



# EU Rights and Brexit Hub

Research, Advice and Support on EU Citizens' Rights



## LOCAL AUTHORITY DELIVERY OF THE EUSS

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## Executive Summary

This report investigates the implications of the EU Settlement Scheme for local authorities. As statutory public bodies, local authorities remain responsible for the delivery of housing, social care and public health. They are providers and gatekeepers for a range of services that EEA+ nationals rely on. In order to continue to access these services EEA+ nationals need to secure status under the EUSS. As providers of these services local authorities are thus key stakeholders in the EUSS process.

Local authorities, alongside the 72 Home Office funded organisations, have thus played an integral role in communicating to EEA+ nationals about the EUSS and providing support. Home Office guidance explicitly recommends that local authorities should be taking the lead on communicating the importance of the EUSS to residents and coordinating with local community groups to provide support to residents as well as supporting adults with care and support needs to apply and registering on behalf of children in care.

This research draws on 26 interviews with officials at four local authorities in England and Wales to assess the local rollout of the EUSS and the implications for both local authorities and the rights of EEA+ nationals. It finds that broadly speaking the local roll out of the EUSS has been a success but that the lack of reliable demographic data and the cost of COVID-19 leave some already vulnerable groups at risk of missing the deadline and losing their rights to work, rent and welfare support.

It also finds that there are significant long-term cost implications to local authorities due to the need to support individuals who miss the deadline to make a late application to the scheme. There is also a legacy cost of supporting those with pre-settled status secure settled status over the next five years. These costs have not been adequately planned for at the local or national level.

Finally, it finds that while national government support to local authorities has been adequate it lacked a strategic approach. With local authorities raising concerns about the timeliness and scope of guidance and the need for more active coordination between national and local actors.

### Groups still at risk

Conversations with local authorities revealed that a central barrier to delivering the EUSS was the lack of reliable demographic data. In order to innovate around this local authorities have utilised local community networks as a means of communicating about and providing support for EUSS applications. While this approach appears to be largely successful at contacting communities and some at risk groups, it does leave those who are socially isolated, or do not belong to community networks at risk of missing the deadline

Local authorities raised also concerns about the Impact of COVID-19 on their ability to support EEA+ residents. While on the one hand local responses to the pandemic have led to

improved communication and connections with community groups, it also worked to increase the isolation of others. Especially those who face digital literacy and access barriers or otherwise rely on face-to-face services.

This research thus supports the findings of the Migration Observatory<sup>1</sup>, the JCWI<sup>2</sup> and the Social Market Foundation<sup>3</sup> that those who

- are socially excluded
- face digital literacy and access barriers
- have complex immigration histories
- are in precarious living conditions
- are victims of abuse

are at significant risk of missing the 30<sup>th</sup> June deadline.

In addition this research also identifies **those who are living in areas with low numbers of EU migrants as at increased risk** due to the reliance on community networks as a means of communication and support about the EUSS.

A second area of concern raised by this research is the inconsistent approach to identifying and supporting adults in need of care and support, both by local authorities and private providers. In contrast to the nationally coordinated work on children in care and care leavers, only some authorities have conducted systematic reviews of adults and families receiving support. This means that there will likely be **a significant minority of EEA+ nationals receiving care and support who will miss the EUSS deadline and risk having their care and support withdrawn as a result.**

The EUSS as currently designed thus places already excluded and vulnerable groups at increased risk as they lose their rights to work, rent and welfare support after the 30<sup>th</sup> June. This means that without a reform to the deadline there is a significant risk that vulnerable EEA+ nationals will find themselves in crisis as they lose their ability to work and rent. This creates a significant additional cost for local authorities as statutory providers of support.

### Long-term costs to local authorities

During conversations with local authorities it also became apparent that relatively little planning had been done for service provision and support after the EUSS deadline. This was largely due to a combination of limited capacity, as resources were diverted to respond to the pandemic, and a lack of clear guidance from national government.

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<sup>1</sup> Migration Observatory. [Unsettled Status – 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?](#)

<sup>2</sup> Joint Council For the Welfare of Immigrants. [When the clapping stops: EU Care Workers after Brexit.](#)

<sup>3</sup> Social Market Foundation. [Best intentions: EU migrant workers in Fenland](#)

However, it became clear that, **as statutory providers of key services, local authorities will most likely have to bear the costs of supporting EEA+ nationals making a late application to the EUSS.** Under current guidance EEA+ nationals who miss the 30<sup>th</sup> June deadline, even if they have a legitimate reason to make a late application, will lose their right to work, rent and welfare. As statutory service providers, local authorities will have to bear the cost of emergency housing support for those with care needs or children and will face the unenviable decision of whether or not to continue supporting those to whom they already provide care and support.

This is a potentially protracted and costly process as local authorities will only become aware of a resident's need to make a late application to the EUSS when they fail an immigration check and are refused work, welfare support or housing – placing them in crisis potentially several months after the deadline.

The second **long term cost that we identified by local authorities is supporting those with pre-settled status to secure settled status.** If someone with pre-settled status is not able to evidence five years of continuous residence within five years of receiving pre-settled status they will also lose their right to work, rent and welfare support. However, for many of the more vulnerable residents that receive local authority support, such as rough sleepers or those with precarious living circumstances, securing and maintaining the necessary documentation is challenging.

These groups will need continuous support to ensure their residency is documented, and practical support to apply for settled status once they are eligible. This duty is likely to fall to local authorities and voluntary organisations, but is not fully planned for or funded.

### National Government Support

Overall local authorities in this study felt that they were adequately resourced and supported by national government for the immediate roll out of the EUSS. Local authorities reported that national government communicated the general purpose of the scheme well and they had adequate funding and points of contact to roll out the scheme at the local level and raise specific concerns.

However, several local authorities raised concerns about the timeliness of the support and guidance and the lack of strategic planning and coordination at the national level, which inhibited local planning and delivery. A recurring theme was that a more strategic approach to the EUSS rollout, that took into account the long-term costs of the scheme and provided more coordination between national and local actors, would have been beneficial.

A key lesson to be learnt from this scheme is the need for the Home Office and other government agencies to move from a system of “contacts” which disseminate information to a more active system of “coordinators” who work alongside local agencies and take responsive and proactive actions to support local authorities deliver schemes such as the EUSS.

## Recommendations

This report has three central recommendations.

**That the Home Office extends the deadline for at least three months to September 2021 in order to conduct a systematic review of care providers.** This research found that the approach to identifying and registering adults in need of care and support was highly inconsistent across local authorities with only some conducting systematic reviews. Yet adults receiving care and support from local authorities or private providers are both readily identifiable and are at increased risk of negative outcomes from missing the deadline.

It is thus in the interests of both the Home Office and local authorities to conduct a systematic review of both public and providers of care and support to identify and support potentially vulnerable EEA+ nationals to make an application. This will prevent potentially high profile cases of vulnerable EEA+ nationals being forced into crisis as their support is withdrawn.

**An extension of the grace period of temporary rights for EEA+ nationals who are eligible to make a late application to the EUSS so that they preserve their rights while an application is pending.** This research found that specific vulnerable and isolated groups are at increased risk of failing to register in time due to the reliance on community networks impacted by COVID-19 to provide support.

Extending the deadline will minimise the need for crisis intervention by local authorities by allowing EEA+ nationals entitled to make a late application to continue working and renting while their application is pending. This is again beneficial to both local and national government as it will significantly reduce the cost to the public sector by reducing the strain on local authority service provision.

**That the Home Office publishes long-term guidance and commits to funding for the EUSS that covers the full lifecycle of the scheme.** This research found that there is an urgent need for clear and detailed guidance about the rights of EEA+ nationals under the EUSS and a long term commitment to fund support to both late applicants and those with pre-settled status who must reapply for settled status.

Clear guidance and funding commitments will ensure that local authorities and community organisations will have certainty as to their role and have access to the necessary resources to support EEA+ nationals secure settled status. This benefits both local and national government by ensuring that the EUSS remains a successful and smooth process throughout its lifecycle.

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## 1. Background

The EU Settlement Scheme [EUSS] was launched on 1 November 2018 in anticipation of, and then in accordance with, the Withdrawal Agreement [WA]. Its purpose is to incorporate the immigration status and rights of EEA+ nationals residing in the UK under EU law into UK law. The EUSS in principle will allow EEA+ nationals resident in the UK prior to 31<sup>st</sup> December 2020 to maintain their rights throughout the Brexit process and the implementation of the new Immigration regime.

### The Scheme

Like 13 of the 26 remaining EU countries, the EUSS adopts a constitutive approach. This requires individuals to actively register with and be awarded status by the Home Office in order to access their rights. In contrast, 14 EU Member States have adopted a declaratory approach where an individual would simply have to show that they meet the criteria for a status under the WA in order to access their rights.

### Requirements

An individual may register with the EUSS if they are:

- An EU, EEA, or Swiss citizen
- A family member of an EU, EEA or Swiss citizen or an eligible person of Northern Ireland

To register with the EUSS you must be able to demonstrate both:

- Proof of identity (valid passport, valid biometric residence permit or card)
- Proof of continuous residence beginning prior to 31<sup>st</sup> December 2020 (employment, tax and benefits records, bank records, education records)<sup>4</sup>

These may be submitted electronically via a phone app or physically via post.

### Outcomes

There are two outcomes to successful applications to the scheme:

**Settled Status** – Equivalent to Indefinite Leave to Remain in the UK. Requires the applicant to demonstrate at least five years continuous residence in the UK starting before the 31<sup>st</sup> of December 2020. Status lapses if applicant is absent from the UK for more than five years.

**Pre-Settled Status** – Provides Limited Leave to Remain for five years. Requires the applicant to demonstrate residence in the UK prior to 31<sup>st</sup> December 2020. Status lapses if applicant is absent from the UK for more than two years. They must successfully reapply for settled status within five years to remain in the UK.

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<sup>4</sup> Full list available here: [EU Settlement Scheme: evidence of UK residence](#) (accessed 8<sup>th</sup> April 2021)

## Deadlines

Initially the deadline for applying to the EUSS was 31<sup>st</sup> December 2020 in line with the UK's exit from the European Union. This was subsequently extended to the 30<sup>th</sup> June 2021 with a corresponding grace period which guaranteed that EEA+ nationals can continue to access their rights regardless of their immigration status until the application deadline.

After 30<sup>th</sup> June 2021 if an EEA+ national does not have status under the EUSS they will not have the right to work or the right to rent in the UK and will have no recourse to public funds.

## Local delivery of the EUSS

The EUSS, as an immigration programme, is based within the Home Office. However, as it requires EEA+ nationals to actively apply and navigate the online system its success largely depends on the delivery of local support. Also, as a significant immigration reform it has sweeping implications for local authorities as statutory service providers, making them key stakeholders in the EUSS.

### Home Office administered scheme

Operationally the EUSS is situated within the Home Office as an immigration programme. To reduce administrative burden, the Home Office has taken advantage of integrated information systems and the prevalence of smart phones to streamline applications through a pilot 'online-only' system. Specifically:

- Users can apply and submit documentation via the 'EU Exit: ID Document Check' app rather than having to submit physical copies by post.
- Applications are cross-referenced with HMRC and DWP records of employment and certain benefits to automatically confirm length of continuous residence. Additional documentation is required to fill gaps in central records.
- There is no physical record of status issued. Immigration status is recorded digitally and can only be accessed and shared through an online platform.

The result has been a highly centralised process administered by a specialist team in the Home Office. Which reports a relatively quick average application turnaround of five working days, for applications that do not require additional documentation.<sup>5</sup>

Home Office figures indicate 5.4 million applications were successfully processed as of 30<sup>th</sup> April 2021, of which 2.7 million received settled status, 2.2 million received pre-settled status and 0.1 million were withdrawn, void or invalid.<sup>6</sup> This is significantly above the original 3.5m EEA+ nationals originally estimated to be in the UK.<sup>7</sup>

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<sup>5</sup> [Home Office, EU Settlement Scheme: current estimated processing times for applications](#) (accessed, 21<sup>st</sup> April 2021)

<sup>6</sup> [Home Office, EU Settlement Scheme Statistics](#). Numbers may not tally due to rounding errors. (accessed 8<sup>th</sup> April 2021)

<sup>7</sup> [ONS, Population of the UK by country of birth and nationality: 2018](#). (accessed 15<sup>th</sup> April 2021)



## Barriers to Access

The centralised and digital-only nature of the EUSS has created barriers to access the scheme for some vulnerable and protected groups. The Home Office's Policy Equality Statement<sup>8</sup> states that elderly and disabled applicants are disadvantaged by the scheme, for they are more likely to require assistance accessing the online system and are likely to face additional burdens of proof due to the limited nature of the automated checks.

The Committee on the Future Relationship with the European Union report<sup>9</sup> also identifies a wide range of vulnerable social groups that require additional support to access the scheme, in addition to those identified by the Policy Equality Statement. This includes but is not limited to:

- children in care
- Roma and traveller communities
- those in precarious circumstances
- those with limited digital access or ability
- those with language barriers
- victims of domestic abuse.

Previous work by the *EU Rights and Brexit Hub* has also identified that vulnerable adults are particularly at risk due to the design of the EUSS.<sup>10</sup>

The Home Office's Policy Equality Statement and response to the select committee report<sup>11</sup> argues that this discrimination is mitigated through the provision of a national EUSS Support Centre and centrally funded local authority and third sector providers of specialist support to vulnerable groups. This local delivery of the EUSS support is the focus of this report.

## Local Delivery and Support

The ultimate success of the EUSS thus relies on EEA+ nationals being able to, and actively engaging with, this central online system. Specifically, it requires EEA+ nationals and their family members need to:

- be aware of their need to apply before the deadline.
- be able to access sufficient documentation to demonstrate status.
- submit a valid application before the deadline.

The EUSS has thus involved an extensive process of communicating and engaging with key populations about the EUSS and providing support to those who face barriers to access.

