

# **Children and Families with No Recourse to Public Funds**

## **Guidance for identifying, assessing and supporting NRPF clients**

This document sets out how Children's Services and the NRPF team work together in order to ensure that cases with NRPF are dealt with in a timely, cost effective and efficient manner that makes best use of the resources available to the council to provide the fairest outcome for the family and children involved.

### **What is NRPF?**

No Recourse to Public Funds (NRPF) is an immigration condition restricting access to public funds, including many mainstream benefits such as welfare and housing.

Despite the NRPF condition, families and individuals may have a right to financial support (accommodation and subsistence) from social services to avoid destitution or because of complex health needs.

In these cases, the local authority has a duty to support the accommodation and subsistence costs of residents with NRPF. These cases are often complex to identify, assess and resolve and unpredictable in terms of how much they cost and how long they last.

The council receives no funding to support this work and so Islington has a dedicated NRPF team in order to manage how much we spend and to liaise with the Home Office to make sure that immigration queries are resolved quickly.

Islington also co-ordinates the national network for NRPF which brings together local authorities and can provide detailed advice and guidance on NRPF.

[www.nrpfnetwork.org.uk](http://www.nrpfnetwork.org.uk)

### **Agreement between Children's Social Care and NRPF Team**

1. The NRPF team and Children's Social Care will work closely together in the identification, assessment, support for families who are NRPF and require support under Section 17 of the Children's Act (1989.)
2. Children's Social Care will get in touch with the NRPF team as soon as possible on receiving an NRPF enquiry
3. The two teams will work closely with Legal Services to fully understand the duties and powers the Council has, as well as the limits of that support, including in some cases supporting families to return to the parent's country of origin.

4. A family who is funded from the NRPF budget will be supported by Islington Council under Section 17 of the Children’s Act until such a time as the needs of the child can be met other than by financial support from the local authority.

5. In practice this means that where a referral has been made to the NRPF team:

| <i>Children’s Services will</i>  | <i>NRPF caseworkers will</i>   |
|--|--|
| Keep the case open for assessment and annual review under the Children’s Act to safeguard and promote children, even <b>where the family is housed out of borough</b> and where the case has been transferred to the NRPF team | Support accommodation and subsistence costs for families and dependents until a resolution as outlined above is achieved |
| In an emergency, or in the case of an out of hours referral where a child is destitute, provide accommodation on the day ideally for at least 4 days where possible, before a joint meeting has taken place                    | Liaise with the Home Office and legal representatives to resolve immigration issues and barriers                         |

6. NRPF cases should be treated as a priority. They are financially costly to the council and can be resolved and a better outcome realised for the family and children if they are progressed quickly through the assessment process. As a guideline, timescales are given below:

| <i>Children’s Services will</i>  | <i>NRPF caseworkers will</i>   |
|--|--|
| Complete a draft Child in Need Assessment for comment within <b>15 working days</b>    | Complete Human Right’s Assessments (where appropriate) within <b>10 working days</b> |
| Close the assessment <b>as soon as possible</b> and within the 45 day statutory period |  |

7. The NRPF team and Children’s Services will work together to ensure that information on ICS and NRPF Connect are up to date.

- NRPF Connect is a database between local authorities and the Home Office, which allows for the quicker progression and resolution of queries related to immigration status. The NRPF team manage this database and all correspondence with the Home Office related to immigration status should be via NRPF Connect
- Children’s Services will hold responsibility for cases on ICS and will create all contacts. If the NRPF team provide support a case **will not be closed** but instead will be transferred to them for the duration of that support and **the record will be kept open on ICS for the duration of that support.**

8. The NRPF team will work together with the relevant operational manager to review quarterly the NRPF caseload, spend and upcoming case reviews in order to speed up resolution of cases and maximise the resources of the council.

