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## BACKGROUND

Following the UK's exit from the European Union (EU) and the end of the transition period, all EU<sup>1</sup>, EEA<sup>2</sup>, Swiss nationals and their family members who arrived in the UK before 31 December 2020 and want to continue to live here must apply to the EU Settlement Scheme (EUSS).

If a person who is eligible for the scheme has not submitted their application by this date, there is a danger they will become undocumented and lose their rights to work in the UK and to access healthcare and benefits.

Eligible nationals will be granted either pre-settled or settled status. To be eligible for settled status, the applicant must be able to prove they have lived in the UK for a continuous five-year period by 31 December 2020. Settled status confers the same rights to live, work, access healthcare and welfare benefits as a British citizen.

Children can link their application for settled status to their parent's application. This means a child under five years-old can be granted settled status by applying in this way.

Eligible children and families should have applied by 30 June 2021. However, even though the main deadline has passed, this is still possible. They will need support, some of which will include children who become cared for or who are in receipt of social care support. In addition, children and families who have been granted pre-settled status may need support converting this to settled status at the appropriate time.

## LOCAL AUTHORITY DUTY

NCC has a statutory duty to identify all eligible cared for children and care leavers, for the EU Settlement Scheme. The duty also includes the need to:

- 1 • Identify adequately trained resource(s) to manage and make applications.
- 2 • Identify other eligible children, including children in receipt of care and support.
- 3 • Identify key signposting responsibilities towards each eligible child and put plans in place to ensure this support takes place.
- 4 • Keep an adequate record of each application made, including the status granted, in case the Home Office needs to authenticate you or the child to discuss the application.
- 5 • Record plans for monitoring the child's status, including future actions with deadlines, where the child is granted pre-settled status to apply to convert this to settled status at the appropriate time.

<sup>1</sup> The EU includes Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

<sup>2</sup> The EEA includes EU countries and Iceland, Liechtenstein and Norway.

## IDENTIFICATION

All practitioners<sup>3</sup> are responsible for identifying eligible children/young people they are working with, for the EU Settlement Scheme.

Practitioners and managers should refer to the [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members' guidance](#) to assist with identifying which children/ young people are eligible to apply to the EU Settlement Scheme.

### Points of identification

- Practitioners should be exploring information to establish children and family's nationality/immigration status at the earliest opportunity, such as when the family is first referred for services and be confident to provide an explanation why it is being asked for.
- Conference chairs and reviewing officers should routinely establish/confirm nationality/immigration status of children and families.
- The legal gateway panel should be mindful of and clarify any immigration issues/actions required for a child that may relate to the EU Settlement Scheme.
- Any permanence planning meeting should include the identification of the most secure immigration status for the child (although citizenship might be more appropriate rather than EU Settlement Scheme for some).

### Pre-application checklist

1. Check out the Home Office [toolkit](#) to assist practitioners with materials and information to help support EU citizens with their application to stay in the UK.
2. Consider whether the child might be a British citizen. If they are, they are not eligible for the scheme. To check whether a child is a British citizen, please refer to the following guidance: <https://www.gov.uk/check-british-citizenship>. It is important to consider this guidance and what is – or will be – in the best interests of the child in relation to any application for British citizenship. Advice can be sought from NCC Legal Services to support with this.
3. Consider the child or young person's wishes and feelings and ensure they are aware of the right to access independent advocacy support.
4. Gather identity and nationality documents or make an application for them if there are none.
5. Consider evidence of UK residence. This is usually a letter from the local authority confirming the length of residence.
6. Record all key information that will need to be accessed by the child, carer or practitioners in the future.

### Verification of identity and nationality

Verifying the applicant's identity and nationality is a key requirement of the EU Settlement Scheme. If a child or young person does not have a valid passport or national identity card (for EEA citizens) or a valid passport or Home Office-issued biometric residence card or biometric residence permit (for non-EEA nationals) confirming their identity and nationality, it is important that the practitioner tries to obtain a passport or national identity card for the child or young person from the authorities of their country of origin before an application to the scheme is made.