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<sup>8</sup> [Home Office. Policy Equality Statement](#) (accessed 13<sup>th</sup> April 2021)

<sup>9</sup> [Committee on the Future Relationship with the European Union. Implementing the Withdrawal Agreement: citizens' rights.](#) (accessed 13 April 2021)

<sup>10</sup> [EU Rights and Brexit Hub. EU Settlement Scheme: Barriers to Accessing Public Services for Vulnerable Adults](#) (accessed 13 April 2021)

<sup>11</sup> [Implementing the Withdrawal Agreement: citizens' rights: Government Response](#) (accessed 13 April 2021)

The Home Office has sought to provide some of this support nationally through:

- The provision of a national EUSS Support Centre accessible by telephone and email
- Three 'bursts' of national advertising campaigns between March 2019 and December 2020, totalling £4.6m
- Funding 72 third sector organisations providing specialist support across the UK, totalling £17m.

However due to the diverse range of EEA+ communities and the need to reach vulnerable and isolated populations such as the elderly, those with language barriers, isolated social groups, and others, much of the communication and support work has had to be conducted locally by local authorities and third sector organisations.

Home Office guidance to local authorities issued in September 2020<sup>12</sup> recommends that they take responsibility for:

- Communicating the importance of the EUSS to residents through their local networks
- Coordinating with other local organisations to facilitate support for adults with care and support needs.
- Fulfilling their statutory obligation to apply to the EUSS on behalf of children in care and care leavers.
- Providing an Assisted Digital service
- Providing a Document Scanning service
- Assisting residents to secure the necessary documents

Potentially more importantly, as statutory public bodies, local authorities remain responsible for the delivery of housing, social care and public health. They are providers and gatekeepers for a range of services that EEA+ nationals rely on. In order to continue to access these services EEA+ nationals need to secure status under the EUSS making local authorities key stakeholders in the EUSS process as a whole. Understanding local authority delivery of the EUSS support and forward planning for service delivery is thus an important aspect of evaluating the success of the EUSS.

## The Study

This report presents the findings of four detailed cases studies of local authorities in England and Wales. It draws on 26 interviews with local authority officials spread across four authorities conducted in February and March 2021. We selected authorities from the top 10 percent authorities by EEA national residents in England and Wales. The sample includes a London Borough, a County Council, a Unitary Authority, and a Welsh Primary Authority. They include two Labour controlled authorities and two Conservative controlled authorities.

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<sup>12</sup> [Home Office. EU Settlement Scheme: introduction for local authorities](#). (Accessed 8 April, 2020)

## 2. Identifying Eligible Residents

### Section Summary

This section focusses on how local authorities have sought to identify and communicate with residents that are eligible to apply to the EUSS. Specifically:

- Communication strategies to inform residents about the EUSS
- Coordination with Local Community Organisations
- Internal identification of residents receiving care and support from the Authority

Its key findings are:

- Local authorities did not have access to adequate information about local demographics and EUSS applications to be able to target support and communications
- Local authorities have thus relied on broad-spectrum communication strategies and engagement with community networks, in particular religious leaders, to communicate with EU communities.
- Local authorities appear to have managed comprehensive reviews of children receiving care and support.
- Local authority support for adults receiving care and support varies between authorities with only two of four authorities completing comprehensive reviews.

Our Recommendations are

- That the Home Office extend the deadline for three months to September 2021 in order to coordinate a systematic case review of care providers to ensure that all current recipients of care and support can still access this support after the deadline.
- That the Home Office and other government departments improve their data sharing with local authorities to facilitate local decision making and service delivery.
- That Home Office updates guidance on late EUSS applications to reflect that EEA+ nationals with limited digital access, or who are otherwise socially excluded, have legitimate reasons for making late applications

Home Office guidance is that local authorities should take responsibility for:

- Communicating the importance of the EUSS to residents through their local networks
- Coordinating with other local organisations to facilitate support for adults with care and support needs.
- Fulfilling their statutory obligation to apply to the EUSS on behalf of children in care and care leavers.

Local authorities themselves were also keen to ensure that their residents who were eligible to apply were aware of the scheme to avoid a repeat of the problems encountered with the Windrush generation. They were concerned about the risks both to their residents' rights to work, rent and public support, and to the local authority's finances and reputation, and were keen to communicate to EU residents that they were valued by the community and that support was available if they needed it.

These are our residents. We value them. We valued them yesterday, nothing has changed today that would mean we value them less and the events of Brexit did not reduce their importance, their worth, their value, their contribution to our community. And it was that Brexit did not change that human relationship. (Local Authority Officer, London Borough)

We were very concerned because as you identify, we've got a large workforce in some areas of the county of EU citizens, and we didn't know what a) what it would actually mean to them and b) what the preconceptions would be or what their behaviour would be. So it's not just about the actual policy, it's about how people are hearing about the policy. (Local Authority Officer, County Council)

The central challenge that local authorities faced in order to prevent this outcome was identifying the individuals, groups, and organisations that (1) needed to be informed about the EUSS (2) needed support in order to access the EUSS and (3) needed to be registered by the local authority.

the focus was on how do we enable people to do this? How do we reach people that are hard to reach? You know, who we typically don't have like a Lifeline to, like a regular kind of point of communication with, how we reach them? It was very much on how do we help people prove that they have the right to reside (Local Authority Officer, County Council)

However, data about the number of EEA+ nationals in each local authority was low quality. This meant that authorities tended to use a combination of communications strategies and community outreach to inform residents of the EUSS, while only some conducted extensive reviews of their service users in order to provide more targeted support.

## Data Quality

A Recurrent problem was that immigration statistics for each of the authorities either were out of date or had wide error margins:

We don't have a comprehensive idea of the nationalities in the demographics of the borough. And that's been one of the big challenges about trying to see how we're doing on this programme is we don't have a comprehensive idea. How many numbers? How many people there are in the borough? Who are EU Nationals? [...] the data is so incomplete and patchy it's very unreliable. If you use the census data for example, I think we've had something like three times as many applicants from Romanian people than we thought lived here. So it gives you silly numbers. (Local Authority Officer, London Borough)

However, the available data significantly underestimated the numbers of EEA national involved, creating uncertainty over the scale of the population's authorities needed to target and if further action was needed to target hidden populations.

So I would say the biggest barrier has been data on the eligible population. If you have no idea how well you're doing, you have no idea if you need to up your efforts or if there's groups you need to target, so that's been a big problem. (Local Authority Officer, London Borough)

I mean because the numbers are so much bigger! [...] What it definitely told us is that the census every ten years is useless. Having a census every ten years is absolutely useless. (Local Authority Officer, Unitary authority)

Some also pointed to the slow turnaround of official statistics and lack of information from the Home Office as a significant problem in the planning and delivery of support to residents:

having the data earlier on and a more detailed granular breakdown would have been beneficial, in the spirit of helping us to effectively focus the discussion, helping us to plan and understand, know our communities better. It would have been great if there'd been a willingness to share that data at a much more detailed level, so we knew who was where in our city. (Local Authority Officer, Unitary Authority)

we did ask for the [EUSS application] data, and obviously not individual data, but just a sense of locations so we could sort of target within the city and understand a little bit more. But that data hasn't been shared with us and it's been the thorn in the side of the whole of last year. We weren't getting the data which we need, if there is a problem that we don't know as much as we should know about, then we're not being helped to serve the people of the city. (Local Authority Officer, Unitary Authority)

Others reported similar problems where they were unable to access information held by the Home Office and other government departments about people applying for support in order to guide them through the application process and target local support.

honestly at the council could have looked at the spread of the postcodes and gone "right we know where to go" because that's the local knowledge. [...] but we have never had that chance throughout the year to kind of just look at where applications are coming from. And

it feels like we've got away with it because the numbers would suggest that we have. But if the problem gone the other way we wouldn't have done and we wouldn't have had the opportunity to take targeted local action (Local Authority Officer, Unitary Authority)

This lack of granular or localized data meant that a significant amount of work was dedicated to mitigating unknown rather than known risks or shortfalls especially for socially isolated groups:

the hard to reach groups are by definition hard to reach. It's always that kind of the unknown unknowns I guess, rather than the known unknowns. So I think that's it. I think overall for us, like anything that we highlighted as a major risk was due to unknown variables rather than known negative variables. (Local Authority Officer, County Council)

This increases the burden for local authorities as they must then take additional steps to mitigate this lack of information in their service delivery through either less targeted interventions or duplication of information gathering to replicate data already held elsewhere.

### **Recommendation 2.1**

**That national government departments, and the Home Office in particular improve its data gathering and sharing procedures with local authorities in order to improve local service delivery.**

Interviews with local authority offices revealed how a lack of precise data about local demographics and applications to the EUSS limited the ability for local authorities to target resources. While some data about the EUSS has been released by the Home Office on a quarterly basis, interviews identified how there is still significant scope for more timely and granular data to be provided by national agencies to local authorities to improve resource allocation in future schemes and programmes.

## Local Communication Strategies

This lack of reliable data about the demographic make-up of the authorities meant that most local authorities had to rely on informal networks and local expertise to target support and information to residents. This was particularly challenging considering the range of different populations that were eligible for the scheme:

Then obviously that breaks down into a series of concerns about how do you reach certain groups that are difficult to reach? How do you reach groups who you might not necessarily think of as being eligible for EU settled status? So it is not just EU Nationals who are eligible for people who have kind of links to EU nationals, family links or might have a historical claim on a EU passport. (Local Authority Officer, Unitary Authority)

All four local authorities sought to use their "full range of comms" to communicate to residents about the EUSS. This has involved the usual online channels such as e-newsletters,

websites and social media accounts, adverts in local free magazines and incorporation of EUSS information and signposting into their customer service teams training. The range of identified strategies included:

- Providing information about the EUSS in its annual council tax mailing
- Providing information in regular free local magazines
- Providing advice sessions to employers through local business associations
- incorporating EUSS information and signposting into customer service teams
- Sending targeted letters to all those registered as an EEA+ national on the open electoral register

However, there was a general concern that this approach would not be able to reach a sufficiently broad range of communities due to digital and social exclusion, language barriers, and news consumption patterns

from a community perspective, we were particularly concerned in the north west of the county that a lot of people would be without information. There is quite a lot of digitally excluded people there. We can have an issue with Gangmasters. We don't always know who's there so we didn't know how we're going to reach those people to give them the support that they would need and whether in fact what came through was going to be useful and usable for them. (Local Authority Officer, County Council)

As a result, local authorities have also sought to use alternative information channels to communicate about the EUSS:

We've done quite a lot to try and push things out in different languages. Pushing things out into the video content in different languages using community radio stations. So have to have a very multi-channel approach if you're going to have that real engagement. (Local Authority Officer, Unitary Authority)

In order to overcome this communication barrier local authorities sought to use local community networks to both communicate about the EUSS and also target key issues for action and support.

### Community Outreach

Alongside these communications channels the authorities also sought to run community engagement and outreach events in the native languages of key EU communities in each area and outreach sessions with marginalized groups:

we've held events in Romanian, Italian and we've got one planned in Spanish I think. So we've been trying to push those. We've recently had a member of the Citizens Advice Bureau embedded within the Council to act as a navigator. To try and link in with services and work out where they might be in contact with EU Nationals who we haven't generally been able to reach. So that's particularly homeless people and also we have a travellers' site in the borough, so trying to outreach to Roma and travellers. (Local Authority Officer, London Borough)

However most authorities reported some significant barriers to accessing community networks, in particular in Eastern European communities. In order to overcome this, authorities have tended to rely on less formal community networks such as faith organisations, community radio adverts or targeted events and drop-in sessions at community centres and schools:

The nature of some of our communities, who are very untrusting, of anything too formal, that's been a real challenge for us (Local Authority Officer, County Council)

We have a large Eastern European community. In particular in the west of the city and I think the challenge is it's not just language it's also knowing just quite how to reach out to them. Because there isn't the quite the established network that there is for others, of organisations and others who represent them. I mean that faith does play a part, quite a lot have strong affinity to the Catholic faith that we have got some routes through there but I think there's that ongoing challenge (Local Authority Officer, Unitary Authority)

we are doing a lot of work with our schools, so we identified, for some communities, quite early on that actually it was the children and young people that were most likely to take the message back and most likely to be able to work through what they needed for scheme. So we are picking up some of that there. Now we are watching the teachers who are saying, "actually, we think this family is still blind to needing to do this and are using services." (Local Authority Officer, County Council)

This meant that the process of accessing and disseminating information to key communities has tended to be labour intensive:

I think you know what we found is in many respects it goes back to you can't rely on just the digital form, so yes those things like trying to tap into communities own networks and WhatsApp groups has been great and that's you know actually reached into some communities really well. But in practice, in others, it's been down to knocking on doors, it's back to the boots on the ground. [...] if you really want to have that reach and influence sometimes you've got to put that resource on the ground you can't just rely on the joys of social media and stuff because it doesn't tend to reach the ones you really need to reach.' (Local Authority Officer, Unitary Authority)

All four councils covered in this study appear to have conducted comprehensive communication strategies and were able to evidence positive feedback from local community groups. Thus while there are still some groups that are still at risk as a result of the EUSS, these are likely to be those that are particularly socially isolated, live in an area without strong EU community networks or otherwise face barriers to accessing information about the scheme or accessing the scheme itself.

## Identification of Service Users

Alongside the broad communication strategies about the EUSS, local authorities are also statutory bodies that provide a key range of services to EEA+ nationals whose access to these services is dependent on registering with the EUSS. Despite this, local authorities have taken an inconsistent approach to identifying service users who are eligible for the EUSS.



Some have completed full systematic reviews while others have been wary to do so because of the legacy of the hostile environment and the need for the local authority to be seen as a safe point of contact for all residents.

Again the main barrier facing local authorities in identifying eligible service users was the poor data quality. Most council databases were not equipped to record nationality or immigration status prior to Brexit. The closest information sets were ethnicity and language data collected for equality and diversity reasons.

'The biggest challenge across every team has been incomplete datasets. I also know this to be true from working with other public sector partners, datasets are not geared up to record immigration status. Or at least it is a bit messy in terms of if they do record anything they record ethnicity due to the equality act and equalities monitoring, but that data is imperfect. [...] it is not only voluntary but I suspect that looking from the data there is a lack of understanding from the officers that filled it in, or the individuals that filled this in have mixed up ethnicity and nationality [...] but the biggest issue is that a lot of the fields are blank or incomplete.' (Local Authority Officer, Wales)

This meant that most local authorities were not immediately aware of which of the children and adults receiving care and support needed to apply to the EUSS in order to maintain their rights to this support.