## How should I support a client with NRPF?

| <b>When a family first presents...<br/>OR If a query related to immigration status comes to light...</b>   |  |
|--|--|
| <i>Children's Services should</i>  | <i>NRPF Caseworkers should</i>   |
| <p>Be aware of the kinds of families who <b>could</b> fall under the NRPF condition, including:</p> <ul style="list-style-type: none"> <li>- Visa overstayers</li> <li>- Asylum seekers or refused asylum seeker</li> <li>- People on spousal or student visas</li> <li>- People with Leave to Remain with NRPF stamped on their visa</li> <li>- EEA nationals (who have been refused access to mainstream benefits)</li> </ul>  | <p>Direct caseworkers to relevant advice and guidance at <a href="http://www.nrpfnetwork.org.uk">www.nrpfnetwork.org.uk</a></p>  |
| <p>Get in touch with the NRPF team for advice and to flag the case as a potential client</p> <p>Ask the family for relevant documentation</p> <ul style="list-style-type: none"> <li>- Related to immigration status (such as passport or other Home Office identification such as visa, biometric card or any document related to their current stay),</li> <li>- To confirm homelessness (such as a letter confirming notice to quit existing accommodation)</li> <li>- To provide evidence of destitution (such as previous bank statements)</li> </ul> | <p>Provide over the phone or email guidance on next steps:<br/>           Mon-Fri 9am-5pm: ext.3054/7129<br/>           Email – <a href="mailto:nrpf@islington.gov.uk">nrpf@islington.gov.uk</a></p>   |
| <p><b>Children's Services should organise a joint meeting with the presenting family to determine if the council has a duty to assess and ask the family to bring along relevant documentation.</b> In this meeting:</p>   |  |
| <i>Children's Services should</i>  | <i>NRPF Caseworkers should</i>   |
| <p>Seek to establish whether the child is a child in need.</p> <p>Seek to establish 'territorial responsibility' – (are they the responsibility of Islington?), whilst recognising that they must not step back away from a duty just because they believe it is the responsibility of another area.</p>   | <p>Seek to confirm the immigration status of family through a paper review of documentation and liaison with the Home Office</p> <p>In partnership with Children's Services, seek to confirm whether the family is destitute through a review of bank statements and letters from family and friends regarding previous support, including</p> |

|   |  |
|---|--|
| <p>Assess if there are other potential concerns relating to the family, including:</p> <ul style="list-style-type: none"> <li>- Child protection and safeguarding</li> <li>- Private fostering arrangements</li> <li>- Risk of child trafficking</li> </ul> | <p>assessing what alternative support networks are available to financially assist.</p> <p>In the case of a partner on a spousal visa fleeing domestic violence, encourage the partner to seek legal advice and apply to the Home Office under a fast track procedure</p>  |
| <b>If they decide to assess...</b>  |  |
| <i>Children's Services should</i>   | <i>NRPF Caseworkers should</i>   |
|   | <p>Arrange and provide emergency accommodation and subsistence payments whilst an assessment is undertaken</p> <p>Write to the family, copying in the social worker, with details of the level of support and the assessment</p>   |
| <p>Complete a Child in Need Assessment</p> <p>Liaise with the NRPF team and, if necessary, Legal Services to make a decision within 24hours of the assessment being completed</p> <p>Allow the parent to comment on the completed assessment</p>            | <p>Determine if the family is caught by Schedule 3 exclusions to Section 17 support in the Nationality, Immigration and Asylum Act.</p> <p>If so and when appropriate, complete a Human Right's Assessment to ascertain if withdrawing or withholding services would be a breach of human or community treaty rights.</p>  |
| <b>If the family is not eligible for support</b>  |  |
| <i>Children's Services should</i>   | <i>NRPF Caseworkers should</i>   |
| <p>Check the NRPF letter and sign off by a team manager</p>   | <p>Meet with the family to explain the decision</p> <p>Write to the family explaining the decision – signed off by the NRPF team manager</p> <p>Provide a 21 day notice period until termination of support</p> <p>Work with the family to support assisted voluntary return to their country of origin or signpost them to further advice and support if appropriate.</p> |
| <b>IF the family is eligible for support</b>  |  |
| <i>Children's Services should</i>   | <i>NRPF Caseworkers should</i>   |
| <p>Ensure that the assessed needs of the child are being met</p>  | <p>Write to the family confirming the decision and why support has been agreed</p>   |