**The details of the identification documents verified should be recorded in the child's record using the 'identity' tab and 'identification' section.**

In circumstances where NCC is unable to obtain or produce the required identity document due to circumstances beyond their control or to compelling practical or compassionate reasons, the Home Office will accept alternative

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<sup>3</sup> This is the allocated worker for the child unless otherwise stated. For example, a family help worker, a social worker, a social work support assistant, an adolescents worker, an accommodation support worker.

evidence of identity and nationality in such circumstances. Further information can be found in the [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members guidance](#).

If a child or young person does not have the required identity document and there are circumstances beyond their control or compelling practical or compassionate reasons why it is not possible to obtain or produce one, the practitioner will need to make the application using a paper application form. The practitioner must contact the Home Office Settlement Resolution Centre (SRC) which will confirm whether a paper application form is necessary and ensure that the correct form, if applicable, is issued. For contact details please see [the EU Settlement Scheme - Looked-after children and care leavers: local authority and health and social care trust guidance 2020](#).

A request for a paper application form should include details such as the name, nationality and date of birth of the child or young person, and details of why a paper application form is required rather than using the online form. The practitioner will also need to state why the form request is made behalf of a child. For example, NCC has parental responsibility for the child. The paper application form will be uniquely coded, and therefore will only be for use in respect of the child or young person for whom it was issued.

## LOCAL AUTHORITY RESPONSIBILITIES

In accordance with existing statutory duties NCC must, in all circumstances, seek to secure the best possible outcomes for cared for children, safeguarding and promoting their best interests and acting as a good corporate parent to enable each looked after child to achieve their full potential in life.

Addressing immigration issues early as part of any assessment and care plan, offering support and if necessary, seeking legal advice about the appropriate action based on the circumstances of the individual cared for child is an important part of these responsibilities.

The responsibility of the practitioner differs depending on the reason they are working with the child and the legal framework of their circumstances.

### Children with a Care Order, Interim Care Order or Placement Order

This relates to children who are cared for by NCC under a **care order** or **interim care order** under s.31 or s.38 of the Children Act 1989, or a child with an **adoption placement order** under s.21 of the Adoption and Children Act 2002.

If a child is identified as eligible for the EU Settlement Scheme:

- NCC has shared parental responsibility (PR) for the child or young person and is responsible for ensuring the EU Settlement Scheme application is made.
- The practitioner will make the application on behalf of the child.
- The practitioner will keep an accurate record of the application(s) made and status granted, as part of the child's plan.
- For children who have a pre-settled status outcome, the plan to convert this into a settled status included timescales will be documented in the child's plan by the practitioner.

### Special Guardianship Order

In circumstances where the child is placed in a **SGO arrangement** and the carer is an EU National, other European Economic Area (EEA) Citizen or Swiss Citizens, the Family Placement Service practitioner must provide support and assistance to the carer to complete the application.

### Accommodated children

This related to all children who are accommodation under **Section 20** of the Children Act 1989.

If a child is identified as eligible for the EU Settlement scheme:

- NCC does not hold PR for the child, but the practitioner will make those with PR, and where appropriate the child<sup>4</sup>, aware of the EU Settlement Scheme and the need to make an application.
- The practitioner will signpost those with PR, and where appropriate the child, to information about the EU Settlement Scheme.
- The practitioner will identify the support required to make an application. This will include consideration if it is more appropriate, due to their age and maturity, to signpost and/or support the child young person, or those with PR, to complete the application.
- The practitioner will monitor the progress of the application.

*Good practice would be for the practitioner to keep an accurate record of the application(s) made and status granted, as part of the child's plan. And, for children who have a pre-settled status outcome, the plan to convert this into a settled status included timescales will be documented in the child's plan by the practitioner.*

#### **Notes:**

Where a child in the UK makes an EU Settlement Scheme application, which does not list a related application by a parent or guardian, the Home Office has a duty to carry out checks to ensure the safeguarding of that child. For more information see: [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members guidance](#).