At the same time the legal obligations of the local authority differed significantly for adults and children. For children the local authority had a legal responsibility as the corporate parent to apply on behalf of children in care and support care leavers in securing status. This does not exist for adult social care or housing services.

on the footing between adults and children's duties, we see ourselves [in adult services] very much as kind of facilitators and acting for people who don't have capacity or anybody else to act for them. We don't see ourselves as necessarily responsible in the same way, because you know, people are ultimately responsible for themselves unless they are telling us they can't do something. (Local Authority Officer, Unitary Authority)

Meanwhile there was no formal guidance from the Home Office as to where the responsibility lay for ensuring that adults receiving care and support had made an application:

At the outset I was expecting the government to mirror the duty that applied on children looked after to adult social care. But that never actually materialised. (Local Authority Officer, London Borough)

This meant that in all cases children's services were legally required to review their records of children receiving care and support in order to identify those that were eligible for the scheme and comply with Home Office surveys about the number of children and applications. But this requirement did not exist for adult services.

Thus while there was a strong continuity in the work done around children, the work done to identify and target support to adults receiving care and support was very inconsistent between authorities. This implies that there is likely to be a significant minority of EEA+ nationals dependent on care and support who will not have been identified or supported to apply to the EUSS scheme before the deadline. And will thus lose their right to this support.

### Children

Due to the statutory responsibility to children in care and care leavers had applied to the EUSS, local authorities responded by conducting systematic reviews of their records in order to identify those that needed to apply and the support needed.

So we have a statutory responsibility to make sure that our children in care and care leavers - people who were here in care as children and are now young adults - We have statutory responsibilities to make sure to support all of them with their EUSS applications. And our children's service and corporate parenting service has been on top of that from the start as well. Just keeping track of our EU service users, children, that would be eligible for that and making sure that their application is progressing. (Local Authority Officer, County Council)

While this was a time-consuming exercise the level of contact that children's services maintains with children in care and care leavers meant that records were significantly better and could be easily updated after each contact.

Because what's different about [children] as opposed to kind of general population is that with children in care and care leavers we have records of who they are and we know whether they're an EU citizen or not based on their records. Whereas with the general population there's all kinds of people that we have no contact with because they don't ever need our services on a regular basis or a one to one basis. So that one was much more straight forward, I think, not without its challenges, but it's something that we had records that we could pursue that we could keep a track of how we're progressing on it. (Local Authority Officer, County Council)

It is worth noting that these findings contrast with the surveys of children's services conducted by the Home Office<sup>13</sup> and the Children's Society<sup>14</sup> which have indicated that there are likely to be significant numbers of EEA children in care and care leavers who have yet to apply to the EUSS and whose applications have not be appropriately documented. This implies that while the four authorities covered appear to have conducted systematic reviews, the quality may vary significantly between authorities.

### Adults

In contrast to children receiving care and support, the four authorities included in this study varied significantly in their approach to identifying and supporting adults receiving care and

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<sup>13</sup> Home Office, [EU Settlement Scheme – Home Office looked-after children and care leavers survey 2021](#) (Accessed, 19 May 2021)

<sup>14</sup> The Children's Society. [Looked After Children and the EU Settlement Scheme](#) (accessed 19 May, 2021)

support. We identified three different approaches to identifying and supporting adults to access the EUSS.

This is the result of two factors. The first is the lack of clear legal duty to apply on behalf of adults receiving care and support. The second was that the number of adults in need of care and support was significantly larger than the number of children and the data quality was significantly lower.

Certainly nationality wasn't routinely collected, and I say it wasn't mandated, so in some cases it was because somebody had asked, but in a lot of cases it wasn't necessary. Immigration status only became an issue if it was identified that some that somebody's immigration status meant that they might not have the right to access statutory support under the Care Act. So those people with no recourse to public funds. So it was all a bit hit and miss. (Local Authority Officer, Unitary Authority)

Thus, the process of identifying and supporting adults was very labour intensive. Alongside this, the legacy of immigration enforcement scandals such as the Hostile Environment meant that one authority politically opposed the incorporation of immigration measures into its provision of care and support to residents. Thus within four authorities we identified three approaches to identifying and supporting adults receiving care and support.

**Systematic Case Review.** One authority in this study adopted a systematic review of all of their service users in both their adult social services and housing directorates. This involved modifying their service database to allow for the recording of immigration status and nationality and initiating contact with all of their registered users over the period of several months. Immigration status questions were introduced into the normal conversation for case workers but the authority would only intervene directly when it was seen as a necessary and important step for the benefit of the resident. This was a highly labour intensive process.

So routinely providing lists out to frontline team so that they could go back and make those checks get look at the system updated. Adding additional pick lists to the system that we've got so that teams were readily able to work through from nationality to status to whether advice been given, etcetera, so that we could evidence that and we now routinely provide management reports through to teams so they can see where they've got gaps. [...] So we've got a flag that indicates that advice is being given but know that somebody's status hasn't yet been confirmed and it's now a regular item on our management team meeting in terms of trying to make sure that we're using the system information to drive consistent practice. But also to assure ourselves that we're not missing people, particularly in the run up, obviously to the June time. (Local Authority Officer, Unitary Authority)

This decision to initiate a conversation with all service users was driven in part by a concern about of the potential impact of the EUSS on wider support and kinship networks of service users, who may have close family members that needed to apply or may rely on EU nationals as support workers.

**Targeted Interventions.** In contrast to this full review of the client base two of the four authorities adopted a more targeted approach where they attempted to utilise the limited data available to locate those at risk due to the EUSS.

one of the things that we quite early on was a bit of diagnostic work about what was the crossover likely to be between people who couldn't reach messages digitally, and people who needed to sign up for settlement scheme. So I think we did that bit of diagnostic work. Then we did that targeted work to anybody that we knew about. And then I think we went to our District Council partners and said, this has been our data approach. Can you replicate that? Because of course in the County Council we don't have things like housing. [...] so we went out to our district colleagues and said "can we support you with this approach?" Because we have the data team in the middle, can we pull out this? These are the kind of tagged characteristics we would look for if we were looking through our data streams. We pulled all that out and directly mail them and then I think we followed up where we could with actually knocking on the door. (Local Authority Officer, County Council)

This involved constructing lists of service users on the basis of ethnicity, primary language and, when no other data was available, recorded name. These were then passed on to caseworkers who would then initiate a conversation to confirm whether the service user was eligible for the EUSS and to signpost to support.

You have to come up with a methodology that leaves something to be desired because the dataset that you begin with is imperfect because the part you are relying on was never recorded. So you use a combination of ethnicity, the nationality, sometimes the language, even using an individual's name to sort of triangulate that a person is eligible for the scheme. Then you would contact the primary worker, usually a social worker not always, and basically approach them to ask the question, whether they know if this person has put in application to the EUSS. [...] that was replicated across every service area. (Local Authority Officer Wales)

wherever somebody was in one of our case management systems, and I suppose case management systems is a pretty broad, that might be our education system, it might be our children, social care, adult social care might be housing. So wherever we, wherever we could find out information we did and we sent targeted communications, I think by post, very old school. (Local Authority Officer, County Council)

This more data led approach while less labour intensive and thus more manageable still risked that those users who did not have regular contact points or where only limited information was known would not be identified and would not receive support.

This is a particular concern for adults. We are aware that particularly for adults that have been in the system for a long period of time and don't often have a primary worker and are accessing local authority support through and EU right historically may now find their situation a bit more precarious (Local Authority Officer, Wales)

And the focus on specific sets of service users means that there is still a risk that those who are not themselves eligible for the EUSS but rely on kinship or support networks are still at risk.

**Commitment to Support.** One authority made the explicit political decision not to initiate a review of service users or introduce immigration status into their caseworker conversations with adults in need of care and support. This was explicitly due to the legacy of the hostile environment in London:

I think in many London boroughs, including [borough], are very wary of passport checks as a routine. There is a long history of antipathy to passport checks. And I think that antipathy has been exacerbated by not only by Brexit but also Windrush obviously. So in a way, you know, showing your identity at every nook and cranny of the town hall is not our approach. (Local Authority Officer, London Borough)

There was a sense that the authority as a provider of key support services needed to be seen as a safe and welcoming point of contact for residents and that care and support staff should not be expected to conduct immigration enforcement.

I'm also pretty aware that the people you asked to make that check also might be alienated because they don't believe in having to do a distasteful thing like "where is your passport missus". [...] I to be absolutely fair, there was some Data collection by DfE at quite an early stage, I think it was designed to identify EU Nationals within the school roll, and I know that that didn't go down well at all. I remember the people involved expressing distaste. (Local Authority Officer, London Borough)

Instead, the authority has sought to take a particularly expansive approach to service provision so that no existing service user would have their support withdrawn as a result of missing the deadline and that they would provide support when it became apparent that this was the case:

Well, I think two areas where we were very clear like we were going to have to respond. One was about older people who are in our care. The other was about younger people who are in our care. For both we had in a sense statutory and direct responsibility and clearly we needed to ensure that the service provision to them was not interrupted or diminished and whether they were entitled to it or not was a secondary issue more important that we need to make sure that that care was both appropriate and uninterrupted. (Local Authority Officer, London Borough)

While this commitment to provide support does mitigate some of the immediate risks of adults in need of care and support from the EUSS it does still leave the both the resident and the authority exposed to the cost of No Recourse To Public Funds while a late application is pending.

This inconsistent approach to identifying and supporting adults receiving care and support, ranging from systemic reviews to no active intervention, both demonstrates that local authorities can identify and support service users that are eligible to apply to the EUSS and that the provision of this support varies significantly across the UK. This raises significant concerns about the risks to vulnerable adults in the UK as a result of the EUSS.

### **Recommendation 2.2.**

**That the Home Office extend the deadline for three months to September 2021 in order to coordinate a systematic case review of care providers to ensure that all current recipients of care and support can still access this support after the deadline.**

The inconsistent approach to identifying and supporting adults in need of care and support identified by this study is problematic. It means there is a significant risk that EU citizens who rely on publicly funded care and support will not have been identified or made an application in time. We therefore recommend that the Home Office take a similar approach to adults receiving care and support as for children in care and care leavers. Specifically by providing specific guidance to local authorities about their role and conducting a survey of public and private care providers to ensure that all EEA+ nationals receiving care and support have applied to the EUSS. We recommend a 3 month extension to the deadline while this work is completed.

## Impact of COVID-19

The Impact of COVID-19 on the communication and identification of eligible residents by local authorities has been mixed. On the one hand, it has led to a significant resource drain for local authorities as they have had to respond to the rolling crisis of COVID-19 and reduce face-to-face contact for key services.

lots of our contacts in communities we realised were so based on personal attendance, that we have people out in the community attending youth groups and all that stopped. That was a real challenge.. (Local Authority Officer, County Council)

On the other, the use of local and regional social distancing measures increased the numbers subscribing to local authority electronic communication channels. Increasing the reach of their communications about the EUSS

our coms channels, our digital comms channels now have a much broader reach. Loads of people have signed up to follow us, have subscribed to the newsletter and stuff like that. So because they need the information, [...] and people came to us as the first port of call for reliable information. So that's enabled us to have much border reach with those channels (Local Authority Officer, Unitary Authority)

The need to respond to and manage the pandemic has fostered closer links with local community organisations due to the need to deliver complex services and information to isolated groups under COVID-19.

it has flagged to us that there are different groups out there and different people within groups who are actually the best people to talk to to get things done, rather than represent something. So we have got a much more dynamic and constructive relationship with community groups and the voluntary sector (Local Authority Officer, Unitary Authority)

We were doing quite a lot of work around COVID because rates of COVID are very high in some parts of our county and we were taking information to people's door steps for COVID. So that gives an opportunity, many of the communities where we saw a high prevalence of COVID cases [...]were also communities of people who we thought probably needed some settlement scheme information. So we brought those two things together. Because we were really a bit stumped by the fact that COVID hit just when we set up fantastic drop-ins at the libraries. (Local Authority Officer, County Council)

However, it has also meant that those groups who are already relatively disengaged from local authority services or who faced barriers to accessing online content were further isolated and difficult to engage with.

The main stumbling block has been that we are trying to do this while we cannot get out there and engage with people. For me that is the biggest hurdle. [...] There were always going to be groups that we not going to hit. There were going to be some people who didn't access the scheme because or weren't aware of it because they are so marginalized that it was always going to be a challenge to engage with them. Even before COVID. (Local Authority officer, Wales)

when COVID hit it just increases the vulnerability of the vulnerable. (Local Authority Officer, County Council)

The impact of COVID-19 on has thus been to both increase the connectivity and reach of the communications about the EUSS to most residents. While also working to further isolate and put at risk certain key groups who have limited engagement with state services and rely on face-to-face communications. Particular attention thus needs to be paid by national government and local authorities to these groups as we approach the deadline and as COVID restrictions are reduced to ensure they can access the EUSS.

## Groups still at risk

Despite the extensive work to communicate about the EUSS through broad spectrum communications and community outreach there were still significant concerns raised about groups that were still at risk due of failing to register in time, either because they did not fully understand the scheme or because they were unaware of the their need to apply for the scheme .

