No Recourse to Public Funds:

A toolkit for social workers in England

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Foreword

No Recourse to Public Funds (NRPF), like so much of our deliberately complex immigration system, can be difficult to understand for the uninitiated. Yet, with an estimated 1.4 million people in the UK being subject to the condition, those in many frontline professions are being presented with a variety of issues arising as a result. As social workers reading this, I'm sure you'll be no exception.

As the Member of Parliament for Edmonton, Chair of the All-Party Parliamentary Group on NRPF, and a campaigner for the abolition of the NRPF condition, I know how important work like this is. NRPF creates and exacerbates a myriad of problems in people's lives; excluding families from accessing basic necessities and services, entrenching poverty amongst low-income families and exposing families to the risk of homelessness or exploitation.

Sadly, I have seen numerous instances of local authorities' gatekeeping Section 17 support. Authorities regularly refuse to even undertake assessments of families subject to NRPF when children are quite clearly in need. I have previously spoken in Parliament about the experience of families living in the local authority within the constituency which I represent. Project 17 told me that half of the eight families who had been in contact with the Council were refused interim temporary accommodation and were instead forced to call the emergency out-of-hours accommodation service each night.

You can't help but be moved by the testimony of families who bear the brunt. I always think of Joel's Story, which was raised by Project 17. Joel was nine years old when he and his mother were evicted and made street homeless. Due to their local authority refusing a request for Section 17 support, they were forced to sleep in A&E for multiple nights, Joel having to sleep in his school uniform while his mother watched over him, before having to get up and concentrate all day at school. The local authority only gave them accommodation after being threatened with legal action. This is exactly why we need more attention paid to NRPF within the social services sector, as it is distressing to think of how many families have been denied access to the limited services they can access, and so sorely need.

I would like to give credit to those who have helped put together this valuable guide; the University of Wolverhampton's Institute for Community Research and Development; the BASW Immigration, Asylum and Trafficking Special Interest Group; as well as researchers from the University of Plymouth and Project 17. I hope this toolkit will act as a spur to further sharing of best practices amongst social workers.

Throughout, there is much to offer social workers across England who may have varying degrees of prior knowledge. As well as explaining the basics of the legislation underpinning NRPF, and the entitlements those with NRPF do still have, it does so much more. It encourages self-awareness on how you can ensure your practice lives up to ethical principles and human rights values, specifically the social work Professional Standards, but which is something all of us could learn from. This fits within a rich tradition of self-reflective social workers considering just these ethical questions, and that seek to maximise the good that can be done within the constraints within which you operate.

I also see this toolkit within the broader, genuine incremental progress in this area, in both awareness and concrete change. Over the last year we've had two hard-hitting reports that have been produced, one by Citizens Advice on the impact of living with NRPF, and another by the Work and Pensions Committee on children in poverty in families with NRPF. I would encourage you to take a look at both if you would like to learn more about the real-world impact of NRPF. Earlier this year we also had confirmation from the Government that children in families subject to NRPF would be entitled to Free School Meals if they meet the income requirements, after this had temporarily been introduced during the pandemic. While just a small step, I hope this is one important milestone to further progress. Lastly, I hope that everyone reading will take something useful away, whether you are looking for a basic introduction or an explanation of the more technical parts of the law, and that it will help feed into your practice.

Kate Osamor

MP for Edmonton and Chair of the APPG on NRPF.

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www.eagledesign.net

Disclaimer

Every effort has been made to make this document as accurate as possible at the time of going to press in 2022, however legislation, policy and guidance are all subject to regular change, particularly in the area of immigration. Readers are encouraged to consult with the most recent guidance and legislation to inform practice. Social work decision making is always contextual, and individual circumstances are often complex and unique, so this toolkit is not a substitute for regular supervision and discussion with a line manager. Suggested reference:

Dickson, E., Goodman, K., Jolly, A., Shea, S., Sojka, B. and Stringer, A. (2022) No Recourse to Public Funds: A toolkit for social workers in England. ICRD.

Introduction

The aim of this toolkit is to provide a resource for social workers to understand and reflect on the implications for social work practice of the No Recourse to Public Funds (NRPF) rule. The toolkit has been collaboratively authored by a collective of social work practitioners, academics and third sector migrant rights workers. We take a human rights approach to practice, and engage with the Professional Capabilities Framework (PCF), Social Work England Professional Standards, key legislation, learning from research and case study examples throughout, along with questions for personal reflection. Our intention is not to replace the excellent existing resources for local authorities on supporting people with NRPF, such as the NRPF Network practice guidance for councils, but to be a resource specifically for social work practitioners and students which engages with the values and ethical dilemmas of ethical practice with this user group, in a context where legislation and policy can differ sharply from social work values.