If a child has been accommodated because there is nobody with parental responsibility, or the child is lost or abandoned, the practitioner and their manager will consider how best to safeguard and promote the welfare of the child, in accordance with their duties. This includes a decision about the EU Settlement Scheme application.

For children in foster placements, the Family Placement Service practitioner should offer support to foster carers to ensure support and assistance is available to the child(ren) in their care, to receive the best possible outcomes.

## Care Leavers

NCC has a statutory duty to support care leavers until the age of 25, as detailed within the Children Act 1989 and the Care Leavers (England) Regulations 2010.

If a care leaver is identified as eligible for the EU Settlement Scheme:

- NCC will ensure they secure a status. The application will be completed by the young person's adolescent's worker or a practitioner from the 18+ team if they are no longer in contact with the service.
- The practitioner will promote the EU Settlement Scheme to the young person.
- The practitioner will identify the support required to make an application. This will include consideration if it is more appropriate due to their age and maturity, to signpost the young person to make their own application.
- The practitioner will keep an accurate record of the application(s) made and status granted, as part of their pathway planning duties.
- For children with a pre-settled status outcome, the plan to convert this into a settled status, included timescales will be documented in the care leavers pathway plan by the practitioner.

#### **Notes:**

In circumstances where there is a request for further information or a refusal decision, the practitioner will have a timely discussion with the care leaver to ensure the best outcome is achieved. This may include the practitioner contacting the Home Office (UK Visas and Immigration) via the Settlement Resolution Centre on their behalf, and/or seeking independent legal advice for or with the individual.

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<sup>4</sup> A child does not need consent to make an application.

The practitioner will consider if engaging an independent immigration adviser is necessary. An immigration adviser can advise whether legal aid funding via the exceptional case funding scheme may be available to cover the cost of immigration advice.

The practitioner will record all issues relating to immigration status and ongoing monitoring in the young person's pathway plan.

## Youth Secure setting (under 18)

Children and young people in youth secure settings (young offender institutions, secure training centres, secure children's homes and secure schools (once opened)) who are EEA citizens or family members of EEA citizens, may be eligible to apply for the scheme.

Where parental responsibility lies with the child or young person's legal parents, they should be completing applications on their behalf.

NCC have a responsibility to raise awareness of the application process to family members so they can make informed decisions; the level of involvement required will need to be assessed on an individual basis.

All cared for children in the youth justice system will require additional support. Where parental responsibility lies with NCC, the practitioner is responsible for ensuring that applications for status under the EU Settlement Scheme are submitted. Alternatively, the practitioner can support the child or young person to make their own application.

If the practitioner is supporting a child or young person involved in the criminal justice system, the child must be discussed with their Team Manager and the Youth Justice Service (YJS). If needed, advice can be sought from NCC Legal Services.

## Any other child in receipt of support

This related to children that are being supported by a family help worker, a Child in Need plan, Child Protection plan, Private Fostering arrangement, or a Special Guardianship Order.

If a child/young person is identified as eligible for the EU Settlement scheme:

- The practitioner will make those with PR aware of the EU Settlement Scheme and the need to make an application.
- The practitioner will signpost those with PR to information about the EU Settlement Scheme and relevant support available.
- The practitioner will offer those with PR support to complete the application.
- The practitioner will monitor the progress of the application.

*Good practice would be for the practitioner to keep an accurate record of the application(s) made and status granted, as part of the child's plan. And, for children who have a pre-settled status outcome, the plan to convert this into a settled status included timescales will be documented in the child's plan by the practitioner.*

## RECORDING PROCESS

For any eligible child, the practitioner must record essential information about the EU Settlement Scheme application in the child/young person's EHM/LCS record.

- The child's EUSS application status-** This will ensure EU Settlement Scheme circumstances can be tracked and updated, as necessary and in accordance with Home Office guidance. The date the EU Settlement Scheme application was made and when a decision was reached should be recorded in the child's 'identity tab' in LCS and 'further details' tab' in EHM, in the immigration section using the 'start date' and 'end date'.