For example, several authorities reported issues with parents not being aware that they needed to apply on behalf of their children:

something that was raised at a couple of our recent [meetings] is that some people weren't aware that they need to make separate applications for their children to the EUSS. So I think some people were under the impression that if they did it, then their children were kind of automatically settled as well. So we've had, we've put some extra comms out on that need you know to make sure people were aware of that. (Local Authority Officer, County Council)

There was also a concern that many may be aware of the scheme but not consider themselves to be affected:

But my main major concern was that there are lots of people, probably generally older people who may have been here for a long time and be assuming that because they've been here for a long time, they therefore don't need to don't need to worry about all of this stuff. That was one concern that a lot of people would just get left behind because they assume that they were OK, but they weren't. (Local Authority Officer, Unitary Authority)

a high proportion of, I think it's EU 5 is the phrasing, the more traditional more core EU countries had a lower number of applicants for EU settled status than would be expected. and so that was quite a concern about how do you, how do you reach out to that group. Because it was a bit counterintuitive, because you would have thought that longer standing residents would be more aware of what's happening and therefore more plugged into the need to apply for status. So we tried to explore a couple of possibilities with this. Was it an active, kind of, Political resistance? 'I'm not going to engage in this, I'm not going to acknowledge its legitimacy'. What is it that they had been here so long they didn't recognise themselves as not being British? So no need to formalise status. (Local Authority Officer, London Borough)

In particular those who have complex immigration histories or national identities are at risk:

As always there will be those who will miss either deadlines or just have very complicated histories and we are doing what we can around there to see whether we can address that. I mean, one area of interest is where you have people who might have a primary identity as lets say Somali but actually their nationality identity will be Italian or Dutch. I mean either because of the old colonial links with Italy, or because the they have refugee links with Holland lets say, and then they come to live here, work here or whatever. (Local Authority Officer, London Borough)

Or those that are vulnerable or require care and support but are not known the local authority either because they are self-funding their care, they are socially excluded, subject to abuse or because they believe, rightly or wrongly, they are not in a position at access authority support:

what you have to remember is that we only tend to look at, we have the best awareness of people who we would have a duty to help. So there's a whole sector out there with people who don't come to us (Local Authority Officer, London Borough)

One of our issues [...]is that we might suddenly get 100 people have been brought in by a gangmaster in [region] to pick at. I mean in fact we have had that, and we have to keep our sensors quivering to find those 100 people. And if we do forward planning for the closing date of the settlement scheme, that that's the sort of cohorts we would be most nervous about suddenly appearing because it's been very hard to work through who is entitled to the EU settlement scheme, who is not, who has documents, who does not. They won't tell us where they come from, tell us where they are living. It's ever so hard to support those people to get their rights because, in a way, settlement rights are the least of the rights they should be worrying about. They are in the control of a gangmaster so those things are hard for us. (Local Authority Officer, County Council)



This is especially a problem in the social care sector where there could be significant complications due to the specific vulnerabilities of service users or reliance on support networks:

In terms of I suppose big concerns it is that group of people that we don't necessarily know about now, but we may come in contact with because [...] they're adults who may have a need for care and support, or in fact, they might genuinely be vulnerable to things like abuse and neglect because of issues around mental health problems, substance misuse, homelessness, etcetera. So there are also people with additional difficulties in terms of engaging them around their nationality (Local Authority Officer, Unitary Authority)

the concern is around the knock on impact where people are relying on either carers or personal support from people who need to be applying for settled status but may not do so, and they from may find themselves suddenly losing that support because that message hasn't got out to them. (Local Authority Officer, Unitary Authority)

This is particularly a concern given the highly fractured nature of social care provision, which often relies on very small teams of staff who are not fully equipped to deal with immigration issues and are not part of the local authority networks of information and support:

Very small individual providers might only have like a handful of staff. Actually, some of them just have to share skills, knowledge, understanding capabilities and that I would say is a barrier. So we have as a local authority, [...] we're trying to share best practise and bring some of the skills and examples from other providers across and help to bolster them. But it's probably fair say that there's a huge range of providers out there that we wouldn't even be accessing because they are predominantly a self-funder provider and we are not contract managing in the same way. We don't have links everywhere. (Local Authority Officer, County Council)

Local authorities also raised concerns that there were likely to be cases which they have identified as being affected by the scheme but have not made an application. Either because they are unwilling to:

we had three [children] that have just refused to make the application, and we can't force people to do it. We can't for children to do it if they hold the capacity (Local Authority Officer, Unitary Authority)

or because as it was not always clear exactly where the responsibility lay:

In terms of capacity most people will have somebody close enough to them to be able to take a decision about whether or not it would be in their best interest to apply for EU settled status. That ought to be a relatively straight forward decision in many events. And in those rare instances where people haven't, then we have taken advice about [...] who's the closest professional in terms of making that decision on their behalf. It's just a bit, it's new territory for people from a capacity and decision making perspective. (Local Authority Officer, Unitary Authority)

This means that there is still likely to be a significant minority of adults and children who are receiving care and support or who are otherwise vulnerable or socially isolated who are still at risk of failing to apply to the EUSS before the 30<sup>th</sup> of June.

This may be because

- They are socially isolated due to lack of community networks or digital access, preventing them from accessing information and support about the EUSS. Especially under the restrictions of COVID-19
- Because key members of their support network may not have applied
- It is uncertain where responsibility lies to make the application
- because they require care and support but have chosen not to apply.

Under current guidance the sudden loss of legal status on the 1<sup>st</sup> of July will place these people at significant risk until either they or their carers have secured status as they will lose their rights to work, rent and receive welfare support.

### **Recommendation 2.3**

**That Home Office updates guidance on late EUSS applications to reflect that EEA+ nationals with limited digital access, or who are otherwise socially excluded, have legitimate reasons for making late applications.**

Almost all participants in this study raised concerns that there were either specific vulnerable or isolated groups that were still at risk of missing the deadline or general concerns that not all those eligible would be able to apply. The current approach to the deadline and late applications needs to reflect this. While current guidance does allow for late applications from those receiving care and support it does not explicitly consider lack of digital access or social isolation as legitimate reasons for making a late application. We therefore recommend that the Home Office update the case worker guidance for late applications to include these as legitimate reason for a late application.

### 3. Supporting Residents

#### Section Summary

This section focusses on how local authorities have supported residents to access the EUSS and the barriers they faced in doing so. Specifically:

- Provision of Assisted Digital and Document Scanning Services
- Caseworker support for vulnerable or at risk groups
- Coordination with third party immigration services

Its key findings are:

- Concerns about the digital only nature of the scheme were raised by most authorities both in terms of accessibility and the lack of physical documentation
- A common theme of caseworker support was assisting those with precarious living situations access the necessary documentation to access the EUSS
- The cases that are outstanding or coming to the attention of local authorities tend to be increasingly complex
- Local authority provision of digital access and document services have been heavily disrupted by COVID-19
- Some local authorities have specialist immigration support teams but most relied on third party organisations to provide specialist immigration support around the scheme

Our Recommendations are

- That the Home Office provide an extension of the current grace period for EEA+ nationals who are eligible to make a late application to the EUSS, but who have not applied prior to the deadline, so that they preserve their rights until their status is formally decided.
- That Home Office provides an option for physical proof of status under the EU Settlement Scheme.
- That the provision of digital access services provided by local authorities are provided at no cost to residents as they are most likely to be used by the most vulnerable and at risk groups.

In addition to their work communicating identifying key populations and communicating about the EUSS covered in section 2, Local authorities have also provided a range of services to actively facilitate enrolment in the scheme and support those who faced barriers to securing status. Following Home Office guidance, these services have largely focussed on:

- Providing an Assisted Digital service
- Providing a Document Scanning service
- Assisting residents to secure the necessary documents.

In addition to this, the authorities in the study also provided additional support and guidance either through

- Partnerships with voluntary organisations.
- Improving training to case workers and customer facing services to guide and signpost residents facing immigration difficulties.

Although the exact nature and extent of this additional support however tended to vary significantly between authorities.

The central challenge however was the range of barriers to accessing the EUSS that disadvantaged and vulnerable groups faced. These barriers tended to fall into three categories (1) digital literacy and access, (2) precarious or chaotic living conditions (3) lack of documentation.

Sometimes it was their digital exclusion. Sometimes it was that we have a lot of people who cannot access the documents that they need to fill in the settlement scheme. So I think there's a bit of a misconception that people need to be encouraged to fill it in when in fact there's lots of barriers to actually getting to that point. Then COVID came along, which meant that nobody could access anything. So it was unlikely that a lot of the people who are hardest to reach would be getting on the train and going to their embassies anyway and then it became absolutely impossible. (Local Authority Officer, County Council)

Local authority support thus tended to take the form of service centres providing digital access and document scanning services and caseworker support to particularly vulnerable residents who needed to secure documents from employers or government departments. Specialist immigration advice and support for more complex cases was provided by third party organisations with the appropriate OISC accreditation. COVID-19 however has disrupted much of this support due to restrictions preventing face-to-face contact.

## Barriers Faced by Residents

There was a consensus across all four authorities that the two main practical barriers for their residents to access the scheme was digital accessibility and accessing appropriate documentation. To a certain extent, this was expected given that Local Authorities were responsible for providing digital assistance and supporting residents to secure documentation, with more specialist immigration advice provided by OISC certified third parties.

These barriers to access were often compounded where a resident faced precarious or chaotic living conditions because this limited the resources they had available to either gain digital access or secure documentation. The central conclusion therefore is that the design of the EUSS, while beneficial to the majority of EEA+ nationals in the UK, acts as a significant barrier to some groups that are already vulnerable or in need of care and support.

### Digital Access

The most common barrier that we reported was that many residents, particularly those who were from an older generation or with precarious living conditions, did not have the skills or resources to access the online scheme

So particularly if you're thinking about a population like we have in [Authority], where it's quite a deprived population. Quite a lot of people won't be particularly IT savvy or may not have all the documentation or may move a lot or whatever. So there's the risk of either people not being able to get the settled status in the first place, or not being able to demonstrate it once they had got it. (Local Authority Officer, Unitary Authority)

With the chaotic nature of our clients, some of them have been entrenched rough sleeping for a long period of time. Some people will lack structure at the moment, they are not quite ready to go into these legal talks and finding evidence. A lot of our people do not have phone numbers, email addresses, they have been sleeping on park benches. It is really really difficult for those people to access [the EUSS]. (Local Authority Officer, Wales)

This issue of digital access was also raised as a significant concern by officers as residents would struggle to evidence their status after the deadline as a result, and thus would need continuous support or face discrimination

But it is online! So with our clientele there are literacy issues and for some it will be impossible for them to get [their EUSS status links]. It would be so much easier if we could do that check on their behalf. But my understanding is that third party checks are not possible at the moment, so we have to rely on the customer to provide it and well good luck with that. [...] They need reference numbers, they need the document ID for the details they entered when they did the application. They needed help earlier when they applied, they are not going to remember the details.' (Local Authority Officer, Wales)

The problem of digital exclusion and accessibility created by the EUSS has also been well documented elsewhere. A report published by the Public Law Project clearly sets out how the reliance on a digital only immigration system creates a real risk of harm and discrimination.<sup>15</sup> The decision to rely on an 'online only' scheme is thus a problematic one as it places those in already vulnerable and precarious circumstances at significant risks of discrimination and harm due to the barriers to access and demonstrate their immigration status.

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<sup>15</sup> Tomlinson J. and Welsh A. [Digital Immigration Status: A Monitoring Framework](#). Public Law Project Research Paper. (accessed 20 May 2021)

### **Recommendation 3.1**

#### **That Home Office provides an option for physical proof of legal immigration status under the EU Settlement Scheme.**

As a constitutive scheme status granted under the EUSS must be routinely demonstrated in order for EEA+ nationals to access their rights. This relies on EEA+ nationals both remembering the contact details and documents they used when applying to the scheme but also navigating the online platform to share their status with others. Several participants in this study, dealing with the most precarious groups such as rough sleepers, have raised concerns that this creates an almost insurmountable barrier to their clients and service users who needed support to apply. A simple solution to this barrier would be to create a physical record of status that bypasses these digital barriers to access.

### **Adequate Documentation**

The other main barrier to the EUSS identified by local authorities was the ability for residents, in particular those in precarious or vulnerable conditions or who had experienced periods of vulnerability or precocity, to access the documentation necessary to qualify for settled status.

The lady I am looking at now, she is currently on maternity leave, just before maternity leave she was on furlough, and just before furlough she worked but it was up and down, up and down and she has lost all the records. So finding payslips, P60's and looking at the level of earnings, that is difficult. At that time the work was normally low skill [...] as in she was a cleaner [...] there were language barriers so it is impossible for them to now ring the employer and ask them to send a P60. She did not have the .gov app so she did not know she can apply or how she can apply. So there is the lack of awareness, people just don't know what to do.' (Local Authority Officer, Wales)

This is particularly a concern for those in need of homeless support who may not be able to secure the necessary documentation, threatening the ability register with the EUSS and to continue to access this support.

The best way of putting it is that a significant minority of rough sleepers are EU nationals, particularly eastern European nationals who either don't have any claim for settled status or can't evidence a claim. So at the moment [borough] has got 180 rough sleepers accommodated and about 40 of those fall into that category and our options for those are severely limited. (Local Authority Officer, London Borough)

This was also an issue for children who may not have access to their original documentation or face other constraints such as legal barriers if they are part of the criminal justice system:

Because there are some issues or complications which make it difficult to apply for status for children. Basically if they don't have national identity documents already, that's a necessary

first step. And some embassies are easier than others to get a passport for a child in care. In terms of how much parental input they want. Than there are care leavers or young people who are part of the criminal justice system. That obviously complicates things about getting access to them and getting them to apply. (Local Authority Officer, London Borough)

The design of the EUSS thus presents two central challenges to local authorities as they roll out the scheme. The first is facilitating digital access for residents who cannot access the scheme themselves due to digital exclusion. The second is the need to coordinate documentation for residents in order for them to both demonstrate their national identity and apply to the scheme, and to demonstrate five years continuous residency and thus secure their right to settled status.

### Local Authority Support

In principle, local authority provision of support through assisted digital and document services as well as caseworker support mitigates these barriers. As one local authority officer put it:

I think in in our very deprived areas across the county, people don't have those assets to reach out for help. So we are, not the provider of last resort in the EU exit world, but almost. (Local Authority Officer, County Council)

Broadly speaking this work has taken three forms. The first is to provide service centres facilitating digital access, the second is coordination of support with third sector organisations and the third is the direct provision of support to particularly vulnerable service users who may struggle to access the scheme independently.

### Digital Access Service Centres

Local authorities provided digital access services in a more centralized or decentralized manner depending on the geographical make-up of their area. The London borough provided a document scanning certification service their registry office.

So as you probably know, applicants need to use an app to verify their national identity documents and at the start this was only compatible on [...] Android devices. One of the things that the government announced was that local authorities could offer a service through the registrar's office, whereby we would complete that stage of the application process on the applicant's behalf. Then they could go away and complete the rest of the application. So this was targeted at people who either didn't have access to a compatible device or didn't have the digital skills, didn't feel comfortable to do it. (Local Authority Officer, London Borough)

While the county council provided a similar assisted digital service through their network of libraries.

one of the things that we set up quickly was through our libraries face to face service. We did a lot of face to face work there about supporting people to fill in the forms. (Local Authority Officer, County Council)

It is worth noting, however, this service was not necessarily used by large numbers of individuals on a regular basis.

