

Evidence submitted to Work and Pensions Committee children in poverty enquiry: no recourse to public funds

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Key points

- NOREAM is a pilot project offering early action support for children with NRPF in Hackney to prevent destitution and child poverty.
- In Hackney there are nearly six times the number of children who meet the criteria for child in need support under Section 17 of the Children Act (1989) than the lower threshold of the NOREAM early action programme. This is indicative of the high level of child poverty in the cohort of children with NRPF who are referred to the local authority.
- Children with NRPF face particular risks resulting from their exclusion from mainstream welfare support which make it more difficult to safeguard their welfare.
- Families with children in poverty are sometimes reluctant to come forward for help because of fear of Home Office enforcement.

Introduction

This evidence draws on the experience of practitioners from the No Recourse Early Action Model (NOREAM) pilot project in Hackney. NOREAM works with Hackney families who are subject to the NRPF rule and are at risk of destitution. As such our evidence offers a case study of the qualitative experiences of NRPF in one London borough, which we believe have transferable learning for understanding the way that the NRPF rule impacts on child poverty more broadly.

How many children in the UK are undocumented or have an insecure immigration status?

Since 2012, Hackney's NRPF children's social care team have supported over 1,496 children whose parents were either undocumented or had an insecure immigration status. At present, there are 71 children open to the Section 17 NRPF team, and 12 children open to the NOREAM team.

What proportion of children with NRPF are living in poverty? How does this compare to children whose families do have access to public funds?

The data we hold only reflects those families who have approached the local authority for support, this is likely to be a small proportion of the total number in the borough who have NRPF

and are living in poverty. One of the challenges of preventing poverty for children with NRPF is the fear that families have of accessing services. We have seen how reluctant people are to come forward for an assessment of need due to a fear that children's services will remove their children if they are found to be in poverty, or that they will be subject to Home Office enforcement action. One of the drivers of this fear appears to be the duty under paragraph 14(1) of the Nationality, Immigration and Asylum Act 2002 for local authorities to inform the Secretary of State if it appears that a person in their area belongs to an excluded group (including undocumented migrants). Although it is our experience that removals are rare for families in this situation, nonetheless this fear is frequently mentioned by both referrers and families themselves as a reason for the reluctance of families in poverty to seek help from the local authority.

Every child we have worked with in a family with NRPF has been living in poverty, although they do not always meet the criteria for support under section 17 of the Children Act (1989). A very typical scenario for a family with NRPF is for the whole family to be living in one room in a flat shared with another family - likely either a friend or distant relative. Often parents will ensure their children sleep on a bed and they either sleep on the floor or on a sofa.

In situations when a family is referred to us, if a parent is working then they will usually be paying rent for the one room, often they will also be trying to pay for an application for leave to remain in the UK on private or family life grounds, at the cost of £2,593 per person, or to register a child as a British Citizen for £1012, plus fees for a Solicitor or Immigration Advisor. If a parent is working a low paid job it is typical to see large debts accumulate due to the additional costs that families with NRPF face. Without the means to pay off debt, this can result in rent arrears and eventual eviction, which is a frequent trigger point for a referral to the local authority for Section 17 support. The combination of being subject to the NRPF rule, debts, low income and insecure housing (which almost every family who is referred to us does) makes it very difficult to escape poverty.

Children and families with NRPF have particular vulnerabilities resulting from their exclusion from most mainstream welfare services which mean that they have a particularly high risk of poverty, and low access to support to safeguard their welfare. As the serious case review into the apparent death by starvation of Lynne Mutumba and her mother concluded:

"lawful and efficient responses are not always enough to compensate for the very particular vulnerabilities of the extremely marginalised group represented by those who have no recourse to public funds"

What impact has the pandemic had on children with NRPF? Has the lifting of restrictions made any difference?

