

Report of the Deputy Director (Children's Social Care) to the meeting of Corporate Parenting Panel to be held on 20 July 2020

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Subject: EU Settled Status and Citizenship for Children in Care and Care Leavers

Summary statement:

This report provides information regarding the issues regarding addressing EU Settled Status for Children in Care and Care Leavers and issues regarding application for passports and citizenship.

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Portfolio:

Children & Families

Overview & Scrutiny Area:

Children & Families

1. SUMMARY

This report provides an overview of the work that is required, and progress in addressing this, to ensure the children in our care and care leavers who are EU Citizens have gained EU Settled Status by June 2021, and have the appropriate identity documentation to allow them to travel.

2. BACKGROUND

- 2.1 In Bradford today there are 1279 in care. Of these children a number are not UK citizens, with a small number being asylum seekers or refugees, and another group of children who are EU Nationals. Many of the children who are in care who are EU Nationals are born in the UK to EU National parents. There is sometimes the mistaken assumption that these children are British Citizens but this is not the case. Due to the nature of the lives that the parents have led, which means that they are unable to care for their children, the families often do not have copies of the necessary ID documents to confirm their identity and citizenship. We are currently caring for 85 children in care who are EU Nationals and 8 Care Leavers. For last years report we had 59 EU Nationals in our care out of 1211 children in care.
- 2.2 We have 10 children in care or care leavers who are now British Citizens following a successful application, but who are from Eastern European families. We have been successful in applying for Settled Status (or pre-Settled Status) for just 2 children in care and 2 of our current care leavers.
- 2.3 As part of the Brexit arrangements the government introduced EU Settled Status for which all EU citizens living in the UK should apply to be allowed to continue to live and work in the UK. The EU Settled Status scheme opened for applications in March 2019. The deadline for applications under this scheme is June 2021. The Home Office introduced guidance regarding the need for local authorities to apply for Settled Status for children in care in 2019, and new guidance has recently been published in April 2020. Much concern has been expressed nationally about how few children in care have achieved Settled Status.
- 2.4 In Bradford, despite significant focus it has proved difficult to progress Settled Status applications for the children in our care. To apply for EU Settled Status it is necessary to provide copies of up to date ID documents (plus evidence of time living in the UK) but the majority of our children in care do not have up to date ID documents. There is a route to apply for EUSS where there are no documents but the guidance has been very clear that this should be used only when unable to access the documents.
- 2.5 In Bradford we have been working on the principal up to now of applying for the ID documents from the Consulate or Embassy and then applying for EUSS but this has proved exceptionally time consuming, complicated and costly. The majority of the children we are caring for are either Slovakian or Polish children, but there are also Lithuanian, Bulgarian, Romanian and Czech children in our care. Each embassy has quite different processes. We have made some connection with the Slovakian Embassy but still have to follow their complex processes. We are also building links with the Polish Consulate. It is much more complex for the Local

