

Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

www.bridgend.gov.uk

Social Services & Wellbeing Directorate

Children's Services

EU

Settlement Scheme

August 2023

Version Control and Publication Information

Approvals	
Document Author	
Policy Consultation	
Approval:	
Policy Implementation / Published	
Version	
Date of next review	

Version Control			
Version Number	Key Changes Made	Signed Off By	Issue Date
1.0	New policy		

Table of Contents

1. Purpose of the Policy	4
2. Legal and Policy Context	4
3. Introduction	4
4. Determining Eligibility	5
5. Children with a care order, interim care order or placement order	7
6. Accommodated Children	7
7. Any other children in receipt of BCBC Support	8
8. Care Leavers	8
9. Youth Secure Settings (Under 18)	9
10. Data Recording	10
11. Appeal Rights and Administrative Review	11
12. Appendix 1 – EUSS Notification Form	12

DRAFT

1. Purpose of the Policy

- 1.1 To ensure that all looked after children and care leavers, who are European Union (EU), other European Economic Area (EEA) or Swiss citizens, are aware of and make an application to the EU Settlement Scheme.

2. Legal and Policy Context

- Social Services and Well-being (Wales) Act 2014
- Borders, Citizenship, and Immigration Act 2009
- Care Leavers (Wales) Regulations 2015
- EU Settlement Scheme - Looked-after children and care leavers: local authority and health and social care trust guidance 2020
- EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members guidance
- EU Settlement Scheme Communications Toolkit
- EU Settlement Scheme – Introduction for Local Authorities

3. Introduction

- 3.1 The EU Settlement Scheme allows EU citizens resident in the UK by 31 December 2020, and their family members, to get the immigration status they need to continue to live, work and study in the UK beyond 30 June 2021. This status means they will continue to be eligible for public services, such as healthcare and schools, as well as public funds and pensions. They will also be eligible for British citizenship if they meet the requirements and want to apply.
- 3.2 Under the EU Settlement Scheme, there are several statutory obligations placed on Bridgend County Borough Council (BCBC) Children's Services. These include:
 - Identifying adequately trained resource to manage and make applications.
 - Identifying eligible children, including looked after children for whom the BCBC has parental responsibility, looked after children who are accommodated, care leavers and any other children in receipt of local authority support, for example children in need.
 - Identifying key signposting responsibilities towards each eligible child and putting plans in place to ensure this signposting support takes place.
 - Determining, for each child BCBC has parental responsibility for, whether BCBC will be applying online and whether the authority can use the EU Exit:

ID Document Check app or will be posting the child's identity document to the Home Office to be checked and returned.

- Keeping an adequate record of each application made, including the status granted and which email address and phone number were used.
- Recording plans for monitoring the child's status, including future actions, with deadlines, to be carried out, in order, where the child is granted pre-settled status (generally where they have been continuously resident in the UK for less than five years), to apply to convert this to settled status at the appropriate time in the child's care plan or the care leaver's pathway plan.

4. Determining Eligibility

- 4.1 Determining eligibility for the EU Settlement Scheme is the responsibility of the child's case holding Social Worker or the young person's Personal Adviser (where the young person is accessing a Leaving Care Service).
- 4.2 Staff 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 in scope of the EU Settlement Scheme.
- 4.3 Before making an application to the EU Settlement Scheme on behalf of a looked after child, the case holding Social Worker should 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/checkbritish-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 BCBC Legal Services to support with this.
- 4.4 At this point, the staff member supporting the child / young person should ensure that consideration is given to the child / young person's wishes and feelings and ensure that the child / young person is aware of their right to access independent advocacy support. Advocacy services are available to all care experienced children within BCBC.
- 4.5 For complex cases, such as cases where there are eligibility issues for non-EEA national children of EEA citizens, where the child resides on the basis of a derivative right of residence under EU law, or where British citizenship can be applied for, the case holding Social Worker or the young person's Personal Adviser must discuss with the Team Manager and request advice from BCBC Legal Services. BCBC Legal Services may choose to seek independent legal immigration advice to support with the application process.

- 4.6 Where legal advice is needed for complex cases, the team manager must bring this to the attention of the Group Manager for further action and decision making processes.
- 4.7 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 case holding Social Worker or the young person's Personal Adviser endeavours 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. In cases where BCBC is unable to obtain or produce the required identity document due to circumstances beyond our control or to compelling practical or compassionate reasons, the Home Office will accept alternative evidence of identity and nationality in such cases. Further information can be found in the EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members guidance which is available here:
<https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>
- 4.8 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 Social Worker / Personal Adviser will need to make the application using a paper application form. The Social Worker/ Personal Adviser 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 Social Worker/ Personal Adviser will also need to state why they are requesting the form on behalf of a child – i.e. that BCBC has parental responsibility for them. 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.
- 4.9 The Home Office has developed a [toolkit](#) to assist staff with materials and information to help them with supporting EU citizens to apply to stay in the UK.