| <p>Transfer the case to the allocated NRPF caseworker (NOT close the case) unless there are additional social work concerns in which case it will remain with the allocated social worker with NRPF caseworker support</p> <p>Allocate the case annually to a social worker to review the case alongside an NRPF caseworker - even where they are housed outside of the borough</p> | <p>Procure accommodation, if not already in place</p> <p>Provide subsistence payments at the following rates:</p> <table border="1" data-bbox="817 324 1401 672"> <thead> <tr> <th>Group</th> <th>Weekly Subsistence Rate</th> </tr> </thead> <tbody> <tr> <td>Single parent</td> <td>£43.94</td> </tr> <tr> <td>Couple</td> <td>£72.52</td> </tr> <tr> <td>Each child</td> <td>£52.96</td> </tr> <tr> <td>Nursing money for expectant mothers and those with children under 1 year/ 1-3 years</td> <td>£5/ £3</td> </tr> </tbody> </table> <p>Liaise with the Home Office and family to support the progression of the case towards a resolution.</p> <p>Review the case annually, alongside a social worker, including reassessing destitution</p> | Group | Weekly Subsistence Rate | Single parent | £43.94 | Couple | £72.52 | Each child | £52.96 | Nursing money for expectant mothers and those with children under 1 year/ 1-3 years | £5/ £3 |
|---|--|-------|-------------------------|---------------|--------|--------|--------|------------|--------|---|--------|
| Group   | Weekly Subsistence Rate  |       |                         |               |        |        |        |            |        |   |        |
| Single parent   | £43.94   |       |                         |               |        |        |        |            |        |   |        |
| Couple  | £72.52   |       |                         |               |        |        |        |            |        |   |        |
| Each child  | £52.96   |       |                         |               |        |        |        |            |        |   |        |
| Nursing money for expectant mothers and those with children under 1 year/ 1-3 years   | £5/ £3   |       |                         |               |        |        |        |            |        |   |        |
| <p><b>Once the case is resolved</b></p>   |  |       |                         |               |        |        |        |            |        |   |        |
| <p><i>Children's Services should</i></p> <p>Review the case in order to understand if there are any remaining Child in Need or child protection issues</p> <p>Hold an exit interview with the family</p>  | <p><i>NRPF Caseworkers should</i></p> <p>Write to the family to confirm the decision including the start of a 28 day notice period until NRPF support will finish.</p> <p>In the case of being granted status, support the family to get documentation that will enable access to benefits and make referrals to the appropriate support (for housing, employment and any other services that they are now eligible for)</p> <p>Inform Children's Services and, if appropriate, close the case on ICS</p>  |       |                         |               |        |        |        |            |        |   |        |

## A short guide to relevant legislation

NRPF is a complex area of the law, subject to constant updates both through legislation and developments in case law.

The most relevant pieces of legislation are listed below. However, this is a dynamic and ever changing area.

Up to date information, guidance on when they apply and training materials can be found at [www.nrpfnetwork.org.uk](http://www.nrpfnetwork.org.uk)

| Legislation   | Which provides  |
|---|---|
| S17 Children's Act (1989)   | A general duty to safeguard and promote the welfare of children in need, including where relevant, promoting the upbringing of such children by their families            |
| S21 National Assistance Act (1948)<br><i>NB Likely to be replaced by the Care Act in 2015</i> | Support for those in need of care and attention not otherwise available to them and pregnant and expectant mothers  |
| Children (leaving care) Act (2000)  | Local authority duties in respect of former relevant children   |
| Immigration and Asylum Act (1999)   | Home Office support to current asylum seekers (Section 95) and short term support to refused asylum seekers (Section 4)   |
| Schedule 3 of the Nationality, Immigration and Asylum Act (2002)                              | Exclusions to Local Authority support for EEA nationals and those who are unlawfully present  |
| Article 3 and Article 8 of the European Convention of Human Rights                            | Exceptions to Schedule 3 exclusions on the basis of human rights to not be subject to torture or degrading treatment and the right to respect for private and family life |
| Community Treaty Rights   | The rights of EEA nationals and their family members to enter and live in the UK as long as they are a worker, job-seeker, self-employed, self-sufficient or a student    |