



Submission to Ofsted consultation:
Improving the way Ofsted inspects children's social care

SUMMARY:

1. This submission is divided into four further sections. The First (ABOUT US), explains who we are and why our experience is relevant to this consultation. The second (OUR CONCERN), explains the concern that has motivated us to respond. The third (OFSTED RESPONSIBILITIES), explains how this concern relates to Ofsted's role and responsibilities. The fourth and final (OUR RECOMMENDATIONS), explains what we would wish Ofsted to do about the concern we raise.
2. In summary, our concern is that a group of especially vulnerable children, born and/or growing up in the UK, are being systematically deprived of the chance of meeting their full potential because those responsible for their care are neglecting one of their most basic rights on which so much of their futures will depend – the right to British citizenship. Sadly, this right has been almost universally long-neglected. The result is that ever since 1983, some children – including children born in the UK and children who pass through the care system – grow up in this country with nobody taking responsibility to ensure their British citizenship is confirmed or registered. The tangible and intangible consequences are themselves deeply harmful. They also compound any further vulnerabilities the child or adult may be living with (such as the impacts of mental ill health, learning difficulties, social or educational deprivation, parental neglect, physical or sexual abuse, child criminal exploitation, etc.).
3. As the inspectorate of children's social care, Ofsted has a clear opportunity to take action to improve the life chances for these children – certainly those who grow up in care or experience other interventions from children's services – by identifying, promoting and requiring good practice from children's services that ensures children's citizenship rights are no longer overlooked. We believe it vital that Ofsted should take that opportunity.

ABOUT US:

4. The Project for the Registration of Children as British Citizens (“PRCBC”) is the UK’s only charitable organisation with a sole focus on the rights of children to British citizenship. We produce and disseminate information, including for local authority children’s services, to raise awareness of these rights; deliver training and advice, including to social workers and lawyers, about these rights; and provide legal advice and representation to children and adults, including children in care and adults who have been in care, to secure these rights.
5. Our primary function concerns the delivery of legal representation to children and adults to secure their rights to British citizenship. This function includes making applications to the Home Office or Passport Office for confirmation or registration of someone’s citizenship and, where appropriate, bringing claims before the High Court for judicial review of refusals to confirm or register someone as a British citizen. We prioritise our provision of these legal services on the basis of complexity by which we mean that we generally reserve our services for children and adults whose personal circumstances and characteristics and/or legal claims are especially complex or may provide the best opportunity to change law, policy or practice for the benefit of others.
6. A high proportion of the children and adults we represent are in care or have been in care. A significant further proportion of the children and adults we represent have experienced interventions from children’s services falling short of being taken into care. Most of the children and adults we represent were born in the UK and, of those who were not, all were brought to the UK in childhood often at an early age (including as babies). The citizenship rights with which we are concerned are acquired in childhood. Our reason for now representing several adults, in addition to the many children we continue to represent, arises because those with parental and/or care responsibilities for them failed to recognise or act on their citizenship rights when they were children leaving them unaware both that they were not equally recognised as British as their peers and of the need or means to correct that.

OUR CONCERN:

7. A child born in the UK is born a British citizen *only* if one of their parents is a British citizen or settled at the time of the child’s birth. A child born in the UK without British citizenship acquires a right to British citizenship if the UK remains their

home no later than their tenth birthday. However, that right must be formally registered, which requires an application to be made to the Home Office. Children brought to the UK may also be registered as British citizens during their childhood, if this is the place to which they have become connected and where their future lies, which will generally be the case if they were brought here at an early age and have grown up here or have been taken into care.

8. These (and other) rights to British citizenship were established by the British Nationality Act 1981, which took effect on 1 January 1983. Parliament's clear intention, at that time, was that all children who grew up in the UK would be or become British citizens, generally long before their adulthood (and in the case of children born in the UK long before their teenage years). Ministers – in promoting the bill and speaking to the rights to British citizenship that it would create for children – emphasised that it was *“extremely important that those who grow up in this country should have as strong a sense of security as possible”* (Hansard HC, Standing Committee F, 24 February 1981 : Col 177); and expressly recognised that a child would be *“deeply rooted in this country”* having lived here for ten years (Hansard HC, Standing Committee F, 24 February 1981 : Col 183).

9. Around the time of the enactment of the British Nationality Act 1981, express consideration was also given to the role of local authorities to secure the citizenship rights of children in their care. A written ministerial response was given stating:

“Normally a local authority responsible for the child's care should have the details necessary to establish citizenship but where it does not application may be made for the registration of the child [including where necessary] under the Secretary of State's discretionary power to register any minor. Each case would be judged on its merits but obviously a major aspect would be whether the child's future lay in the United Kingdom” (Hansard HC, 6 July 1981 : Col 12WA).

10. The intention and expectation were then clear. British citizenship would be shared by everyone connected to the UK and these people would generally acquire the security of citizenship at their birth in the UK or during their childhood here. Of course, that intention and expectation depended on adults taking action on children's behalf.
11. Children grow up in the UK tending to assume they are as British as any of their peers unless and until someone or some event may suggest they are not. The moment of realisation that they are or are not regarded as British – even despite

their knowing they were born here and/or knowing no other place but the UK – may come many years, even (as our experience demonstrates) decades later. The consequences can be devastating. There are broadly three reasons for that.