- ❑ **The child's EUSS status-** This will ensure EUSS circumstances can be tracked and updated, as necessary and in accordance with Home Office guidance. This should be recorded in the child's 'identity tab' in LCS/'further details' tab' in EHM, in the immigration section, using the 'immigration status' picklist. The options are:
  - EUSS declined: when a family have chosen not to make an application. The reason and what support was offered should be recorded in the 'comment' field.
  - EUSS application: an application has been made but there is no decision yet.
  - EUSS pre-settled status: pre-settled status has been granted by the Home Office. Any relevant information to the status should be recorded in the 'comment' field.
  - EUSS settled status: settled status has been granted by the Home Office. The date the status was granted should be recorded in the 'comment' field.
  - EUSS appeal: an application has been made but there is an active appeal in process.
- ❑ **The child's Nationality-** This should be recorded in the child's 'personal details' tab, in the nationality section.
- ❑ **A record and plan for monitoring the child's status-** This will include future actions with deadlines, to convert pre-settled status into settled status once the child/care leaver has accrued five years' continuous residence. This information should be recorded in the child's plan/pathway plan.
- ❑ **Information related to the EUSS application-** This will ensure continuity of information in the event a child transfers to another team or there is a change in practitioner.
  - The immigration section of the 'identity tab' should be completed.
  - Information related to the application, such as the UAN, the e-mail(s) and phone number(s) that were entered in the application form, the address that was entered in the application form, and the answers that were given to the memorable questions at the end of the application form. This should be recorded in the 'comments' box when the immigration status is created.
  - Key information about the child's immigration status, applications should be recorded within their case note summary, contact records, assessments and within their plan/pathway plan.

## APPEALS AND ADMINISTRATION REVIEWS

Some decisions under the EU Settlement Scheme can be challenged by an internal administrative review and/or an appeal. The decision letter will tell you whether there is the right to apply for an administrative review or to appeal.

The letter will provide links to further information on the process and the fees payable:

<https://www.gov.uk/guidance/eu-settlement-scheme-apply-for-an-administrative-review>

<https://www.gov.uk/immigration-asylum-tribunal>

## COMPLEX CIRCUMSTANCES

For complex circumstances, for example where there are eligibility issues for non-EEA national children of EEA citizens, where the child resides based on a derivative right of residence under EU law, or where British citizenship can be applied for, the practitioner must discuss with the Team Manager and request advice from NCC Legal Services.

NCC Legal Services may choose to seek independent legal immigration advice to support with the application process. Legal aid may be available for some individuals.

Senior managers must be alerted to complex cases where legal advice is needed. The senior manager should alert the Head of Service with responsibility for EU Settlement Scheme, to the child's circumstances.

The Home Office Settlement Resolution Centre can be contacted for support.

## QUALITY ASSURANCE

## Roles and responsibility

**A Head of Service will have oversight of children eligible for the EU Settlement Scheme and their applications.**

Initially, this will be to ensure all eligible children are identified and to monitor and oversee pre-settled status cases that need to be converted to settled status. Once NCC are assured the service is routinely identifying eligible children, this role will be to oversee pre-settled status cases that need to be converted.

If conference chairs and reviewing officers identify a practitioner has not completed the required steps, they must escalate the issue to the practitioner through the usual challenge process.

If any quality of practice activity identifies a practitioner has not completed the required steps, this must be escalated to the practitioner and/or their manager.

