

EU Settled Status Pilots Briefing

Date: 26 October 2018

BACKGROUND

On 28 February 2018, the Prime Minister, Theresa May announced that EU nationals who arrived in the UK during the transition period will be allowed to stay provided they claim 'settled status'. This would give new indefinite leave to remain status for EU citizens, who were previously resident in the UK under freedom of movement regulations. It will allow non-UK EU citizens to continue to live and work in the UK, where they will continue to be eligible for public services, public funds and pensions, and British citizenship (assuming usual requirements are met).

The applicant must be an EU citizen, or a family member of an EU citizen, resident in the UK by 31 December 2020 and not deemed a serious or persistent criminal or a threat to national security. Those with proof of five years uninterrupted residency in the UK will be granted full Settled Status; those with less than five years residence will gain Pre-Settled Status, giving the applicant limited leave to remain for five years and the right to apply for Settled Status free of charge once five years residency has been gained.

The EU Settlement Scheme is due to be rolled out from December 2018 and be fully open by March 2019. Residents will have a further six months grace period after the end of the transition period in December 2020 in which to apply.

The LGA has been part of a wide steering group on Settled Status, ensuring that the voice of local government is heard by the Home Office, offering advice around consultation with local government, and ensuring that all tiers and areas of local government are represented.

The full details of the scheme can be found [here](#).

SETTLED STATUS PILOT

On 20 July 2018, the Prime Minister [announced a pilot of the scheme](#) to take place in the North West of England with NHS workers from 12 NHS Trusts, staff and students from three Liverpool-based universities invited to trial the new application process for the EU Settlement Scheme.

Since then, the government [have announced the second stage of the pilot](#), on 11 October 2018. This expands the pilot to:

- All EU citizens working in:
 - higher education,
 - health, or
 - social care.

- EU citizens:
 - under the age of 18 who are being looked after by one of the local authorities involved in the pilot (listed in **Appendix A**), or
 - who were looked after as a child by a participating authority and are eligible for support or assistance under the Children Act 1989 (or under regulations made under that Act).
- EU citizens receiving support from one of the community organisations involved in the pilot.

It is also worth noting that at this stage the pilot does not include the families of the EU citizens mentioned above unless they are also eligible under the criteria above, and will only include EU Citizens with a digital CHIP passport. The dates for when each group of people can apply are staggered, and are shown in the table below.

	1 Nov 2018	15 Nov 2018	29 Nov 2018
Phase one participants: NHS Trusts and Universities from North West	X		
Employed at a HE institution/ overseas HE institution (on Tier 4 Register)		X	
Looked after child from participating local authority, or those eligible for support or assistance due to being looked after by them as a child		X	
Receiving support from involved community organisation		X	
Employed by an organisation in the health or social care sector in UK			X

IMPLICATIONS FOR COUNCILS

The main implication for local authorities is the addition of social care staff to the pilots, as well as a following implication for councils involved in the pilot who will need to complete applications for looked after children.

Social Care Staff

Through the steering group we have been pushing for urgent clarity for the local government workforce. It is positive that social care workers have been prioritised in the scheme so far, however this has implications for councils.

At the moment the announcement includes a complicated definition of who is eligible to apply within the social care sector in England, Wales, Scotland and Northern Ireland. At this stage it is primarily those who provide or support the provision of social care who are also employed or engaged by an organisation registered with the Care Quality Commission.

As providers of care, councils look to face what could be a complicated and difficult communications task as they will need to ensure that eligible employees have the correct URL so as they can access the system.

With EU citizens making up seven per cent of social care staff across the country and varying levels of in house services, this could be a significant communications task for some councils, especially as the URL is likely to work for anyone with the link, given that eligibility is confirmed by a self-declaration. It will be important that it should be given to the right eligible staff to avoid confusion.

Additionally, councils should also note that Scottish and Welsh governments have indicated they will be paying the application fees (£65) for public service workers.

Looked after children

Government have confirmed that it will be council's responsibility to complete these applications on behalf of looked after children under their care, or those who are eligible for continued support due to being looked after as a child. At this stage we are asking further questions of the Home Office to determine whether this includes under 18 care leavers.

Although the Government has confirmed that the fee (£32.50) will be waived for children in care, there is still a concern as to additional responsibilities for staff without increased resource for the councils named in the pilot, and if this remains the case following full implementation. The pilot is aimed at those with a resident EU citizen with a valid passport, and therefore will not involve those without proof of identity or the means to establish their length of residency in the UK, who are likely to need additional support from councils. The LGA and local government are keen to work with government to explore the potential impacts on all children in councils' care, and also to discuss how adults receiving social care may also need to be supported by councils in the application process in order to ensure that councils can prepare themselves and their communities for the implementation of the final scheme.

NEXT STEPS

The Home Office has produced an [employer's toolkit](#) to enable practical advice to be given to EU citizens on Settled Status. The Home Office is planning to produce an additional Community and Local Authority toolkit before the end of the year which we will circulate when available. The Home Office is also keen to run webinars to engage with councils on the completion of Settled Status applications for looked after children.

We will work to arrange other ways for councils to get responses to any questions, concerns and comments.

As always, if you have any information on the challenges or opportunities from your own areas that you would like to share with us please email brexit@local.gov.uk.

Appendix A – List of Local Authorities involved in the Pilot

Kent County Council
Lincolnshire County Council
London Borough of Haringey
London Borough of Waltham Forest
Sheffield City Council.