I would say the number of people accessing the document scanning service was not huge. I mean, we have fifty or forty odd thousand EU Nationals that have been going through the process and I would say there wasn't that many people doing document scanning as a part of their application process. (Local Authority Officer, London Borough)

We have had some peaks of people engaging with us. It is not necessarily at a time where I can see a sort of pattern in there or a reason why. But we did have a huge drop off over November and December of people contacting services for support with filling in settlement forms. (Local Authority Officer, County Council)

However, these services are most likely to be used by individuals in precarious or vulnerable circumstances. It was therefore positive to hear that some of the local authorities in this study chose to provide these services free of charge.

one political decision that we took there was to offer the service free to our residents and members of staff. The government had said that you could charge on a cost recovery basis for the service, I think that was about £14.00 for an appointment [...]. And we use some of the Brexit preparedness funding that the government provided to cover the lost revenue there. But there was more of a mixed picture across London about whether people were matching that offer or not. (Local Authority Officer, London Borough)

However, our concern is that those that were using them are much more likely to be in precarious or vulnerable situations. This means that if local authorities in the UK have taken the decision to charge for this service it would create a meaningful barrier to access the EUSS for vulnerable or at risk groups of residents. This is especially concerning in the run up to the June 30<sup>th</sup> deadline where these applications will need to be completed with urgency.

### **Recommendation 3.2**

**That the provision of digital access services provided by local authorities are provided at no cost to residents.**

That some local authorities may choose to provide documentary and digital access services on a cost recovery basis creates a financial barrier to access for EEA+ nationals who are already facing difficulties accessing the EUSS. Given that participating authorities did not feel that these services were not heavily used but were important for certain groups, the cost of providing these services free of charge is not likely to be significant compared to the needs of residents to access them. We therefore recommend that they are provided free of charge to residents by all local authorities.

### **Coordination with Community and Voluntary Organisations**

While some local authorities could draw internal specialist immigration teams, for more complex cases where specialist immigration advice was required



We've already got workers that are familiar with supporting families with no recourse to public funds and navigating through immigration status and support, etcetera, and have been doing that for a long time. [...] So in terms of navigating through the EUSS, we certainly didn't need to do any additional kind of learning development exercise or get any experts in. People knew how to find that information and develop their expertise with EU settlement stuff on top of expertise that they had already developed. (Local Authority Officer, Unitary Authority)

But in general this was not readily available internally. So local authorities tended to draw on local networks of advice centres and law centres to provide immigration advice:

So at the moment, so we've got the Citizens Advice team, so when we get somebody like that we refer them to the Citizens Advice specialist pre-settled and settled status advisors. [...] and we also assisted an application to the Home Office for funding for specialist immigration casework so our local law centre, South West London law centre, holds some funding [...] to do that case work. (Local Authority Officer, London Borough)

This general reliance on third sector organizations to provide specialist support meant that much of the local authorities tended to assume a coordinator role, where they would work with local specialist advice providers to signpost residents and develop funding bids to expand service provision.

So we are liaising on a daily basis with voluntary and community groups. But also some of our team are also frontline, out there engaging with residents. But we also do a number of strategic pieces of work [...] that might be sub-regional or might be working with GLA and others. So quite a lot of my role would be operating on a strategic level, so speaking to CEOs or sort of senior politicians, senior officers to sort of unblock things if there's issues arising. Sort of foreseeing and trying to prevent things becoming more of an issue. (Local Authority Officer, London Borough)

Or they would attempt to act as a liaison with key national organisations in order to improve local provision. For example, one council, once they identified that accessing embassies to secure documents was an important barrier for its residents, attempted to coordinate with consulates and embassies to improve access and streamline processes:

Some of the work we've been doing is trying to bring a solution to people rather than expecting people to find that solution themselves. So we're doing a lot of work with several embassies to come and do roadshows to actually bring the embassies to us rather than people have to go to the embassies. That's been quite challenging. (Local Authority Officer, County Council)

Local authorities have thus formed a central hub in broader networks of voluntary and community organisations providing specialist immigration support to residents who face barriers when applying to the EUSS.

### Supporting Service Users

Local authorities have also provided direct support to their service users. This was predominantly through the provision of resources and support to those in more precarious

or vulnerable circumstances in order to secure specialist support and access the EUSS. For example:

- Signposting or coordinating support for service users from third party originations
- Sitting with families or individuals receiving support as they completed the application process
- Providing direct support to residents to secure the necessary documentation
- Applying on behalf of children in care under corporate parenthood
- Working with care providers to identify who was responsible for making applications on behalf of those who may lack the ability to apply to the EUSS themselves.

This work by local authorities was most pronounced in children and housing services.

we've sat with families and supported them, as well as making applications ourselves Because we look after those children. So you know it's been real handholding. So it's a big piece of work for a relatively for a small numbers of children that we've had to make the application for. (Local Authority officer, Unitary Authority)

So our rough sleeper cohort, because we've got workers attached to them we can make these referrals. We can Badger them to attend appointments and we can, so one thing we do for them is we've got a kind of quite a big group of professionals. So if we got someone like that, all those agencies will go and research them because it might be that that person did provide some ID to an agency which is sitting on a file in their systems. Whereas the person might have forgot they had contact, you know. (Local Authority Officer, London Borough)

With more limited work done with adults due to the ambiguity in legal responsibility:

unlike in [children's services] area, we are not responsible for significant numbers of people in terms of having that legal responsibility like you would with a looked after child. We may be providing people with care and support, but then they're not looked after adults in the same way. They normally have somebody able to act on their behalf (Local Authority officer, Unitary Authority)

However, it is difficult to comment on the success or failure of local council service provision nationwide. Authorities included in this sample have appeared have adopted systematic approaches to helping and supporting residents to apply to the scheme both directly and indirectly. But this has relied on the presence of strong community and support networks locally which may be a feature of this study's focus on authorities with large EU populations. This raises the risk of 'advice deserts' in areas with smaller EU populations where these important community networks may not be present to assist EEA+ nationals that are struggling to access the EUSS.

## Impact of COVID-19

The main impact of COVID-19 on local authority provision of support to residents has been the drain on resources to other areas:

[You] cannot begin to, you can't hardly describe the actual impact on a local authority and the need to just manage services within the COVID context. (Local Authority Officer, Unitary Authority)

The pandemic has not only changed how people apply to the EUSS but also created a load of other pressing challenges, particularly around the asylum estate, which means there is always an opportunity cost for doing bits of work and not doing others. So I have probably spent most of my time in post doing asylum stuff rather than EUSS stuff. (Local Authority Officer, Wales)

it's just like the attention, the bandwidth, is disproportionately given to COVID because of so much more of an immediate concern in terms of being able to keep things running and being able to keep people supported, that what we have to do for the EU exit have seemed just a bit lighter in comparison. (Local Authority Officer, County Council)

However, there are two specific areas we identified where the provision of support for the EUSS has intersected with the response to the pandemic.

The first is the provision of the 'everybody in' policy to support homeless people and rough sleepers during the crisis. This has brought a particularly vulnerable group into direct contact with authority support systems. As a result local authorities have been able to quickly identify and support EEA+ nationals who are rough sleeping to secure documentations and apply to the EUSS.

The second is the need to stop face-to-face support. This, as noted in section 2, has had a twofold effect on those facing digital exclusion or barriers to access the EUSS as support providers have become more adept at incorporating digital access as a part of their care and support provision. Meanwhile those who are unable to access this improved provision face further barriers to accessing the EUSS as face-to-face services cease.

#### 'Everybody In' and Homeless Support.

A key beneficial intersection of COVID-19 and the provision of EUSS support has been the 'everybody-in' programme for providing emergency accommodation to rough sleepers. This enabled local authorities to directly identify and respond to the needs of some of their most vulnerable residents

it's proved to be one of those unfortunate benefits but a really good one. Two things happened. The people that were known to us that we've always been working with but won't come in, did come in. Then there were people that we knew about, a population that was kind of sofa surfing that Corona kicked out because of the nature of lockdown, and they presented to us [...] some of them were EU citizens and that contact would have absolutely enabled them to fill applications in. (Local Authority Officer, Unitary Authority)

we got all except six of our rough sleepers into work and housing during that time (Local Authority Officer, County Council)

The successful integration of the 'everybody in' programme and the delivery of EUSS demonstrates quite well the ability of local authorities to innovate and act quickly to

support residents to access the EUSS once they have been identified. However, this level of support is likely to be temporary as housing support is withdrawn from those who are not able to demonstrate their right to it.

whereas last year it was “look to bring everybody in regardless” there was a nuance in [the government’s] announcement about people from abroad who weren’t eligible. [...] it was nuanced because [...] the general ask was for local authorities to “redouble efforts”, but on persons from abroad it was the ask “to use our flexibility in protecting them”. So it was quite subtle, but what we took from that was that certain folk remained ineligible for housing assistance, but we might look to other powers to accommodate them. So it was just the first or one of the first indications that that change was coming. (Local Authority Officer, London)

Thus while the current suspension of some NRPF regulations in response to COVID-19 may provide a “soft landing” for some of the most vulnerable EEA+ nationals it is unlikely that this additional support will extend much beyond the application deadline.

### Digital Access and Isolated Groups

Another important impact of COVID-19 has been the simultaneous reduction in local authority ability to provide digital access support and the improvement in digital connectivity across both local authorities and private service providers. So the provision of support through local authority service centres ceased as resources were diverted elsewhere:

Social services like the ID verification service had to shut entirely. [...] Embassies shut for quite a substantial period. So that created delays in getting access to ID documents. That and the general burden on local authority staff has just been exhausting. A lot of resource had to be diverted to setting up a response, whether it's the community hubs, helping with shielding. Setting up test and trace introducing lateral flow testing. A lot of our kind of capacity's had to be diverted to that. (Local Authority Officer, London Borough)

While some local authorities did attempt to continue providing support to those applying to the EUSS through phone support

We have maintained throughout the last year a telephone helpline which was somebody sitting at a computer through our library services. Where you where you could phone in and you could sit at your computer. They can sit at their computer and they could talk you through the form, which is not quite the same as being able to sit down with somebody and say, let's fill it in, but it was quite heavily used at one point. (Local Authority Officer, County Council)

This was obviously limited and could not support those who were not able to access the internet or other online services.

The main stumbling block has been that we are trying to do this while we cannot get out there and engage with people. (Local Authority Officer, Wales)

At the same time, there a general improvement in the digital competency of most service providers, improving their ability to provide digital support and access to their clients.

So most of our providers are online and accessing digitally things now. We did have a reasonable chunk that wouldn't have been previously, but there's been quite a lot of work with care homes to make sure that they've actually got the tech. Specifically in care homes the tech is better now that they need to be connected. (Local Authority Officer, County Council)

The way people are accessing our services has changed and that would include things like support to be able to check their immigration status, or prove their immigration status. And I suppose it's shone a spotlight on the importance of being digitally connected and therefore what role we might have in trying to support people where they're not. (Local Authority Officer, Unitary Authority)

However while this means that many who may have faced digital barriers to access the EUSS can now secure access it has also left the most vulnerable groups significantly more isolated. Especially those who are socially isolated or have limited contact with local authority or private service providers and rely on face to face contact.

The Citizens Advice Bureau service had a substantial portion where it had to suspend face to face and was providing telephone or, you know, zoom assistance but that obviously excludes those who don't have access to that. Then the more vulnerable groups, you try and pick that up whenever lockdown allows. That's obviously been a big impact for children looked after. (Local Authority Officer, London Borough)

We have got quite a significant Slovak Roma community here in [authority] and I suspect that group will be over represented in the people who didn't come forward and engage. They have got lots of things working against them in terms of engagement and they are reliant on more than anyone, and groups like them, lose out from moving all these processes online and limiting face to engagement' (Local Authority officer, Wales)

Thus while COVID-19 may have led to increased support and registration of some vulnerable groups in the EUSS, it is also likely to have led to the increased exclusion and barriers to access the EUSS for some of the most isolated and vulnerable groups in the UK.

Specifically, those facing continuing or increased barriers to digital access include those with impaired literacy or digital literacy, disability or limited economic resources and those who are otherwise socially isolated either due to a lack of local support networks or "advice deserts" or because they do not have a history of engaging with government systems. In order to prevent further increasing the vulnerability or precarity of these groups is it vital that they are not penalized for failing to apply to the EUSS before the deadline.

**Recommendation 3.3**

**That the Home Office provide an extension of the current grace period for EEA+ nationals who are eligible to make a late application to the EUSS, but who have not applied prior to the deadline, so that they preserve their rights until their status is formally decided.**

The current approach to the deadline will see anybody who fails to make an application to the EUSS by the 30<sup>th</sup> June lose their rights to rent, work and welfare support. However interviews and conversations with local authority officers in this study indicate that there are several at risk or vulnerable groups that will be unaware of the EUSS, face barriers to apply or be unable to access support to do so. In order to prevent these vulnerable groups from crisis scenarios we recommend that the current grace period of rights is extended after the 30<sup>th</sup> June to any who are eligible to make a late application.

## 4. After the Deadline

### Section Summary

This section focusses on the impact of the EUSS on council services after the 30<sup>th</sup> of June. Specifically:

- Changes in residents rights as a result of the EUSS
- Supporting residents and local businesses to conduct EUSS checks
- Supporting late applications to the EUSS
- Supporting residents with pre-settled status to secure settled status

Its key findings

- Local authorities will only gradually become aware of residents and service users who are eligible for status but missed the deadline
- Local authorities have not received sufficient guidance about how to handle a change in a resident's rights as a result of the EUSS
- EEA+ nationals who miss the deadline risk becoming subject to No Recourse to Public Funds regulations
- Without changes in guidance local authorities will likely be forced to bear the costs of supporting a resident to make a late application
- Local authorities are concerned about the ongoing long-term cost of supporting residents with pre-settled status secure settled status over the next five years

We recommend

- That the Home Office provide an extension of the current grace period for EEA+ nationals who are eligible to make a late application to the EUSS, but who have not applied prior to the deadline, so that they preserve their rights until their status is formally decided.
- That the Home Office commits to a programme of long-term funding with clear guidance to support both late applications to the EUSS and the support of those with pre-settled status to secure settled status.

