

## **EU exit: preparations for local authority children's services in England in the event the UK leaves the EU without a deal**

### **Advice to local authority children's services in England on how to prepare in the event that the UK leaves the EU without a deal.**

As a local authority, you may need to make changes to usual processes if the UK leaves the EU without a deal.

This guidance is intended to supplement the tools and resources issued by central government to Local Authorities on preparing for the UK's departure from the EU, and to draw together existing guidance into one place for ease of reference.

As previously advised, you should:

- make sure you have considered the potential effects of EU exit, including the management and resourcing of casework;
- carry out local risk assessments, where necessary;
- make sure service providers, including any supporting children in out of area placements, are aware of potential issues as soon as possible and ensure contingency plans are in place and these are kept up-to-date.

Local authorities will already be working with partners in Local Resilience Forums to assess and plan for the possible effects of EU Exit, where necessary considering arrangements are in place to enable continuity of service in the event of any localised travel disruption.

Additional guidance can be found under '[Prepare for EU exit](#)'.

Related sector guidance from DfE:

- [Schools](#)
- [Further education and apprenticeships](#)
- [Higher education](#)

## **Right to live and work in the UK for employees in children's services**

### **Information regarding EU employees**

#### **EU citizens**

If the UK leaves the EU without a deal, EU citizens who are resident in the UK before 29 March 2019 will be able to apply to the [EU Settlement Scheme](#) (EUSS) to get settled or pre-settled status, which will mean they can continue to live, work and study in the UK.

The scheme will be open to applications from 30 March 2019 but EU workers must apply by 31 December 2020. You can use the [EU Settlement Scheme guidance for employers](#) to give further information to your employees.

### **Irish citizens**

Irish citizens' right to live in the UK will not change after the UK has left the EU. They can continue living their lives here as they do now. They do not need to apply for the EUSS, but any family members who are not Irish or British citizens will need to.

Read the guidance on [Citizens' rights - UK and Irish nationals in the Common Travel Area](#) for more information

### **EU citizens arriving after 29 March 2019**

Anyone arriving from the EU to live and work in the UK after 29 March 2019, who wishes to stay more than 3 months, will need to apply for European temporary leave to remain. If granted this will last for 36 months.

For further information see: [European temporary leave to remain](#)

Further information on employment after EU exit is available:

- guidance on [workplace rights and protections that come from EU law](#)
- guidance on [EU exit planning for businesses](#)

### **Mutual recognition of professional qualifications for social workers**

Social workers with EU, EEA EFTA and Swiss qualifications, who have already had their qualifications recognised by the regulator in the UK, will not be affected by exit and will continue to be able to work as a social worker as now.

In the event of no deal, the current system of reciprocal recognition of professional qualifications for social workers between the EU, EEA EFTA and Switzerland and the UK will not apply after 29 March 2019.

However, those who have begun an application for recognition before 29 March 2019 will be able to conclude their application under the current system as far as possible. [Further information on the system of recognition for those who apply after exit is available.](#)

### **Delivery of children's social care**

We expect that there will be few direct implications for the delivery of children's social care in the event the UK leaves the EU without a deal: Statutory duties and eligibility to adopt is based on residence, not nationality.

## **Looked-After Children and EU Settlement Scheme**

You should ensure that all looked-after children or care leavers who are EU nationals have applied for EU settled status.

To do this you should:

- identify which children will need to apply and offer support to any individual that needs help with identity documentation or other paperwork;
- raise awareness and provide support to parents and carers of EU citizen children accommodated under section 20 of the children act 1989, where needed, or signpost to relevant community support where deemed more appropriate to do so; and
- Share information with personal advisors supporting care leavers to make their own applications.

To support this, you should consider putting in place procedures to check for the existence of a passport or identity card for each child that is subsequently looked after by your authority.

The Home Office will support local authorities to ensure they are able to make applications on behalf of eligible children in their care, including guidance on obtaining passports and ID documents.

You may find it helpful to identify a member of staff to lead on the EUSS for children in care and care leavers. To enable future communications, guidance and support, local authorities can share these details by contacting [EUexit.CSC@education.gov.uk](mailto:EUexit.CSC@education.gov.uk)

To keep up to date with the latest developments regarding the EUSS, you can subscribe to the email update service provided by [The Home Office](#).