¹ Medway Safeguarding Children Board (2018) Serious Case Review Ellie Overview Report

Many children from families with NRPF live in accommodation with shared facilities, which increases their anxieties about catching the virus as well as their likelihood of becoming ill. Many mothers we have worked with have expressed their deep fear of becoming ill as they have no one else to rely on, no one else to look after their children and no money to access support.

We have seen examples during the pandemic of families who have been referred to us where parents have lost their jobs, or had hours reduced which has an impact on the poverty that their children face. Despite the ban on bailiff-enforced evictions, families with NRPF who were vulnerably housed are not always aware of their rights or able to enforce them, and families have been referred to us who have lost their homes during the pandemic. This has the impact of forcing them into either more extreme poverty or situations in which they are exploited and/or abused, raising safeguarding concerns for children in that situation.

For example, one family who were accommodated by our team had been promised a house and a job in London (moved from Sheffield) by a 'friend'. This friend was sexually, emotionally and financially abusive to the mother of the child. When the friend lost his job during the pandemic he stopped paying rent, left the property they were all living in, forcing the mother and child to sleep in the corridor of the block of flats. The mother did not know she could contact children's social care because she believed that children's social care support was a public fund, and that she was therefore not entitled to the support.

The lifting of Covid-19 restrictions has been helpful for some families in being able to use services to access work such as Hackney Works² who were able to support the above mother to find a cleaning job. However, we have not observed a change in the number of referrals to either NOREAM or the Section 17 NRPF team since the restrictions were lifted.

What other financial support from the Government is available for families with NRPF who are facing financial hardship? How effective is this support?

The temporary extension of free school meals to some children with NRPF has been of particular help to the families we work with. Food insecurity has been identified as a frequent concern for families with an irregular migration status,³ and we screen for food security as part of our NOREAM strengths and needs assessments. Almost all of the families we work with rely on food banks and informal community support to feed their children. Compulsory age education is one of the few services that children with NRPF are able to access, and therefore schools have a key role in identifying and responding to the poverty that children with NRPF

² Hackney Works is a free employment support service run by Hackney Council

³ Jolly, A. (2020) Household food security amongst undocumented migrant families in Birmingham: a mixed methods study. Birmingham: University of Birmingham

face. The fact that children with NRPF who are receiving section 17 support are now able to access free school meals has had tangible benefits for the families we work with in ensuring that children have enough food to eat, and reducing the amount of household expenditure needed on food, allowing substitution for other household needs. However, the fact that the extension does not include all children with NRPF excludes some of the most vulnerable children. For instance, a child who was receiving subsistence support from the local authority under section 17 of the Children Act (1989) is eligible, but a child in a family with no regular income at all would not. Similarly, a child with temporary leave to remain in the UK and whose parents have the right to work currently has access to free school meals, but a child in a family where the parents are undocumented and no right to work would not be eligible for free school meals. The rules therefore disproportionately impact on the most excluded children by being based not on need, but on parental immigration status.

What role do other bodies, such as local authorities and third sector organisations, play in supporting children with NRPF?

Local authority support under Section 17 of the Children Act (1989)

In the absence of entitlement to mainstream social security benefits, families with NRPF face the risk of destitution⁴ if unable to find work, or if their immigration status prevents them from accepting paid employment. Support for children in need under Section 17 of the Children Act (1989) is one of the few state welfare entitlements that destitute families with NRPF have.

Under section 17, a child is considered as in need when:

- S/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority;
- Their health or development is likely to be significantly impaired, or further impaired, without the provision of such services; and/or
- S/he is disabled

A section 17 child and family assessment is completed to assess the children's needs.

- If the family are deemed 'in need' they will be accommodated by the local authority and given subsistence payments. If they have some money to live on but not enough to meet rent payments, their accommodation will be paid for but no subsistence allowance will be provided.

⁴ Destitution is defined by the Immigration and Asylum Act 1999 as not having adequate accommodation or any means of obtaining it (whether or not other essential living needs are met); or having adequate accommodation or the means of obtaining it, but unable to meet other essential living needs

- The family will be supported under a Child In Need plan to address any other areas that they may need support with. For example, the children and/or a parent may have experienced domestic abuse in which the appropriate support would be put in place.