12. First, it is deeply disturbing to a child or adult to suddenly learn that the country to which they have always understood themselves to belong does not recognise them as belonging. This is both fundamentally alienating and an assault on the individual's sense of themselves. As we have experienced, it can cause mental breakdown and exacerbate or entrench experiences of racism and prejudice.
13. Second, the sense of alienation is confirmed by the real effects of being without citizenship. Whether born here or not, whether ever having been absent from the country or not, someone who is without citizenship is formally excluded from much ordinary social opportunity, engagement and security. This includes lawful access to employment, home student fees and student loans, rented accommodation, housing assistance and other public funds, free healthcare, etc. – unless (and this may be slow, complex and even humiliating) the person is able to apply and secure permission from the Home Office to stay temporarily in the country that the person has always understood to be theirs and has always been their home. Without that permission, the person is at risk of action to send them from the UK to another country of which they may have no experience and with which they have no real connection, including being detained for that purpose. Even the theoretical threat of that (and it is not theoretical for some) can cause profound fear and anxiety.
14. Third, the passage of time may mean that the person's citizenship that should have been straightforwardly secured some years previously either cannot be secured or is far more difficult to secure now. This may be because of a matter of law (e.g., that the opportunity to register a child who was not born in the UK may have expired on their becoming an adult) or of evidence (e.g., that the evidence necessary to show a person's first ten years of life were spent in the UK is not or not readily available years or decades later). It may also be due to other effects of becoming an adult (e.g., that the exemption from the high fee for citizenship registration and the availability of legal aid for nationality matters that are each made available to looked after children are not available for care leavers, nor any adult). These difficulties can even affect someone who was born a British citizen (e.g., if their citizenship has never been confirmed and the evidence of who is their father for the purposes of British nationality law and/or the status, at their birth, of their father or mother is no longer or not readily available).

15. It is, therefore, vital that children's services should ensure that the citizenship of children in their care is, as and where appropriate, confirmed or registered. We are aware of good practice, which we have encouraged and enabled, within some local authorities. Nonetheless, we continue to experience much poor practice, including examples of wholesale neglect of a child's citizenship rights even in circumstances where the need for these to be addressed and at least some of the impact of not doing so has been recorded by the local authority. A general lack of understanding or concern for children's citizenship rights is systemic. This includes assumptions that many children, born in or brought to the UK at an early age, have no need of action to secure their citizenship and/or are properly treated as simply in need of some sort of immigration status from the Home Office. There is an urgent need for local authorities to be disabused of these and similar assumptions and to organise their services in ways that recognise and act on children's citizenship rights.

OFSTED RESPONSIBILITIES:

16. Ofsted has a vital function in supporting and encouraging a range of services, institutions and people to develop and sustain practice that gives every child the best possible chance in life. As Ofsted's 2022-2027 strategy observes "*Children only get one childhood.*" The importance of Ofsted's work is directly related to the importance of that one childhood, which has enormous implications both for the individual and for wider society. Those implications can be or become lifelong.

17. The importance of securing a child's citizenship is clearly recognised in the 1989 UN Convention on the Rights of the Child, where it is closely identified with the child's identity (Articles 7 & 8). The Committee on the Rights of the Child has repeatedly observed on the significance of citizenship (or nationality) to children's best interests, their identity, security, and futures, including access to a range of basic social opportunities, entitlements and activities. In *R (PRCBC & Ors) v Secretary of State for the Home Department* [2019] EWHC 3536, the High Court of England and Wales found, on the strength of a "*mass of evidence*" that we presented, that failure to secure children's citizenship rights made children:

"...feel alienated, excluded, isolated, 'second-best', insecure and not fully assimilated into the social and culture fabric of the UK."

18. Our work shows that this alienation continues into adulthood. It can cause profound mental health breakdown in children and adults and, even if falling short of that, can produce feelings of serious disaffection and lack of confidence in self

and other persons and institutions or society more generally. This alienation produces both practical and psychological barriers to education and educational attainment, forming and sustaining healthy relationships, personal development, and meaningful and productive social engagement. It is plainly not in children's best interests, nor in society's wider interests; and it is equally plainly damaging to any conception of a healthy childhood or preparation for a healthy adulthood.

OUR RECOMMENDATION:

19. Ofsted should formally recognise the vital importance of citizenship to children and the crucial role of children's services in ensuring children's citizenship rights are secured for them. A local authority must ensure it has accurately identified whether a child in its care has British citizenship or not, what rights that child may have to that citizenship if not already possessing it, and any steps needed to confirm or secure the citizenship a child possesses or to register the child as a citizen are taken without undue delay. Ofsted should ensure its inspection work adequately addresses this need. In addition to this focus on local authorities, Ofsted should also exercise its powerful voice on behalf of children in reporting back to the Secretary of State on the need for central government action to raise awareness of and enable the confirmation and registration of citizenship for all children with rights to British citizenship, whether they be care-experienced or not.

20. If Ofsted would wish to meet with us to discuss our experience and concern or would wish to receive information or training concerning children's citizenship rights, we would be pleased to arrange that. In any event, there is information about us, our work and these rights on our website including our booklet on 'Children and their rights to British citizenship: Information for parents and carers of young people' (last updated April 2025). Our website is available at <https://prcbc.org/> and the booklet can be found at <https://prcbc.org/wp-content/uploads/2023/08/children-and-their-rights-to-british-citizenship-1.pdf>.

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