Where previous sections focus on local authority activities to identify and support residents to apply to the EUSS in the build up to the deadline. This section focusses local authority activities to prepare for after the deadline and the legacy impacts of the EUSS.<sup>16</sup>

After the 30<sup>th</sup> of June EEA+ nationals in the UK who have not registered with the EUSS will lose their lawful immigration status until they secure status either under the EUSS or the new immigration regime. This means that they will lose all rights to work, rent and access welfare.

As statutory service providers this poses a problem for local authorities either because an existing recipient of care and support loses their right to some or all of their welfare support or because a resident is forced to seek support from the local authority, especially in the case of housing and homeless provision, after they lose their right to work, rent or welfare.

Across all authorities three sets of concerns were raised: (1) the difficulty of identifying and supporting residents who were eligible to make late applications; (2) the effect of No Recourse to Public Funds [NRPF] regulations and the potential cost to local authorities supporting those making late applications (3) the responsibility of supporting those with pre-settled status to secure settled status over the next five years.

However, this research found that local authorities have only taken limited steps to prepare due to a lack of clarity and guidance about the deadline, its implications for service provision and role of local authorities. As a consequence:

- Local authorities will only become aware of residents who have missed the EUSS deadline passively when residents fail either a welfare eligibility check or a right to work or rent check.
- Support for residents making late applications to the EUSS will vary significantly across local authorities. Some have made commitment to continue full support while an application is pending, while others expect to refer residents to NRPF facilities.
- In both cases this will involve a significant cost-shunt to local authorities.
- There is a growing concern about the long term costs of providing support to residents with pre-settled status to secure settled status.

As we approach the deadline on the 30<sup>th</sup> June it is pivotal that formal guidance is provided to local authorities about (1) supporting late applications to the EUSS and (2) the welfare rights of those who are eligible to make late applications to the EUSS. In addition to this guidance the Home Office needs to provide a long term strategy for supporting those with pre-settled status to secure settled status.

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<sup>16</sup> This study was conducted in February and March 2021, prior to the [guidance on late applications to the EUSS](#) published 1st April 2021. However this guidance only specified the criteria for a late application to be valid. It does not clarify the welfare rights of the making late applications or the responsibilities of local authorities which is the focus of this section.



## Identifying and Supporting Residents to Make Late Applications

The focus of local authorities has predominantly been on the need to communicate about the EUSS and support residents to apply. Relatively little work has been done to plan for after the deadline:

I think we were working on the basis that the most people should have been picked up by the 30th of June. Therefore in a sense it's a relatively straight forward process that thereafter the people either have got the settled status or they haven't, or that they'll pick it up. (Local Authority Officer, Unitary Authority)

This lack of attention has in part been due to the impact of COVID-19 on local authorities as strategic and planning resources became diverted to service delivery and responding to the pandemic.

A lot of the capacity that we might have been able to put to managing this in a more systematic way got pulled into things like you know, doing active telephone checks on people who we knew had been classified as clinically extremely vulnerable and have been known to adult social care. (Local Authority Officer, Unitary Authority)

However the lack of clarity from national government about how the EUSS deadline will impact the rights of EEA+ nationals has also led to significant amounts of confusion, further inhibiting planning:

I think clearly we'll need clear guidance, clear timeframes and good lead-in times for training our workforce. We are relying on the department of health and social care and our national associations to help clarify any areas that are not clear. I mean it doesn't make sense for all 150 local authorities for social services to do their own thing. (Local Authority Officer, London Borough)

The result is that local authorities did not have clear plans for identifying and supporting residents who miss the deadline. Instead they are relying on passive identification when residents fail an immigration check and either blanket commitments or exiting NRPF facilities to provide support.

### Identifying Residents

Local authorities do not conduct regular immigration or status checks on their residents or service users. This means that they only become aware of a change in immigration status, such as that triggered by failure to receive status form the EUSS, either when a resident fails to pass a check elsewhere or needs to reapply for a service:

our ability to know if somebody's status had changed from the last time we asked them is dependant on us asking again and it's dependant on them telling us in the absence of a mechanism to enable people to go and directly check. (Local Authority Officer, Unitary Authority)

We probably would pick it up reactively, when somebody falls out of benefits. Because they have a change in circs, so they've got to make a fresh claim or amend a claim for benefits and they get told "actually, you're not entitled to them" and we start seeing arrears rack up.

[...] Or when we get to the point of making them an offer to end a duty we recheck. So that's when it might flush out. (Local Authority Officer, London Borough)

Unless we looking after child then the length of time were involved with the child is usually about two years. So you could potentially have a situation where we've been supporting a family, we don't know the outcome of an application and then they disappear off our books. And unless they reappear we won't know what's happened to that family because the parental responsibility for sorting the children status out sits with the parents. (Local Authority Officer, Unitary Authority)

The implication of this is that a local authority will only become aware if a resident, or even an adult or child receiving care and support, needs to make an application to the EUSS after they have been denied work, housing or welfare support. Furthermore, this will most likely be a staggered process with individuals only becoming aware of their need to secure status due to a change in circumstances. Home Office guidance however has a general prejudice against delayed late applications:

In general, the more time which has elapsed since the deadline applicable to the person under the scheme, the harder it will be for them to satisfy you that, at the date of application, there are reasonable grounds for their failure to meet that deadline.<sup>17</sup>

This gives rise to two key implications. First it means that any support to residents making a late application potentially involves an aspect of crisis intervention as well as general support in making the application. Second there are likely to be a significant minority of cases which are identified significantly after the deadline, increasing their complexity and reducing the likelihood of a successful application, placing councils in a difficult position.

those embarrassing situations of you know the person that's been here 30 years that no longer has the right to be here, but has dementia and was and being cared for by their family for five years. They appear and then we start to try to deport them. I think morally councils would find that very, very difficult. (Local Authority Officer, Unitary Authority)

Despite the potential for this to escalate into a crisis situation there remains no formal guidance from national government about the rights of EEA+ nationals making a valid late application or the role of local authorities in supporting them:

it is getting to the point where we thinking about what happens next. What happens to people who haven't applied for settled status but need to reply? What kind of enforcement action is taken? The government's been very kind of hazy about what attitude it is going to take. (Local Authority Officer, London Borough)

As a result local authorities have only made limited plans about how they would support EEA+ nationals who miss the deadline.

<sup>17</sup> Home Office. [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members. V.11](#)

## Supporting Late Applications

Due to the lack of clear guidance about the rights of those eligible for or making late applications to the EUSS, the authorities in this study adopted one of two stances. The first was a general commitment to provide care and support to residents, especially those who were already in receipt of care and support before the 30<sup>th</sup> June.

for those we have in a sense statutory and direct responsibility we need to ensure that the service provision to them was not interrupted or diminished and whether they were entitled to it or not was a secondary issue. More important that we make sure that that care was both appropriate and uninterrupted. (Local Authority Officer, London Borough)

The regulations do say that if you become no longer eligible then accommodation would normally cease. [...] [but] I think with very vulnerable cases, I think management will say that we need to support these people, they will fall through the net. And I think if we need to in exceptional cases we will keep people in accommodation where possible. (Local Authority Officer, Wales)

However this commitment only extended to those already receiving care and support, with a more ambiguous stance taken to those who seek help after the 30<sup>th</sup> June but do not have status.

I think there's a period now, probably uncertainty or Limbo, where if there are EU Nationals who don't do not have settled status it is probably unclear about what our duties are or the jurisdiction in terms of providing social care support, and I think we would probably want further clarity on that. [...]. As I think now there will be a lack of clarity around what those arrangements are (Local Authority Officer, London Borough)

unless somebody can gain pre-settled or settled status, strictly speaking at the moment they are not eligible to receive a service. And certainly after June they won't be eligible at all. So the risks for the local authority, are either, you know, we have to follow the law so the decision would be, for the sake of the conversation, "we can't help you, you're not eligible". So either they are abandoned to live on the streets. Or if they've gone dependant children, which is not usual for rough sleepers, or if they've got some significant underlying health needs then we might be picking them up under other legislative provisions. And because they will have no income the cost implications of that for the borough are not insignificant. (Local Authority Officer, London Borough)

The second approach is to initially provide support while seeking a legal foundation for providing care, or revert to no recourse to public funds provision if one cannot be found, for both existing and new service users.

we carry on providing care and support whilst we determine what our ongoing duties are in relation to this individual. Either there is an immigration route in terms of any challenge or exception that they might want to make and obviously we would draw on the expertise for persons from abroad team in terms of helping with that. But ultimately we'd then be in a situation, as we are with everybody else who is no recourse to public funds, of making that judgement about whether we are obliged to provide them with care and support regardless of that status because of their need, and that to not do so would breach the Human Rights Act. (Local Authority Officer, Unitary Authority)

So that's the point that [NRPf] workstream. It is "Let's not let's not leave these people abandoned". What can we do to get upstream of that as quickly as we can? What can we do to make sure that we set aside funding so that [...] there is an ability for the people working in that area to be able to say don't worry, we can support you for some time. So I suppose it's not really planning, but it's a safety net. (Local Authority Officer, County Council)

In both cases a significant minority of EEA+ nationals will become subject to NRPf regulations due to a lack of status and will face additional barriers to accessing key council services, placing them in highly precarious and vulnerable positions.

There was a particular concern raised amongst some caseworkers that the immediate loss of rights after the deadline would place particularly vulnerable and precarious groups at risk as support would be severely limited due to NRPf regulations if a late application to the EUSS proved to be complex or protracted.

With the Home Office it takes time. Even with some people who I believe are entitled to settled status, they have applied in October and they are still waiting for a decision. Now there are complications because they guy didn't keep and records and whatnot but five months is a long time (Local Authority Officer, Wales)

This risks placing additional strain on the already limited availability of NRPf facilities and support in many areas.

Unfortunately those resources are quite scarce. They are not readily available and we find it really difficult. We have a family fleeing abuse today with no recourse and the resources are very very limited. They are absolutely not readily available. (Local Authority Officer, Wales)

This problem is to a certain extent mitigated by exiting COVID-19 legislation that waives NRPf requirements for some services and thus would allow local authorities to continue support, especially in the case of homeless support through the "everybody-in" programme. However, the tapering out of this support will leave EEA+ nationals at risk of precarious and vulnerable living conditions.

Given that this report identifies vulnerable and socially isolated groups or those with already precarious living conditions as the most likely to miss the deadline, this "cliff-edge" approach is highly problematic. It means that a significant minority of already vulnerable groups are likely to not be able to apply to the EUSS on time but will be severely penalised for doing so by losing access to the care and support they rely on.

### **"Cost Shunt" to Local Authorities.**

A key concern raised by many local authorities was that the cost of support to those making late applications is likely to be carried by the local authority. This constitutes a significant cost shunt to local authorities. A loss of status due to missing the deadline for the EUSS, even if there is a right to make a late application, has significant potential to generate crisis situations for local authorities who must then intervene to assist individuals or families who may find themselves unable to work or rent after the 30<sup>th</sup> June or risk reputational damage.

There's the potential for huge reputational damage. That's not something local authorities want to have to do, is to withdraw services from somebody. [...] The other thing that comes to mind is people with no recourse to public funds are entitled to some support. But that burden falls on local authorities and that would have a significant financial impact if there was a big increase in the group with no recourse to public funds. (Local Authority Officer, London Borough)

In particular the key concern was about the ability and cost of providing emergency housing to individuals or families in crisis

So the issues around housing would be the biggest driver of crisis for us in terms of providing care and support,[...] there will also be potentially financial elements if, for example, we were charging them for care, which was being paid for via disability benefits. Then there would potentially be an accommodation crisis because people lose their rights to accommodation and then we get into the question about whether we are required to provide that because it is necessary to meet their current support needs and not breach the human rights act. [So] what we don't want is a sudden flood of essentially no recourse situations on the site on the 1st of July. (Local Authority Officer, Unitary Authority)

This creates a risk that the significant cost of care and support for vulnerable groups will be shunted onto local authorities as they enter crisis or can no longer access national welfare payments such as Personal Independence Payments.

So I mean all of those issues then would fall back on the local authorities. They would put pressure on the local authority budget. Because obviously the care providers are private businesses some are voluntary sector or they are private companies. So clearly they when they are providing care to somebody, they always need to know that there's their placement is being funded by somebody. In most cases, that's the local, If the person's own funding is not funding their own care, then it defaults to either the local authority or the NHS. So I think that would put funding pressure onto the Local authority and there certainly needs to be clarity around the rules and arrangements. (Local Authority Officer, London Borough)

If we've got priority need families who lose their homes because it's a tenancy renewal and they can't evidence their right to rent and we pick them up, [...] we use an average of about £4,000 per case per year net cost. So you don't need too many to start getting into noticeable financial impacts. The other impact would be is that if you've got people who aren't eligible for housing, but people who under established case law need to be protected, So people whose needs go beyond mere destitution and we have to accommodate them, then they won't have an income. And that net cost will be much higher, [...] we have got about 40 households like that we are assisting and the budget is about £700,000 a year. (Local Authority Officer, London Borough)

The current approach to the EUSS deadline has a significant long term cost implication for local authorities as they are required to provide crisis support to EEA+ nationals who have a right to apply to the EUSS but are not eligible for other support while doing so. Many of them may not be aware of this fact for some time after the deadline has passed, leading to protracted and complex applications and significant cost for the local authority.

### Recommendation 4.1

**That the Home Office provide an extension of the current grace period for EEA+ nationals who are eligible to make a late application to the EUSS, but who have not applied prior to the deadline, so that they preserve their rights until their status is formally decided.**

As noted in Recommendation 3.3, The current approach to the deadline will see anybody who fails to make an application to the EUSS by the 30th June lose their rights to rent, work and welfare support. Interviews with local authority officers have demonstrated both that identifying EEA+ nationals that have missed the deadline is likely to be a protracted process, and that there is a lack of clarity over how EEA+ nationals will be supported while their application is pending risks a significant cost to local authorities. In order to prevent crisis scenarios and reduce costs we recommend that the current grace period of rights is extended after the 30th June to any who are eligible to make a late application.

