**“How are we doing?” – assessing progress towards local authority duties for children in care and care leavers affected by Brexit immigration changes**

July 2020

With less than one year until the deadline for applications to the EU Settlement Scheme, what questions should Directors of Children’s Services and Council Executive Members be asking to monitor local authority duties towards children and young people affected by Brexit immigration changes?

This crib sheet looks at three key commitments needed from local authorities to safeguard affected children and young people. It also suggests data to collect and questions to ask to monitor performance against them.

Further tools are available from Greater Manchester Immigration Aid Unit, including guidance for social workers/personal advisers and a service level EU Settlement Scheme tracker. Contact [amanda@gmiau.org](mailto:amanda@gmiau.org)

**Commitment One: Identify all our looked after children and care leavers affected by Brexit**

**What is likely to be happening**?

* Most local authorities are not routinely collecting information on the nationality of children/young people and their family members in a way that is easily accessible
* Social work teams are being asked to manually trawl case files to identify those affected
* There is a significant likelihood of human error due to the number of professionals involved and their varied levels of understanding

**How should this commitment be monitored?**

* By collecting relevant data. Our analysis of Home Office and Department for Education data suggests approximately 700 children in care in the North West are affected by Brexit immigration changes – with most likely to be located in Greater Manchester. Figures are not available to make projections of the likely numbers of affected care leavers in the region.

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| Services need to be tracking their performance against these indicators | |
| How many children in care…  How many care leavers… | have applied to the EU Settlement Scheme |
| have been granted Settled Status |
| have been granted Pre-Settled Status |
| have been refused (and why e.g. because of contact with criminal justice system) |
| are still to make an application |

* By collecting data repeatedly. This is not a one-off exercise. Children and young people will come in and out of care up until the EU Settlement Scheme deadline and afterwards. In particular all children/young people who are given Pre-Settled Status need to have a further application made for Settled Status when they have been in the UK five years and so need to be identified and their immigration needs tracked through care/pathway plans.
* By addressing the two common reasons why relevant children/young people are being missed in case trawls:
  + Incorrect assumptions by professionals about who is affected e.g. that
    - because this is about European children they will all be white
    - if a child is born in the UK they automatically have British nationality
    - children with dual nationality are not affected (e.g. Portugese-Angolan)
    - children with a nationality outside the EEA are not affected (children with EEA family members are among those most likely to be missed e.g. a child of Pakistani nationality whose parent has an Italian passport)
  + Professionals (wrongly) assessing eligibility for the EU Settlement Scheme themselves and not including those they consider ineligible. E.g. assumptions that
    - children are not eligible because they were born in a non-EEA country e.g. families where one child was born in an EEA country (and identified as affected) and others are born elsewhere (and are not identified)
    - as a child’s plan is for adoption they will take on their adoptive parent’s nationality and so are not affected
    - because a family member has informed them that an application has been made (without evidence) and that the child is no longer affected

**Commitment Two: Connect all affected children and young people with legal advice so they can make the most appropriate immigration applications**

**What is likely to be happening**?

* In many local authorities some professionals will be referring some children/young people to known immigration advice providers, others will not.
* Some local authorities will be commissioning automatic legal advice referrals for all their identified children/young people so that they all receive advice on eligibility and representations for those with complex situations.

**How should this commitment be monitored?**

* By setting up referral pathways for all identified, affected children and young people
* By collecting relevant data.

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| Services need to be tracking their performance against these indicators | |
| How many children in care identified as affected by Brexit immigration changes…  How many care leavers identified as affected by Brexit immigration changes … | have received independent advice  have not yet received independent advice |

**Commitment Three: Support those who are eligible to apply for British citizenship**

**What is likely to be happening?**

* In some local authorities an application to the EU Settlement Scheme is seen as the end of the duty towards those affected by Brexit immigration changes.
* Some local authorities understand the life-long benefits for children in supporting them to make applications for British citizenship where they are eligible. Professionals are including pathways to citizenship in care/pathway plans. Councils are committing to fund a child’s citizenship application fee as part of their responsibilities as corporate parents.

**How should this commitment be monitored?**

* By committing to fund citizenship fees
* By collecting relevant data

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| Services need to be tracking their performance against these indicators | |
| How many children in care with Settled Status…  How many care leavers with Settled Status… | have been referred for advice on British citizenship |
| have applied for British citizenship |
| have been granted British citizenship |
| have been refused British citizenship (and why e.g. because of contact with criminal justice system) |
| are still to make an application |