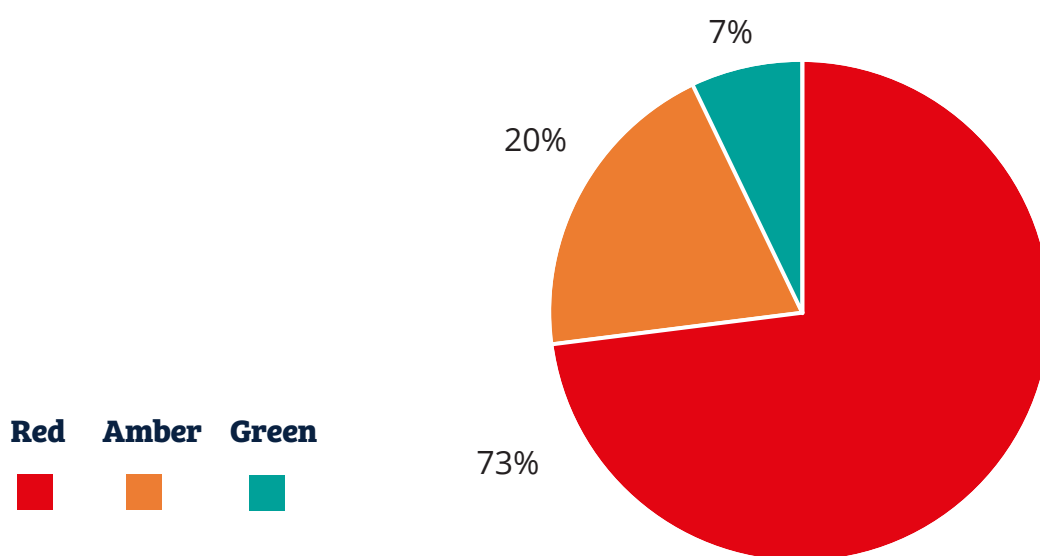
Retrospective checks

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

27. Grading of retrospective checks are linked to 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.⁵

28. Ninety-three percent of responses were graded as either red (73%) or amber (20%) 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). Eight of the responses graded red were on the basis that they provided no response to the IMA's request for information.

Figure 4. RAG grading of retrospective checks



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

5. 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. Analysis of the responses received from eight out of 15 local authorities in South 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 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 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.

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.