## Performance reports

There will be a bi-monthly extract report produced by the performance team for the Head of Service to identify:

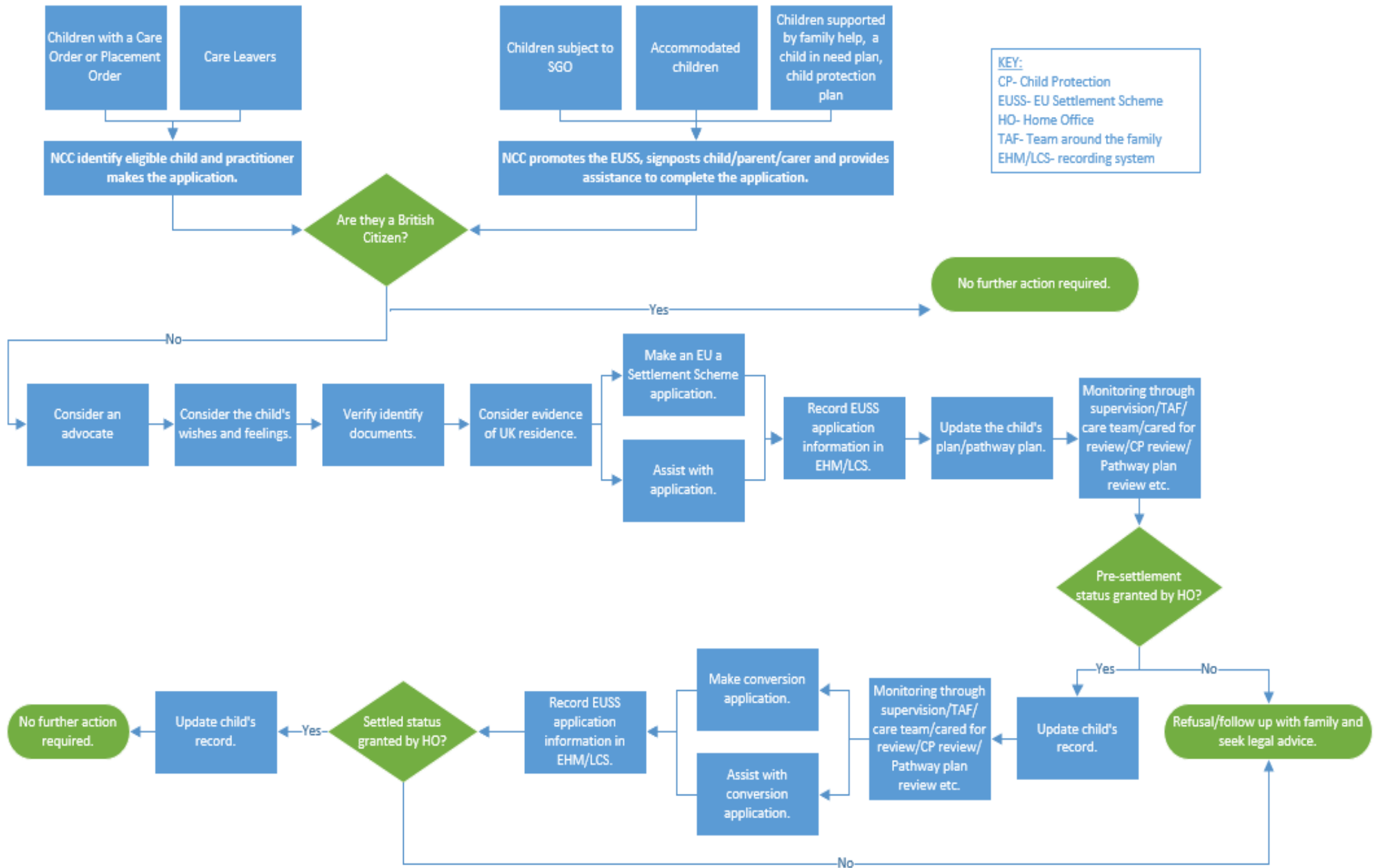
- all eligible children for the EU Settlement Scheme. This is to ensure an application is reflected in EHM/LCS as appropriate.
- children who have a pre-settled status which is due to end. This is to ensure there is a plan in place for its conversion.

## Closing the loop

The Head of Service will share a bi-annual report with QPAG for scrutiny and assurance.