NOREAM

The No Recourse Early Action Model (NOREAM) is funded by the What Works Centre for Children's Social Care, and is a partnership between the University of Wolverhampton's Institute for Community Research and Development (ICRD) and Hackney Borough Council. The programme is a pilot project to test whether a new model of practice with migrant families based on early action can improve outcomes for children and families who have NRPF, and provide better value for money.

In London alone it is estimated that £53.7 million is spent annually by local authorities to support households with NRPF.⁵ Concerns have been raised by third sector organisations that thresholds for support under section 17 are too high, that 'robust front door' gatekeeping prevents destitute children accessing support, and that services are focused on a reactive model which responds to a crisis situation such as destitution, but does not intervene earlier to prevent destitution in the first place.

NOREAM works with children and families who have NRPF and are at risk of destitution, acting before they would meet the criteria for Section 17 support. The programme identifies risks of destitution early to prevent them becoming a crisis. A social worker makes initial contact with the families who are referred into children's services, hears their stories, makes a decision on which services are most appropriate for their needs and sets goals with the family, ensuring that the families are referred for free independent immigration and housing advice.

The project also provides NRPF complex case consultations available to all council staff to receive advice from a social worker, a specialist housing advisor and a specialist immigration advisor. Finally, a small grants scheme is available to meet immediate needs in families.

The three strands of the programme are outlined below:

⁵ London Councils (2018) No Recourse to Public Funds (NRPF) Available at: <https://www.londoncouncils.gov.uk/our-key-themes/asylum-migration-and-refugees/no-recourse-public-funds>



Third Sector Organisations

Organisations in the third sector exercise a central role in supporting children and families with NRPF, with specialist expertise, and often deep roots in the communities they work with. A frequent aim of third sector organisations is to prevent and respond to destitution, and to advocate for the rights of children who are subject to the rule. To give an indication of the extent of third sector specialist support for children with NRPF, members of the NOREAM steering group identified 15 key third sector organisations that specialise in working with people who had NRPF in and around the borough of Hackney alone.

People with leave to remain on family or human rights grounds can apply to have the NRPF condition lifted in some circumstances. How effective has this measure been at preventing families from falling into serious hardship?

In our experience, change of conditions applications have mostly been accepted for the families that we support when they have applied. The ability to access the safety net of social security, and homelessness assistance is a vital protection against destitution for the children in these families. When change of conditions applications are accepted, it is an effective way to ensure that families can access some form of income and housing.

However, a change of conditions does not in itself prevent families from falling into serious hardship unless they can also access a job that pays them enough money to feed their families, pay their rent and maintain a reasonable standard of health and wellbeing. This is a particular challenge in Hackney, and other London boroughs where both the cost of living and market rents are substantially higher than the national average.

There are also challenges with the accessibility of change of conditions applications. Although the application itself is free, no legal aid is available for change of conditions applications, and it

can be difficult for families to find a solicitor or OISC registered advisor to help them apply, to understand and to gather the evidence necessary to demonstrate eligibility.

Information about the authors

Grace Hunt

Grace is a social worker in the No Recourse to Public Funds team within Hackney children's social care. She qualified in 2017 through the Frontline graduate programme, and has child protection experience in the North East of England and London. She is trained in systemic family therapy, the domestic abuse 'Safe and Together' model as well as 'Contextual Safeguarding'. She has a BA in Sociology from the University of Warwick and an MSc in relationship based social work from the University of Bedfordshire.

Andy Jolly

Andy is a qualified social worker and lecturer in social work at the University of Plymouth and an Honorary Research Fellow at the University of Wolverhampton's Institute for Community Development (ICRD). He is a member of the NOREAM team, responsible for developing the programme manual and assessment tools. His research interests are in the intersection between child welfare and immigration control, and he previously managed a voluntary sector project working with families with NRPF.