## Pre-Settled Status

An additional long term cost for the local authority is the need to provide ongoing support to the 2.2 million who have received pre-settled status to secure settled status. Failure to do risks a second wave of residents becoming subject to No Recourse to Public Funds as their status expires.

Again this places individuals receiving care and support from local authorities as well as placing residents with precarious or chaotic living conditions at risk. Especially if they already theoretically qualified for settled status but struggled to provide sufficient documentation during the first application process.

What my colleagues tell me particularly in our welfare rights area is that a lot of people have applied and found it difficult to prove the fact that they've been here resident for the prerequisite 5 years or more and are coming back with only a pre-settled outcome. So I think it's the difficulty of making sure people have that proof in the future and that they can then in due course reapply and get the full settled status. We just think that's going to bring with it quite a significant workload. (Local Authority Officer, Unitary Authority)

It's keeping on top of that training and making sure they say that [EEA+ nationals] can get sufficient proof. If they haven't been able to prove it so far yet have to their mind been here for five or more years its about stressing that they've got to find a way that they make sure that they can prove it next time and giving them good advice and support around that. So I just think it's no good saying after June "well the jobs done thanks very much" because actually the job goes on in that sense and so I think it is important that this recognition of the need to continue to support people as that rolls forward as well. So I think a real kind of ask to government in that sense is to not lose sight of that (Local Authority Officer, Unitary Authority)

Supporting residents with pre-settled status to secure settled status is thus likely to be a labour intensive process of

- tracking residents with pre-settled status to ensure they apply for settled status within five years.
- Supporting residents with pre-settled status to secure adequate documentation to secure settled status
- Supporting residents to make the application once they have met the criteria

However, there is no clarity about who will be expected to take responsibility for this support or how it will be funded:

What happens to people who've got pre settled status at the moment and will ultimately need to upgrade to settled status. Who is responsible for making sure that they apply for settled status? How are they going to be supported to reply when that comes? Because a lot of these services would probably be defunded by that point. And who's going to be responsible for kind of helping them safeguard their pre-settled status in the mean time? You know these are all questions that are just beginning to crop up. (Local Authority Officer, London Borough)

This long term legacy cost is therefore likely to fall back to local authorities.

Overall, the EUSS is therefore likely to have a protracted and costly legacy for local authorities. Initially, this will be in the form of supporting EEA+ nationals who miss the deadline, and lose their rights while making a late application. Then in the form of advice and support to the 2.2 million EEA+ nationals with pre-settled status who must now secure settled status in time, or risk a second wave of residents requiring emergency support as a result of the EUSS. In both cases this is will be a protracted process lasting at least five years after the EUSS deadline.

However current central government funding is set to expire only three months after the deadline in September 2021.

#### **Recommendation 4.2**

**That the Home Office commits to a programme of long-term funding with clear guidance to support both late applications to the EUSS and the support of those with pre-settled status to secure settled status.**

A significant gap identified by participating authorities was the lack of long term guidance and funding commitments. Given that the challenges facing local authorities and community groups supporting EEA+ nationals are likely to be protracted due to the need to support late applications and settled status applications for those with pre-settled status. However current funding for support will expire in September 2021. We recommend that the Home Office make a clear commitment to long term funding for support so that local authorities and community groups can plan for delivery.

## 5. Quality of Government Support

### Section Summary

This section focuses on local authority assessments of national government support and decisions on the implementation of the EUSS. These tended to focus on:

- The decision to devolve communication and support of the EUSS to local authorities
- The quality of government guidance
- The quality of direct government support and coordination

The key findings are

- That local authorities broadly support the decision to devolve the task of communicating and liaising with European communities about the EUSS
- That local authorities felt they were adequately resourced to do this work
- That there was mixed opinion about government guidance with some raising concerns that it was either released at short notice or without sufficient information to allow forward planning
- That while government departments have been accessible and communicative about the scheme they have also been unwilling to take practical action to assist in coordination of delivery.

We recommend that

- The government issues long term plans for guidance and support to local authorities to allow planning both for the EUSS and future schemes
- That government departments move from a system of “contacts” to a system of “coordinators” who are responsible for taking responsive and proactive actions to support local authorities deliver schemes such as the EUSS.



Where the previous sections focus on the practical implications of the EUSS for local authorities in terms of identification, support and longer term commitments, this section focusses on the relationship between local authorities and national government in rolling out the scheme.

Given the reliance of the EUSS on the success of local action to support registration, the Home Office took several steps to provide support and information to local authorities through:

- Regular briefings and teleconferences
- A network of nine regional local authority leads to coordinate across authorities in England, with Devolved authorities taking responsibility for their regions.
- A “Basecamp” platform where Home Office funded organisations could directly raise issues with Home Office guidance and processes encountered with complex cases
- A Ministry of Housing, Communities & Local Government contact.

Broadly speaking participants in this study felt that the Home Office had made the right decision to delegate coordination and community engagement around the EUSS to local authorities and that the support and information provided by the Home Office and this network of support had been at least adequate.

However, several concerns were raised about:

- The timeliness of Home Office guidance and responses to concerns
- The inability to develop long term plans due to lack of long term guidance
- The lack of consideration of the long term costs of the EUSS and the need for funding
- The lack of meaningful coordination in key areas of delivery such as vulnerable adults and access to embassies

There are two key lessons that can be learnt from this process. The first is that a more strategic approach needs to be taken to the delivery of programmes such as the EUSS where the entire life-cycle of the project is considered. This involves providing long term guidance and support to all agencies involved in delivery which is clearly set out and fully budgeted at the beginning.

The second is that while devolution of delivery to the local level is often the most effective strategy, there needs to be a more active coordinating role taken by national government. This needs to be a move from having a system of “contacts” that local authorities can refer concerns to, towards a more active system of national coordinators who take responsibility for taking responsive and proactive actions to support local authorities deliver schemes such as the EUSS.

## The Devolved Approach

The general consensus across all authorities was that the devolved approach to communicating about the EUSS and providing support was the correct one. Local authorities have better relationships with and knowledge of EU communities. Where many EU and other migrant communities are sceptical or resistant to national government agencies, they often have a more positive relationship with local authorities. This meant that local authorities were more able to access the community networks that were pivotal to both communicating about the scheme and providing support.

We've done quite a lot of focus groups with communities around who they trust in terms of where messages and communications are delivered and what sources they use etcetera, and I'm afraid that they typically say that [they are] less inclined to listen to national government campaigns and messages than they are through local government and or their local communities and leaders. So with these sorts of things I think it is right that it is the expectation that local government is really pushing those things that have a very significant community impact, because I think we were closer to communities and we've got the channels and they are more likely to listen and trust what we're saying than when it comes as a sort of global national message. (Local Authority Officer, Unitary Authority)

Local authorities also felt that coordinating and providing immigration support to residents was something they were practically equipped to do.

historically local authorities had had a role in nationality and citizenship. So it just kind of fitted nicely with that because before the ID verification service was a thing, we offered an EU passport return scheme. Which was kind of a precursor for people who were applying for permanent residency certificates and that got superseded by EU settled status. So it was already, the groundwork has already been laid through that kind of thing, (Local Authority Officer, London Borough)

the expectation is that things are set at national level and rolled out through local government and I think quite rightly. You know there is no way central government could do the data matching exercise, because if they go to school up the road, the schools going to say "I'm not going to tell you about who I think is, you know, I'm not going to give you my slightly subjective opinion on who we should support". However we can have those softer conversations (Local Authority Officer, County Council)

When concerns were raised it was therefore not about the devolved principle of the scheme's roll out, but in terms of the practical support and guidance offered to local authorities by national government agencies.

## Quality of Guidance

There were mixed opinions about the quality of Home Office Guidance. There was a general consensus amongst those interviewed that there was sufficient guidance provided to enable authorities to roll out the scheme. However, some raised concerns were that it was often provided at the last possible moment for it to be implemented and that it was not sufficient to enable long term planning.

Specifically while officers with more strategic briefs tended to report that the guidance about local authorities role in rolling out the EUSS was clear and at least adequate.

for the most part, I think the guidance from central government has been fairly reassuring in terms of what we need to do. It's kind of made us feel, OK, we've done what we need to do in order to prepare and hasn't thrown up any additional challenges as far as I can tell. (Local Authority Officer, County Council)

It's difficult to distinguish between the disquiet about "what has brought this about?" The whole, "we shouldn't have gotten to this place in the first place" so that's a very different position. But now that we are there, is the rest of the press is manageable? I think on the latter part, I don't have any evidence of disquiet. (Local Authority Officer, Wales)

Officers at a more operational level raised concerns that guidance often arrived at the last possible moment for them to implement training and reforms.

I think we're getting very used to guidance coming too late. And just assuming that it will. (Local Authority Officer, County Council)

I wish the big push didn't come at the back end of 2020. I wish the drive was there before, maybe the government will say the promotion was there, but it wasn't enough for our clientele. It was difficult to access. And now all of a sudden we are in January and we are in a big rush to make everyone apply. (Local Authority Officer, Wales)

so I think at the beginning of the sort of work on this, we were very concerned that the rights weren't very clear and there seemed to be a bit of a dearth of guidance at one point about how the settlement scheme was going to work. We weren't sure the implications for individual cohorts. [...] We weren't very sure about what happened to corporate parents for looked after children. (Local Authority Officer, County Council)

And that when guidance was issued it often lacked clarity about its importance and implications for both residents and service providers:

But I suppose if I was to name the biggest challenge It just was just the lack of clarity. The time frame was long. The message was unclear, there was no urgency really for people to think. There didn't feel urgency for people to sign up to the scheme. (Local Authority Officer, County Council)

Although there was a sense that this may be understandable given the circumstances of the last year:

I'm commenting from a quite narrow perspective. We certainly received revised regulations and associated guidance. That's what the government's required to do. I don't think though it's been a particularly high up on their agenda. Because of all the other things that they've had to do. So we got the guidance fairly late. [...] But I'm not sure what more they could have expected to do at this stage. You know, I think the crunch will come when the window closes and we start dealing with people and start refusing people. (Local Authority Officer, London Borough)

This issue of clarity and timeliness of guidance is an important one. It places local authorities in a precarious position as they are unable to develop meaningful medium and long terms plans about service delivery and reduces their ability to support EEA+ nationals access their rights. and increases the likelihood of crisis scenarios as a result of the EUSS.

Beyond the general issues of timeliness and clarity of message there were two areas that stood out as particularly problematic. The first was about how status under the EUSS would intersect with the welfare rights of EEA+ nationals. The second was guidance on late applications and the roles and responsibilities of local authorities.

### Guidance on Welfare Rights

This was particularly the case in terms of interpreting who would be eligible for local services under the scheme as several officers felt this added complication to an already complex system:

Understanding it [guidance] has always been difficult in terms of your obligations and what that means, that was always going to be a challenge. I think there is a degree of capacity to interpret things, which is not ideal because our interpretations on certain issues can be incorrect. [...] within the group we do find ourselves reading and rereading interpretations rather than simply having a go to tool that answers it for you. Over the course of our meeting our interpretations of different regs can sort of evolve, and I think we have got it correct but it shows the potential for there to be some ambiguity there (Local Authority Officer, Wales)

my staff have had to get used to those new rules around eligibility, which are impossible to understand at the best of times. I think there's about three people in the country that understand it. And you know I've doing this a long time, used to reading legislation, but whenever I get stuck on it, you have to go back to refresh your memory. It's not something you can keep in your head. And now these new concepts of pre-settled, settled, etcetera, that's just an added complication. (Local Authority Officer, London Borough)

The result is that EUSS cases are often the most complex for local authorities to determine rights to access services:

In the top 5 [of complex cases] the eligibility of European Nationals is probably up there with queries that are complicated or difficult to understand or difficult to interpret (Local Authority Officer, Wales)

This appears to be particularly the case with regards to the rights and status of citizens with pre-settled status. Specifically

- Some authorities did not appear to be aware of a potential difference in rights between settled and pre-settled status
- There was uncertainty about precisely when someone with pre-settled status needed to have started exercising their treaty rights qualify for support.

This ambiguity over the welfare rights of those with pre-settled status risks incorrect decisions by case workers and the denial of rights to EEA+ nationals who are entitled to and depend on local authority services.

This ambiguity may in part be understandable given the pending decisions of the Supreme Court and the European Court of Justice on parallel cases as to the legal rights of those with pre-settled status.<sup>18</sup> However the lack of clear guidance in the meantime is problematic and leaves EEA+ nationals unnecessarily at risk.

### Guidance on Late applications

The problem of late and limited guidance was also particularly acute in terms of late applications to the EUSS and how to support those that missed the deadline. While initial guidance has now been published, it was already considered by many to be too late to plan adequately:

The sooner we get the guidance, the better we'll be able to plan. Guidance often comes out much later than it's ever promised, cutting our planning window quite substantially, and certainly we've had to deal with that throughout the whole of COVID, where guidance is often come out after whatever issue it is we're supposed to be dealing with has been active, never mind announced. (Local Authority Officer, Unitary Authority)

Now is too late! (Local Authority Officer, London Borough)

Crucially some had come to speculate that they expected some form of extension to the EUSS deadline, as this would be necessary to allow them time to plan for and prevent crisis scenarios:

I think we're getting slightly complacent about "if the problem is bad enough there will be an extension." [...] I think that's because it's just been a horrible messy process, the whole EU exit in anyway you look at it. So I think I think there's a bit of a "well The deadline is this, but if that all goes wrong, The deadline will be Something else" and in local government we're feeling that all over. (Local Authority Officer, County Council)

It's the ones that emerge from the woodwork after the 30th of June date. Certainly one of those things that I've been pushing for when is that rather than the 30th of June being an absolute cut off, if a public service comes across someone for the first time after the 30th of June, then they should have their own unique clock so that you've got three months from the point at which we become aware of you to make an application. [...] you could have a situation where [adult services] might become aware of someone on the 29th of June and it would be tricky to have got the application in. Or indeed they might become aware of them on the 1st of July, but it's somebody who has been living in the country for 30 years, but they've got dementia and their careers have haven't picked it up and so why should someone should be penalised for that? (Local Authority Officer, Unitary Authority)

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<sup>18</sup> EU Rights and Brexit Hub. [Fratila - Race to judgment! Supreme Court AND the Court of Justice of the EU expedite parallel cases](#)

There is an alternative, you just extend the grace period, rather than June can we push it for another six months? Because at the moment, ok, not many people have been significantly affected but come June they will. And with our clientele they are a very very vulnerable group. (Local Authority Officer, Wales)

While guidance has now been published on the criteria for making a late application to the EUSS, it does not clarify the rights of those eligible to make a late application. This lack of clarity both prevents meaningful planning by local authorities and increases the likelihood of crisis scenarios as some have come to expect an extension to the deadline.