# EUSS PROCESS FOR NCC



## IMPLEMENTATION PLAN

Focus area	Objective	Action required	Initial commitment	Ongoing commitment	Responsibility
<b>Identification of eligible children and care leavers.</b>	To be assured all eligible children are identified and supported to make their application, or an application is made on their behalf if they are cared for or a care leaver, evidencing: <ul style="list-style-type: none"> <li>How practitioners are aware of the EUSS.</li> <li>A clear identification process for: <ul style="list-style-type: none"> <li>EU and EEA EFTA national children,</li> <li>non-EEA family members of EEA nationals, and</li> <li>pre-settled status cases that need to convert to settled status.</li> </ul> </li> </ul>	1. Produce guidance for NCC that addresses identification including the LA duty and responsibilities, record keeping, and quality assurance arrangements.	n/a	This will be part of scheduled bi-annual Tri.x review	<b>Saira Park, NCASP Business Manager</b>
		2. Direct practitioners, managers and leaders to Tri.x to raise awareness of the EUSS and the supports available, either for themselves or to signpost to families. For example, a procedure document and 7-minute guide.	1 week	This will be determined by outcome of feedback.	
		3. Communicate the guidance. For example, SWTM meeting, FH locality meeting, team meetings etc.	4 weeks	Action 4 may need to be repeated or reviewed.	<b>CSCLT</b>
		4. Repeat feedback exercise after 6 months to understand practitioner/manager confidence with EUSS to determine if other steps need to be taken.	n/a		
		5. Align scrutiny and assurance responsibility to HoS role to ensure: <ul style="list-style-type: none"> <li>a. all eligible children have been identified and new children are being identified.</li> </ul>	Monthly, to be reviewed after 6 months	This can end once the service is assured identification and oversight routinely occurs.	<b>Dorothy Chambers, QA HoS</b>
		b. all pre-settled status cases are being reviewed and converted to settled status when required.	Monthly	No end date.	
<b>Record keeping processes.</b>	To be assured there is a consistent and clear recording process, that includes: <ul style="list-style-type: none"> <li>The Unique Application Number (UAN) given when the application is made.</li> <li>Which e-mail(s) and phone number(s) were entered in the application form.</li> <li>What address was entered in the application form.</li> <li>What answers were given to the memorable questions at the end of the application form.</li> <li>The nationality of the applicant.</li> <li>What status the child or care leaver was granted.</li> <li>The date that the child or care leaver can apply to convert their pre-settled status into settled status, and the date their pre-settled status expires (required only for those granted pre-settled status).</li> </ul>	6. Make the available changes in EHM/LCS to the 'further details' tab in EHM and 'identity' tab in LCS picklists, to reflect the status of an application and the status granted to the child/care leaver.	1 day	One off task.	<b>Carol Dickenson, Senior System Support Officer</b>
		7. Consider if an RTF is required, to support practitioners to write a letter of evidence as part of the child/care leaver's application to the EUSS, based on relevant information in the child's record.	4 weeks	One off task.	
		8. Explore an extract report from LCS and EHM and agree the reporting frequency to identify: <ul style="list-style-type: none"> <li>a. all eligible children for the EUSS across the service.</li> </ul>	4 weeks	Bi-monthly reports.	<b>Brian Smeaton, Performance team/ Dorothy Chambers</b>
		b. pre-settled status cases, highlighting those where the status is due to end.			
<b>Retrospective checks.</b>	To be assured all eligible children and care leavers up to the age of 25 have been identified, including those that may have left care up to seven years ago, have been identified, and that the checks are based on a clear identification process.	Agree parameters and timescales for a retrospective extract report. For example, EU, EEA EFTA children, including non-EU/EFTA children who are a family member of EU/EEA EFTA nationals, open to CSC through family help teams, CiN and CP plans, including SGO and private fostering, cared for or care leavers.	1 week	One off task.	<b>Dorothy Chambers / Brian Smeaton</b>
		Repeat the assurance exercise from 2022 and update case recording.	2 weeks		
<b>Other</b>	To be assured the service is meeting its statutory duty, in relation to the above.	Highlight report to QPAG.	n/a	Bi-annual reports.	<b>Dorothy Chambers</b>

