

**Committee Name and Date of Committee Meeting**

Name of Committee Corporate parenting panel – 02 March 2021

**Report Title**

Update regarding settled status for Looked After Children who are EU citizens

**Is this a Key Decision and has it been included on the Forward Plan?**

No, but it has been included on the Forward Plan

**Strategic Director Approving Submission of the Report**

Suzanne Joyner, Strategic Director of Children and Young People's Services

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide  
Choose an item.

**Report Summary**

The EU Settlement Scheme was fully launched by the Home Office on 30<sup>th</sup> March 2019. The scheme requires EU citizens and their families to apply for either Settled Status or Pre-Settled Status to secure their rights while living in the UK. The status EU citizens can apply for is determined by length of residency at the time of application.

The purpose of this update is to provide assurance in respect of the progression of EU settlement applications in relation to eligible children who are looked after by Rotherham.

**Recommendations**

That Corporate Parenting Panel note the information contained within the report and seek further assurance from the assistant director for children's social care at subsequent meetings of the panel.

**List of Appendices Included**

None included

**Background Papers**

None included

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Not applicable

**Council Approval Required**

You should refer to [Appendix 9 of the Constitution – Responsibility for Functions](#) – to check whether your recommendations require approval by Council, as well as Cabinet or a committee. You should take advice from Democratic Services if you are not sure.

No

**Exempt from the Press and Public**

No

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## 1. Background

- 1.1 The EU Settlement Scheme was fully launched by the Home Office on 30<sup>th</sup> March 2019. The scheme requires EU citizens and their families to apply for either Settled Status or Pre-Settled Status to secure their rights while living in the UK. The status EU citizens can apply for is determined by length of residency at the time of application.
- 1.2 Eligibility is defined as any EU citizen or family member, arriving in the UK before 31<sup>st</sup> December 2020 and who does not pose a public security risk (serious or persistent criminal). The deadline for applications is 30<sup>th</sup> June 2021.
- 1.3 Local authorities are required to make applications on behalf of eligible EU citizens (children) where a court order has granted parental responsibility. Applications are encouraged to be made online and include the submission of evidence for identity and residence.
- 1.4 The council's Senior Leadership Team receive regular updates in respect of progress and challenges in relation to this work, regular updates provided to the senior leadership team (SLT) to provide assurance regarding progress.
- 1.5 A previous briefing report was provided to the corporate parenting panel on 30<sup>th</sup> June 2020; therefore, this briefing is by way of update.

## 2. Key Issues

- 2.1 Positive progress is being made in relation to the applications for EU settled status for the children/young people in the cohort.

Description	Number		Notes
Total cohort	101		89 applications to progress via Business Support
Applications not progressed	12		Reason: British Citizenship Awarded or no longer residing in UK
Application tracking data			
Applications where decision made	Settled	Pre-Settled	36 in total
	28	8	

Applications submitted awaiting decision from Home Office	28	Staff met with Home Office w/c 01/02/21 who have informed that they are prioritising the applications over the next week, the meeting was used to share information with a view to resolving any difficulties
Applications in progress not yet submitted	25	25 total in progress of those not started there are appointments booked towards the end of February 2021 as these cannot be progressed online, as such a face to face meeting is required, a risk assessment has been completed but given national lockdown these have been deferred to a slightly later date so as to avoid unnecessary travel or risk

2.2 We are confident that applications will be completed by deadline of 30<sup>th</sup> June 2021. There is a good process in place with performance reporting to support. The business support service has dedicated resource working to support social workers in completion of the applications and this is working well. In addition, the IRO service have been briefed to ensure that they are well informed about the process and so the IRO can act as an additional check and challenge for children in the cohort.

2.3 If there are any applications not completed by the June deadline there are contingencies in place. The Home Office advise there will be an ongoing ability for local authorities to make and progress applications. This needs to be in place to provide for children who may become looked after in the future whose parents did not make an application for EU settlement and/or they were awarded pre-settled status at time of application as they were too young (under 5 years old) to be awarded settled status.

### **3. Options considered and recommended proposal**

3.1 The work is ongoing, and it is proposed that it will continue to work within the government set deadline.

#### **4. Consultation on proposal**

4.1 There is no proposal on which to consult.

#### **5. Timetable and Accountability for Implementing this Decision**

5.1 The work is already ongoing and scheduled to conclude in line with the timeframe of the EU settlement scheme. There is no further decision required.

#### **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 As outlined in the report the local authorities are required to make applications on behalf of eligible EU citizens (children) where a court order has granted parental responsibility. The administration costs to the local authority for completing the applications can be reclaimed by the authority from the Home Office up to a maximum of £1,744.

#### **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 We are complying with the requirement to make applications on behalf of those children for whom we have Parental Responsibility. The Government has confirmed the position if an application is not submitted by the deadline, which ensures that the relevant children will continue to receive care and be safeguarded.

#### **8. Human Resources Advice and Implications**

8.1 There are no human resource implications that require consideration.

#### **9. Implications for Children and Young People and Vulnerable Adults**

9.1 Looked after children will have their application for EU settlement progressed meaning that they will not be disadvantaged as they reach adulthood should they wish to remain living within the UK.

#### **10. Equalities and Human Rights Advice and Implications**

10.1 This is not a cabinet report, so an equality impact assessment is not required. However, the service has considered matters of equality and the making of the EU settlement applications on behalf of children in care achieves equality for them alongside children in the same circumstances who reside within their family.

#### **11. Implications for Partners**

11.1 There are no implications to consider in relation to this report.

#### **12. Risks and Mitigation**

12.1 If an application or applications are not progressed assurances have already been sought from the Home Office to ensure that there will be mechanisms to progress application even after 30<sup>th</sup> June 2021 and such assurance has already been given. Even in the event that a child does not have EU settled status after this date this will not prevent the local authority in acting to protect and provide care if this is required and then working with Home Office regulations to progress the required application.

**13. Accountable Officer(s)**

Ailsa Barr, assistant director, children’s social care  
 Rebecca Wall, head of service, children in care

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Not required for this report	Click here to enter a date.
On behalf of Strategic Director of Finance & Customer Services (S.151 Officer)	Neil Hardwick	10/02/21
On behalf of Assistant Director of Legal Services (Monitoring Officer)	Clare Jordan	11/02/21
Assistant Director of Human Resources (if appropriate)	Not applicable	Click here to enter a date.
Head of Human Resources (if appropriate)	Not applicable	Click here to enter a date.

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