

Committee Name and Date of Committee Meeting

Corporate Parenting Panel – 13 July 2021

Report Title

Further 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

Report Summary

The EU Settlement Scheme was fully launched by the Home Office on 30th 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 further 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.

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

No

Exempt from the Press and Public

No

Further update regarding settled status for Looked After Children who are EU citizens

1. Background

- 1.1 The EU Settlement Scheme was fully launched by the Home Office on 30th 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 31st December 2020 and who does not pose a public security risk (serious or persistent criminal). The deadline for applications is 30th 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 30th June 2020 and 2nd March 2021; 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.

EU Settlement Application Overview CYPs LAC and CL	Date of update 24/06/21		Total	Change since last report (11/06/21)
Applications submitted and decision received	Settled:	53 (No change)	64	+2 
	Pre-Settled:	11 (+2) 		
Applications on hold			2	+2 
Applications submitted awaiting decision from Home Office			35	No change

Applications started but not submitted (collating final documents – ID and residency)		0	No change
Applications not yet started	Paper:	0	0 No change
	Online:	0	
Applications withdrawn	British Citizenship awarded:	6	12 No change
	Nationality not eligible:	5	
	Not eligible based on residency:	1	
	To be progressed by another local authority:	0	
Total Cohort		113	+4

2.2 We are in communication with the Home Office as there are young people who application for EU settled status is being delayed as they are subject to ongoing criminal investigations and as such their applications are on hold until the respective cases are concluded, a further review will be completed in 6 months unless cases are heard and decisions made sooner, support from colleagues in YOT has been helpful this week to try and expedite these matters and Personal Advisors have been made aware.

2.3 We continue to progress new applications if children come into care where their parents have not made applications.

2.4 We have actively engaged in regional meetings in advance of the application deadline was the key messages at the last meeting in June were:

- The Yorkshire and Humber EUSS Group will continue post deadline for applications to allow LA's to continue to share case studies and best practice.
- The number of applications for children in Rotherham and Bradford are above the national average (final figures to be shared in due course, circa 24% with the national average 18/19%).
- Immigration status of any person applying to the EU Settlement Scheme that has not received a formal outcome will be unchanged until a decision is made.

2.5 We have been notified by the Home Office a number of sibling groups (who make up some of the 35 applications submitted and no decision) will be

processed based on the supporting information we have submitted so are expectant of positive decisions in the next week.

- 2.6 The Home Office have issued blank LA forms to allow EUSS applications to be submitted without requesting from the EU Resolution Centre.
- 2.7 If there are any outstanding applications not completed there are contingencies in place. The Home Office continue to 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. The service will continue to raise any individual issues with the Home Office staff to ensure swift resolution. 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 CO2 Emissions and Climate Change

11.1 There are no implications directly arising from this report.

12. Implications for Partners

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

13. Risks and Mitigation

13.1 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 30th 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.

14. Accountable Officer(s)

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

Approvals obtained on behalf of:-

	Named Officer	Date
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	28/06/21
On behalf of Assistant Director of Legal Services (Monitoring Officer)	Clare Jordan	28/06/21
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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