A toolkit for [community leaders](#) and details of the [EU Settlement Scheme](#) are available.

## **International Child Protection**

In the event the UK leaves the EU without a deal, the EU Regulation on cross border placement of children (commonly known as Brussels IIa) will no longer apply between the UK and EU Member States.

Local Authorities in England should use the '1996 Hague Convention on Parental Responsibility and Protection of Children', and existing departmental advice on '[Cross](#)

[Border Child Protection Cases: The 1996 Hague Convention](#), when handling cases with EU Member States.

Current advice on making 1996 Hague applications is available at <https://www.gov.uk/government/publications/international-child-abduction-and-contact-unit-application-form>. The form and the guidance should be read together.

You should also seek independent legal advice on existing and new cases.

Departmental advice on '[The Placement of looked after children across Member States of the European Union for local authorities](#)' will no longer apply and will be withdrawn.

## **Children seeking asylum in the UK**

In the event the UK leaves the EU without a deal, the UK will no longer be part of the Dublin Regulation or associated Common European Asylum System measures. Children who are present in another EU Member State with qualifying family in the UK will not be able to transfer to the UK under the Dublin Regulation to have their asylum claim assessed. However, as set out in the Withdrawal Act 2018, the UK will continue to seek to negotiate an agreement with the EU to continue to provide a legal route for unaccompanied asylum seeking children to be reunited with family members in the UK. This would replicate the commitment under the Dublin Regulation, which would allow children under 18 to join close family members where it is in their best interest.

The Home Office will continue to consider inward Dublin transfer requests relating to family reunification, which entered the system before 29 March 2019.

This would apply to any 'take charge' requests (where one Dublin State requests another to take responsibility for examining an asylum claim) submitted before the UK leaves the EU.

The role and responsibilities of local authorities to families that have already been reunited under the Dublin Regulation will remain unchanged. The same applies to families that are reunited under the Dublin Regulation after the UK leaves the EU during an implementation period, or in a no deal scenario where a take charge request lodged before exit day is accepted.

## **Data protection**

In the event that the UK leaves the EU without a deal, local authorities and their partners need to ensure they continue to be compliant with data protection law.

Local authorities that exchange personal data with partners in other countries or whose data is hosted in the EU, may need to make changes ahead of the UK leaving the EU to ensure minimal risk of disruption.

It is important to review whether you would be affected. Those affected should take action now as changes may take some time to implement.

[The Information Commissioner's Office \(ICO\) has set out in six steps that organisations should be taking to be prepared for EU exit.](#)

Further information and resources on EU exit can be found on the [ICO website](#) whilst the Ministry of Communities and Local Government has also published [guidance for local authorities](#) on accessing data from the European Economic Areas in the event of no deal.

## **Other areas of interest to local authorities and children's services**

### **Early Years Entitlements**

In the event the UK leaves the EU without a deal, it is expected eligibility for the Early Years entitlements will remain as it is now. These entitlements will be subject to any future domestic policy changes made by the Home Office to immigration rules and right to remain legislation and/or Department for Work and Pensions changes to the rules around access to benefits.

Further information on access to Early Years entitlements will be communicated directly with Early Years local authority leads with relevant updates for them and the sector.

### **Food and medicines**

You should follow national advice on food and medical supplies, and ensure that your supply chains are aware of this advice.

The Government has been working as a priority to make arrangements to ensure that goods can continue to flow into the UK without significant delays from additional controls and checks. The UK is continuously engaging with stakeholders to support industry preparedness.

The UK has a high degree of food security, built on access to a range of sources including strong domestic production and imports from other countries. This will continue to be the case whether we leave the EU with or without a deal.

The Government has well established ways of working with the food industry to mitigate disruption, and we will be using these to support preparations for leaving the EU.

Food suppliers will need to be familiar with [the advice the government has published for the food and drink sector on leaving the EU without a deal.](#)

### **Travel disruption**

You should have arrangements in place to enable continuity of service in the event of any significant travel disruption.