- Authority to apply for a child's citizenship/ birth certificate and passport than it is for the child's parents to do this, as the legal basis that they are in care (usually a care order) needs to be authenticated and translated, and birth families ID documents are needed.
- 2.6 The Home Office guidance published in April 2020 places an expectation on Local Authorities to "identify adequately trained resource to manage and make applications", identify eligible children (including children in need), ensure signposting arrangements are in place, and "to determine, for each child the local authority has parental responsibility for, whether you will be applying online and whether you can use the EU Exit: ID Document Check app or will be posting their identity document to the Home Office to be checked and returned", to keep a record of all applications made (including memorable questions etc) and to record plans for monitoring the child's status (including ensuring if a child has pre-settled status applications are made for Settled Status at the appropriate time).
 - 2.7 The guidance identifies that local authorities should be ensuring they have the necessary documents and states that this should be a 'familiar process' for Local Authorities. I think it is important to state that this is not a familiar process and as I have stated above is complex and time consuming and differs depending on the country you are working with.
 - 2.8 The guidance identifies that if there are significant issues in obtaining ID documents it is possible to make an application for EUSS via the paper resolution route.
 - 2.9 To address this area of our work and responsibility a number of new steps are now being taken in Bradford Children's Social Care.
 - 2.9.1 We have appointed a Business Support Officer whose sole role is to support and coordinate applications for EU Settled Status and applications for ID documents.
 - 2.9.2 She is tracking all EU children in care and will ensure all the requirements from the Home Office guidance are recorded within this.
 - 2.9.3 She will work with children's social workers to make applications for EUSS both using the online route with documents, and make applications where we do not have documents.
 - 2.9.4 Step by step guidance of what is needed regarding applying to specific embassies is being developed and social workers will be supported through this.
 - 2.9.5 Linking in with relevant local VCS organisations and with other local authorities to develop and share practice and learning.
 - 2.10 In trying to progress the issues regarding applying for EU settled Status for Children in Care, as a department we have regularly raised the issue of the difficulties in getting the necessary documentation for our children in care with the Home Office and in regional forums, to then be able to apply for EUSS. One South Yorkshire Local Authority has set up a project of applying for EU Settled Status for their children where they have no documents by using the paper route, on the basis that at least the children will have Settled Status, even if getting the children's ID documents takes longer. We plan to make more applications in Bradford in this way as it takes so long to apply for ID documents, and monitor how this progresses.

- 2.11 I understand that the Department for Education are also following up this issue and have identified links with local authorities but as yet have not shared any further information.
- 2.12 The recently published Home Office guidance identifies that Local Authorities should also consider if an application for British Citizenship is appropriate for children in their care. As identified in 2.2 we have 10 children in our care or care leavers where we have successfully applied for children to become British Citizens. We also have a number of citizenship applications pending. An application for the child to become a British Citizen may be appropriate if the child is in a long term/permanent foster placement with very limited links to their birth family. Such an application must be made in full agreement with the child, though it is possible for a child to be a dual citizen. In such circumstances independent legal advice is sought. The local authority has to pay for £1,300 for an application for British Citizenship for a child in their care, though legal aid is available for the legal costs.
- 2.13 The Covid-19 Pandemic has had some impact on this area of work. It has been more difficult to chase up paperwork and information due to limited face to face work. Links have been made with embassies regarding progressing applications without the need for face to face interviews in London.

3. OTHER CONSIDERATIONS

This report focuses on the issue of EU Settled Status for Children in Care. As identified the Home Office guidance published in April 2020 identifies the need for the Local Authority to signpost families and children with whom we are working to appropriate supports to ensure they have applied for and achieved Settled Status. We will continue to highlight this issue for those working with children who are subject to child protection plans and children in need and share information about organisations in the Bradford district that can support children and their families in applying for EU Settled Status.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 This area of work is time consuming and complicated and is out of the normal work of social workers for children in care. Some limited new burdens funding has been made to local authorities to support this area of work. We have now recruited a Business Support Officer to support this area of work and will monitor how this progresses.
- Significant costs can also be incurred through the need for children and carers to travel to embassies in London for passports and birth certificates, and there are costs in getting legal documents authenticated to allow for applications for passports and birth certificates from the relevant embassy.
- The cost of British citizenship applications are £1,300 per child.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None.

6. LEGAL APPRAISAL

None.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

This report evidences the increased diversity of the children that we are caring for and the service is developing to meet the needs of Eastern European children.

7.2 SUSTAINABILITY IMPLICATIONS

Not applicable.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable.

7.4 COMMUNITY SAFETY IMPLICATIONS

Not applicable.

7.5 HUMAN RIGHTS ACT

Not applicable.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Not applicable.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

Not applicable.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

Corporate parents will need to continue to be updated regarding the issues relating to EU children in care as a result of Brexit, any issues relating to applying for Settled Status for these children and ensuring that EU children in care are supported to enjoy and achieve positive outcomes in our care.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

Not applicable.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

Not applicable.

10. RECOMMENDATIONS

10.1 That the Corporate Parenting Panel are asked to note this report.

11. APPENDICES

None

12. BACKGROUND DOCUMENTS

<https://www.gov.uk/government/publications/eu-settlement-scheme-looked-after-children-and-care-leavers-guidance>