- 4.10 The Independent Safeguarding Reviewing Officers (IROs) are expected to undertake checks in Care Experienced Children Reviews, Child Protection Conferences and Pathway Plan Reviews to ensure that eligibility for and applications to the EU Settlement Scheme have been made. If the IRO determines that the Social Worker has not completed the required steps, the IRO must escalate to the Team Manager.

5. Children with a care order, interim care order or placement order

- 5.1 If the child is looked after under an interim care order under s.31 of the Children Act 1989 or a care order under s.38 of the Children Act 1989, or if the child is subject to a placement order under s.21 of the Adoption and Children Act 2002 and BCBC has parental responsibility for the child, BCBC has the responsibility for ensuring that the application is made. It is the responsibility of the case holding Social Worker to make the application.
- 5.2 In cases where the child is placed in a Special Guardianship Order placement and the carer is an EU National, other European Economic Area (EEA) Citizen or Swiss Citizens, the case holding Social Worker must provide support and assistance to the carer to complete the application. This will include signposting the carer to relevant information. The Home Office has developed a [toolkit](#) to assist staff with materials and information to help them with supporting EU citizens to apply to stay in the UK.

6. Accommodated Children

- 6.1 If the looked after child is accommodated under s.76 of the Social Services and Wellbeing (Wales) Act 2014, BCBC does not have parental responsibility for the child.
- 6.2 The case holding Social Worker should ensure that the child and those with parental responsibility for that child are aware of the need to make an application to the scheme, signpost them to the scheme, explain why it is important to apply and offer practical support where needed.
- 6.3 The case holding Social Worker should ensure that they work closely with the person with parental responsibility to monitor the progress of any application made, providing practical support as appropriate.
- 6.4 A child does not require consent from their parent or guardian in order to apply. They can make their own application. It is important therefore that all eligible looked after children are aware of their eligibility to apply and that decisions are made in the child's best interests. Where a child in the UK

makes an application under the EU Settlement Scheme in their own right and which does not list a related application by a parent or guardian, there is a duty on the supporting worker 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](#)

- 6.5 In cases where the child is being accommodated because there is no-one with parental responsibility for the child or the child is lost or abandoned, the case holding Social Worker in consultation with their Team Manager will need to consider carefully how best to safeguard and promote the welfare of that child in accordance with duties set out under s.78 of the Social Services and Well-being (Wales) Act 2014.
- 6.6 For children in foster placements, the Fostering Supervising Social Worker should offer support to Foster Carers to ensure that they are enabled to support and assist the children in their care to receive the best possible outcomes.

7. Any other children in receipt of BCBC Support

- 7.1 If other eligible children receiving support are identified, for example children with care and support needs or those in the Child Protection arena, the scheme should be promoted to them. Staff supporting the child and family are expected to provide support and assistance to complete the application process, this includes signposting the child / young person and their family to relevant available support.
- 7.2 In relation to unaccompanied asylum-seeking children, there are guides for social workers and foster carers here: <https://gov.wales/unaccompanied-asylum-seekingchildren-guidance-professionals>

8. Care Leavers

- 8.1 As per legislation and guidance, local authorities have a responsibility to provide ongoing support to young people who qualify for leaving care support up to the age of 25 in relation to the [Care Leavers \(Wales\) Regulations 2015](#).
- 8.2 Ensuring that care leavers secure a status through the EU Settlement Scheme is relevant to these existing statutory responsibilities.
- 8.3 Acknowledging that there may be occasions when extra support is necessary, the Leaving Care Team should identify care leavers who may be eligible to

apply to the scheme and offer them support to ensure that they make an application.

- 8.4 In some cases, if deemed more appropriate due to their age and maturity, the 16+ team may signpost them to make their own application or may need to offer practical support.
- 8.5 Identifying the support that can be provided to help eligible young people to make an application to the scheme and keeping an adequate record of applications made and status granted should form part of the necessary pathway planning for care leavers ordinarily carried out by the 16+Team in discharge of their duties.
- 8.6 In the case of a pre-settled status outcome, plans for applying to convert this into settled status, including the deadline for doing so, must be documented in the care leaver's pathway plan.
- 8.7 In the event of a request for further information or a refusal decision, the Leaving Care Team should follow this up with the care leaver in a timely fashion to ensure the best possible outcomes are achieved for the individual. Activities may include 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.
- 8.8 Consideration should be given as to whether to engage an independent immigration adviser. 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.
- 8.9 All issues relating to immigration status and ongoing monitoring should be included in detail in the care leaver's pathway plan.