This places EEA+ nationals in a precarious position as the deadline approaches and authorities have to start making decisions about the rights of their residents and adopt local interpretations of existing guidance.

### **Recommendation 5.1**

**That the Home Office issues clear and precise guidance for local authorities about the rights of EEA+ nationals with pre-settled status or who are eligible to make a late application to the EUSS.**

Participants all four authorities raised concerns about the lack of clear guidance on EEA+ nationals rights after the 30<sup>th</sup> of June. This lack of clear guidance, in particular around those making late applications to the EUSS and those with pre-settled status, will mean that an inconsistent approach will most likely be taken as local authorities adopt ad-hoc local interpretations. In order to prevent EEA+ nationals being denied access to their rights after the 30<sup>th</sup> of June it is imperative that the Home Office issue clear guidance about the various rights of EEA+ nationals under the EUSS as soon as possible.

## Resources

Local Authorities also had mixed views about the resourcing and funding of the additional work they undertook to roll out the EUSS. Some had already set in place similar workstreams as part of their “business as usual” which enabled them to quickly mobilise their delivery of the EUSS

actually we have people our working with our communities all the time and local government to have the conversation with people who need them. And we were talking, in this conversation we were talking about the settlement scheme, but actually we're probably talking to two people anyway, so this wasn't necessarily a whole area of new work. (Local Authority Officer, County Council)

Or that they could access the necessary funds to deliver schemes such as the EUSS as part of their Brexit funding.

Funding was, it was a bit, bit strained at first, but then the government would come through with their Brexit preparedness funding. Three different tranches of funding there. So we have got. We've had enough to cover the services that we put in place. (Local Authority Officer, London Borough)

However, concerns were raised about the timing of funding rounds to secure additional resources and support from the Home Office for specialist support .

one thing that did cause a bit of problems was the Home Office had provided, [...] some support for Information advice services. And that was due to expire [...] and it was clear that it was going to have to be extended, but they left it right up until the wire to announce it was going to be extended. That made it very difficult for councils who had relied on that funding to provide their information advice services. It got to the point where you would have to give notice on the service that you weren't going to renew it. (Local Authority Officer, London Borough)

Or that they had to go and secure the additional funding, often at their own expense:

It's been very much you've had to go and get it hasn't it. So if there wasn't the political will to find this money. I mean the money to make this happen as come internally because it's been political will to support EU Nationals. But you know we had to give up our own resource is within the organisation to write these bids to go for the cash. Then you got all the evaluation and monitoring. So yeah, I mean it's more resource which have been put in on the local authority side. (Local Authority Officer, London Borough)

All participants raised concerns that this was likely to become an additional resource drain which risked over burdening already stretched services

it just feels like it's just another thing amongst a lot of other things that we have done in a very busy year. And we weren't given any additional resources, we were given materials and a target and off we went. (Local Authority Officer, Unitary Authority)

It was just another thing we had to consider alongside our business as usual. And I think this is probably particularly seen in children, social care and adult social care is that they are already very busy. This was just another burden on them. (Local Authority Officer, London Borough)

It thus formed part of a longer standing trend where local authorities felt they were being expected to do more with less.

'Oh we never have enough money! Local Authorities are the poor relation, we never have enough money. And I mean it goes back to that point about it's our ongoing challenges what we used to wrestling with his ongoing squeeze on finances and demand going the other way. I mean it's kind of how we have been for 10 years. (Local Authority Officer, Unitary Authority)

This has meant that local authorities have often had to rely on local voluntary organisations, as well as those formally funded by the Home Office, to deliver support for EEA+ nationals as resources have been stretched.

It's that commitment on the frontline. We don't want to feel we have to turn someone away. We try and find a solution and that's the reality because as you described we're at the coalface and when you are at the coalface you know you try and find a solution whatever. But that does mean that there's also quite heavy reliance on the voluntary community sector as well to try and fill gaps. And now we've got some good relationships with them, they perform a really really valuable role and that will include in areas such as supporting EU citizens. But sadly you know it has to come to that in the sense of them having to fill those gaps' (Local Authority Officer, Unitary Authority)

In similar manner to the issuing of guidance, while local authorities felt that they had sufficient resources to deliver the local roll out of the EUSS in 2019-2021, the concern was that a more strategic approach had not been taken to funding the scheme. This was felt both in terms of the late announcement of funding to supported organisations and the lack of planning around the long term costs of the scheme. Again the uncertainty about funding and support has inhibited planning of services and support for EEA+ nationals in the UK.

### National Coordination

There were mixed feeling about the level of advice and support provided to local authorities. Most agreed the Home Office had done a good job of disseminating information about the scheme and providing opportunities to discuss problems:

The Home Office were actually pretty good about holding regular Teleconferences where anybody with any kind of tangential involvement in settled status provision could dial in and hear a presentation, ask questions. In fact, it got to the point where it had seen or heard the slides so many times I was. Kind of a bit sick of it, but they were very good about pumping out that information and there was a couple of conferences they held. To try and work through gaps and issues that they had. (Local Authority Officer, London Borough)

However, several participants raised concerns that while the Home Office and other agencies were readily contactable and maintained regular communication channels there was shortage of national coordination of key parts of the scheme.

For example, one participant raised lack of action taken by national government to ensure that adults in need of care and support were registered with the scheme, in comparison to the work done for children in care:

There was a lot of noise in the early days about them providing guidance on what councils would be expected to do with regards to people in social care adult social care, but that never, that never came through. So that would be a gap I would say. And I think we did escalate that a couple of times through our regional mechanisms. (Local Authority Officer, London Borough)

Such guidance might have ensured a more universal approach to the identification and registration of adults receiving care and support rather than the inconsistent approach identified in this report.



Another example was the need to secure access to embassies and consulates in order to secure documentation for EEA+ nationals, especially for those living outside of London. This was explicitly raised by one local authority when they discovered that several key embassies had either closed due to COVID or had long turnaround times, preventing those with expired passports or other pieces of documentation from applying to the scheme:

We flagged the embassy issue with them you know, “We're not getting any response from embassies, Help us use some of your MHCLG leverage to open doors for us. Give us some Contacts. Help us!” [the response was] “No, Can't do that”. So Okay, I'll get on the blower. I will see if I can get them to have a day trip to [authority] myself. (Local Authority Officer, County Council)

the idea there was that we then try and set something up with the embassies of each of those nations, to have a kind of dedicated EU settlement scheme contact for that embassy. So if we knew there's somebody from that community who needed extra support. We could say here you know, contact this person at your embassy. And the coordinator of our community resilience recommended that we do that through central government, coordinated through central government because it was just too difficult to do that kind of directly with each embassy. And, yes, that's kind of still ongoing in terms of if we can get that set up or not. (Local Authority Officer, County Council)

This was a noticeable difference from other schemes where there tended to be more engagement with local authorities:

The lack of helpfulness is slightly unusual, so it's quite usual for central government to go “there's the policy, there's the money, implement it” but in the past it feels like there's been more support. So we've had a constant contact with a relationship Officer from MHCLG. And they're emailing once a week with the newsletter. But what we need is help when we can't unlock things ourselves, we need some help rather than a contact. (Local Authority Officer, County Council)

And there was significant scope for a more cooperative and proactive approach to be taken by national government:

You know what? If [authority] are having this problem, maybe other councils are maybe we should have a conversation about embassies about how they can rollout a nationwide. You know there is something about national government should be picking up nationally. (Local Authority Officer, County Council)

In short, that while the Home Office has become much better at communicating about the EUSS and responding to internal issues in the scheme, they could have taken more responsibility for coordinating between national and local bodies to improve delivery.

**Recommendation 5.2**

**That national government departments move from a system of “contacts” to a system of “coordinators” who are responsible for taking responsive and proactive actions to support local authorities deliver schemes such as the EUSS.**

Local authority officers across all four authorities raised issues with how the roll out of the EUSS had been handled by national government departments. While there was some support for the national system of contacts where officers and authorities could receive information about the scheme and communicate concerns there was a lack of strategic coordination. Funding and guidance was released at short notice or without sufficient depth to allow planning and key aspects of delivery such as adult social care and embassy access would have benefited from a more proactive and strategic approach. We therefore recommend that government departments shift from a system of “contacts” towards more proactive and accountable “coordinators” who are tasked with actively responding to and solving gaps in delivery.

## 6. Summary of Recommendations

This study of four local authorities in England and Wales has identified the importance of local community networks and communication strategies for the practical delivery of the EUSS. At the same time however it has also identified several key gaps. These tended to cluster around three key themes.

- Strategic Coordination and Planning
- Extensions or modifications to the deadline
- Key vulnerable or at risk groups

Where previous sections have presented these recommendations alongside the analysis this section takes a more thematic approach and groups them by underlying problem or gap to be addressed.

### Strategic Coordination and Planning

Four recommendations of this report focus on areas in which the provision of national coordination and support to local authorities fell short. The most significant and general of which is

- 5.2** That national government departments move from a system of “contacts” to a system of “coordinators” who are responsible for taking responsive and proactive actions to support local authorities deliver schemes such as the EUSS.

This would entail building on the relative success of the EUSS’s current system, where national government agencies such as the Home Office seek to communicate to local actors about a policy or scheme and respond to technical questions to provide clarity. In particular we envisage a system of active and responsive coordinators, where national policy officers take active responsibility for identifying and responding to gaps or concerns experienced by local actors. For example:

- Coordinating with embassies to streamline applications for identity documents
- Coordinating the identification and registration of EEA+ adults receiving care and support

This more responsive coordinator system would also involve improvements to data sharing, guidance quality and funding commitments in line with recommendations 2.1, 4.2 and 5.1.

- 2.1** That national government departments, and the Home Office in particular improve its data gathering and sharing procedures with local authorities in order to improve local service delivery.
- 4.2** That the Home Office commits to a programme of long-term funding with clear guidance to support both late applications to the EUSS and the support of those with pre-settled status to secure settled status.

- 5.1** That the Home Office issues clear and precise guidance for local authorities about the rights of EEA+ nationals with pre-settled status or who are eligible to make a late application to the EUSS.

In short, the lack of clear information and strategic planning from national bodies has inhibited the ability of local authorities to deliver the EUSS. The lack of quality demographic data inhibited the targeting of local authority resources. Meanwhile the lack of timely and clear guidance as well as funding commitments reduces the ability for local authorities to plan and deliver services. This is therefore a key area for improvement for future schemes.

## Vulnerable Groups

Three of the recommendations made by this report are about the steps that could be taken to mitigate the risk that the EUSS will disproportionately affect vulnerable groups. Two of these are steps that can be taken by the Home Office.

- 2.3** That Home Office updates guidance on late EUSS applications to reflect that EEA+ nationals with limited digital access, or who are otherwise socially excluded, are still at risk of missing the deadline.

- 3.1** That Home Office provides an option for physical proof of legal immigration status under the EU Settlement Scheme.

A key empirical finding of this study is that the intersection of a reliance on community networks and communications due to poor data quality and the end of face to face contact because of COVID-19 means that the digitally and socially excluded are particularly at risk of missing the June 30<sup>th</sup> deadline.

At the same time the 'online only' system utilised by the EUSS is highly problematic. As local authority officers point out, given that many vulnerable groups required support in order to access the online system to make an application, it is likely that many would struggle to access it again in order to access their rights to work, rent and welfare support.

In both cases relatively straightforward administrative changes would significantly reduce the impact of the EUSS on vulnerable groups and communities.

The third recommendation is a more direct policy commitment that could be taken by the Home Office as part of a more coordinated strategic approach or unilaterally by local authorities.

- 3.2** That the provision of digital access services provided by local authorities are provided at no cost to residents.

Given that the use of these services is limited but predominantly from the more vulnerable or isolated groups the cost to local authorities, or national government, would be relatively low while also removing a barrier to accessing the EUSS.

## Deadline Extension

Finally this report also makes three recommendations to change the current approach to the EUSS deadline. The first is a recommendation that the deadline is extended by three months to allow a specific piece of work to be conducted

- 2.2. That the Home Office extend the deadline for three months to September 2021 in order to coordinate a systematic case review of care providers to ensure that all current recipients of care and support can still access this support after the deadline

Another key empirical finding of this study is the inconsistent approach taken by local authorities to identifying and supporting EEA+ adults receiving care and support to apply to the EUSS. This creates a significant risk that vulnerable adults who rely on public or private care or support will see their rights to this support withdrawn as they miss the EUSS deadline. In order to prevent this we recommend that the Home Office extend the deadline by three months in order to conduct a survey of care providers and coordinate efforts to identify and enrol adults receiving care and support.

The second set of recommendations (3.3. and 4.1) are the same:

- 3.3 / 4.1 That the Home Office provide an extension of the current grace period for EEA+ nationals who are eligible to make a late application to the EUSS, but who have not applied prior to the deadline, so that they preserve their rights until their status is formally decided.

However this recommendation is made for two separate reasons. The first (3.3) is that local authorities expect there to be a significant minority of EEA+ nationals that miss the deadline, even if it is extended, and that these will disproportionately be from vulnerable groups. The second (4.1) is that local authorities are still unclear about the rights of those who miss the deadline but have a right to apply and only expect to become aware of them gradually. In order to prevent a cost shunt to local authorities and higher costs due to the need to manage crisis scenarios **we strongly recommend a blanket extension of rights to those who do not have status after the 30<sup>th</sup> of June, but are eligible to make a late application to the EUSS.**

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