9. Youth Secure Settings (Under 18)

- 9.1 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.
- 9.2 Where parental responsibility lies with the child or young person's legal parents, they should be completing applications on their behalf. However, BCBC still 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 a case-by-case basis.

- 9.3 All looked after children in the youth justice system will require additional support. Where parental responsibility lies with BCBC, the case holding Social Worker is responsible for ensuring that applications for status under the EU Settlement Scheme are submitted.
- 9.4 Alternatively, the case holding Social Worker can support the child or young person to make their own application.
- 9.5 If the case holding Social Worker or Personal Adviser is supporting a child or young person involved in the criminal justice system, the case must be discussed with the Team Manager and Youth Justice Service (YJS). If needed, advice can be sought from BCBC Legal Services. Where legal advice has been sought, the case must then be brought to the attention of the Team Manager and Group Manager who will inform the Head of Service. In some cases, BCBC Legal Services may then request independent immigration legal advice. These cases can be complex, so may require expert assistance to ensure the best possible outcomes.

10. Data Recording


- 10.1 When an application is made on behalf of a looked after child, or if they are otherwise signposted or supported to make an application for a looked after child or care leaver, record keeping and recording is essential. For any child eligible, case holding Social Worker or Personal Adviser must record essential information on the [EUSS Notification Form](#) (also see [appendix 2](#)) and attach to the child's Welsh Community Care Information System (WCCIS) record.
- 10.2 For unaccompanied Asylum Seeking children, the case holding Social Worker or Personal Adviser must record the child's immigration status under "Other Demographic Details" on the child's WCCIS record.
- 10.3 For all other children where an EU Settlement Scheme application is being made, the case holding Social Worker or Personal Adviser must record the status of EUSS within the child's WCCIS record under "Other Demographic Details." This recording will ensure these cases can be tracked and updated, as necessary and in accordance with Home Office guidance.

- 10.4 For all EUSS applications made, the child's case holding Social Worker or Personal Adviser must ensure the child's Nationality is recorded on their WCCIS case file. This recording is done on the Core Demographics screen.
- 10.5 Detailed records and plans for monitoring the child's status, including future actions with deadlines, to be carried out in order to convert pre-settled status into settled status once the child or care leaver has accrued five years' continuous residence should be documented in the child's care and support plan or the care leaver's pathway plan.
- 10.6 The child's WCCIS record should be uploaded with a EUSS Notification Form which records essential information regarding this application. The purpose of this form is to ensure continuity of information in the event of case transfer or change in allocated social worker/Personal Advisor. The following information is essential to record:
- The Unique Application Number (UAN) given when the application is made.
 - The e-mail(s) and phone number(s) that were entered in the application form.
 - The address that was entered in the application form.
 - The answers that were given to the memorable questions at the end of the application form.
 - The nationality of the child or care leaver.
 - The status the child or care leaver was granted.
 - 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).

11. Appeal Rights and Administrative Review

- 11.1 Some decisions under the EU Settlement Scheme can be challenged by an internal administrative review and/or an appeal. The decision letter will tell the applicant and their supporting social worker or personal advisor, whether there is the right to apply for an administrative review or to appeal and will provide links to further information on the process and the fees payable:
<https://www.gov.uk/guidance/eu-settlement-scheme-apply-for-an-administrativereview> <https://www.gov.uk/immigration-asylum-tribunal>

12. Appendix 1 – EUSS Notification Form

	BRIDGEND COUNTY BOROUGH COUNCIL SOCIAL SERVICES AND WELLBEING DIRECTORATE
BCBC - CS - EUSS APPLICATION	



Child's Name	
Child's Date of Birth	
Nationality	

Child Status*

Child Protection/Child In Need Yes No

Care Experienced Child/Care Leaver Yes No

Application

Date of Application*

Unique Application Number (UAN)*

Emails and phone numbers entered on application form*

Address entered on application form*

Answers given on the memorable questions at the end of the application form*

Current Status

Immigration Status*

Initial EUSS Status*

Date eligible to apply to convert pre-settled status to settled status

Date Pre-Settled Status Expires

Date Settled Status granted

Worker completing this form:

Date Completed:

This form is a replication of the form on WCCIS. You must ensure all data capture boxes are completed on WCCIS. This form is a demonstrative form and word forms are not to be completed and stored onto the WCCIS record.