Although relatively little has been written from the perspective of social work practitioners about the social work response to the NRPF rule, there is evidence that the lack of access to a welfare safety net can have tragic consequences for people who are subject to NRPF. To give just one example, two-year-old Lynne Mutumba and her mother were subject to the NRPF rule and were receiving support under Section 17 Children Act 1989. They were found dead in March 2016 by a support worker visiting their flat in Gillingham. The subsequent inquest found that there was no food in the house, evidence of malnutrition, and that the family had no belongings apart from the clothes they were wearing. While the exact circumstances of the death are unknown, and the coroner recorded an open verdict, the subsequent serious case review into Lynne's death found that:

"It is clear though that 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."

The gap between 'lawful and efficient' responses to children and families with NRPF, and the extreme vulnerabilities they face as a result of having NRPF necessitates an urgent change in our response to the issue as social workers. 'Migrant aware' social work practice which understands the very specific vulnerabilities faced by children and families who are subject to immigration control is vital to safeguard the welfare of children with NRPF.

Although there is little known about the size of the population with NRPF, Citizens Advice estimate that there are nearly 1.4 million people who have been given the NRPF condition as part of their visa or leave to remain, including 329,000 people with dependent children. This estimate does not include those with an irregular migration status. Most recent estimates suggest that there could be as many as 674,000 irregular migrants in the UK, including 215,000 children, half of whom were born in the UK. Most families with NRPF are likely to never need support from children's services, however, lack of access to most provisions of the welfare state means that when families face a crisis of unemployment, relationship breakdown, illness or homelessness, it can be difficult to avoid destitution.

NRPF social work produces many ethical dilemmas for social workers which will be discussed in this guide. Ethical, human rights based practice as set out in the Social Work England Professional Standards, the BASW code of ethics, and the principle of the 'best interests of the child' sit uneasily with 'hostile' immigration policies which allocate support based on immigration status rather than on need. However, this toolkit aims to support social workers in understanding the law, policy, and ethical dilemmas of work with this group of children and families to enable critical reflection and provide better support to children and families with NRPF.

The toolkit is divided into five chapters, and is not necessarily intended to be read from cover to cover, but to be a resource and reference for social workers. The first chapter gives the background to NRPF, what the rule is, and what it includes, before introducing some common issues faced by people with NRPF. If you are new to this area of social work practice, chapter 1 might be a helpful place to start. Chapter 2 goes into more detail about eligibility for different types of services which are not classed as 'public funds' but have specific eligibility criteria for those who are subject to immigration control. In chapters 3 and 4 we focus on local authority practice, talking about good practice in general with this group of children and families in

chapter 3, before outlining the assessment process itself in chapter 4. Chapter 5 notes the NRPF specific issues to be aware of when working with this user group, including service level responses, and responds to some frequently asked questions. Finally, we include a glossary of some of the technical terms used in the toolkit, offer some templates for use in practice, and signpost to more information and resources for further reading. Boxes outlining the learning from research, legislation, and case law are included throughout, and may be particularly useful for qualifying students, and ASYE and Post-qualifying students.

The NRPF rule effects people of all ages, however, because the legislation, policies and best practice differ for adults with care needs and children and families, the scope of this toolkit is predominantly for children and families contexts. However, we have included information about support for adults with NRPF where relevant to children and families.

Similarly, although immigration legislation and the NRPF rule apply across the four nations of the UK, much social work legislation is devolved to England, Scotland, Wales and Northern Ireland, and so the practice context and political response to NRPF varies across the UK. This toolkit focuses on responding to NRPF within the context of social work legislation in England. However, suggested resources for social workers in Scotland, Wales and Northern Ireland are included in the further resources section.

1. Background

LEARNING FROM RESEARCH: International Human Rights and national social work practice

Jessica Jonsson's research with undocumented migrants in Sweden explores some of the tensions between social work as an international profession as set out in the Global Statements of Ethical Principles for Social Work – which is underpinned by the Universal Declaration of Human Rights – and national social work practice with undocumented migrants. She argues that globalisation and migration provide a challenge to the national basis of social work practice and illustrate tensions between national laws which focus on citizens and international ethical principles which do not discriminate on the basis of nationality.

Jonsson's research found that social workers responded to this contradiction in one of three ways.

1) A conformist position which ignores the contradictions and tensions of social work practice with undocumented migrants, and sees global social problems as down to individual choices.
2) A critical position is sceptical of national laws which limit social workers ability to help undocumented migrants, and tries to advocate for anti-oppressive practice as part of a wider struggle for social justice and social change. Social workers who adopt a critical position seek unofficial ways to challenge the norms of social work practice to support undocumented migrants.
3) A position of legalistic improvisation – this position tries to find a balance by using 'loopholes' to support undocumented migrants within the norms of social work practice. Social workers who take this position argue that there is not necessarily a conflict between the needs of service users and social work practice, and any difficulties are a result of lack of knowledge about rights and obligations on the part of social workers.

Jonsson believes that the solution lies in recognising that the social problems faced by undocumented migrants are international, so local or national social work responses are inadequate, and need a global response based on social work principles. However, Jonsson found that in some cases there were informal alliances between local authority social workers and NGOs based on personal networks and contacts where civil society organisations were less restricted in their actions than local authority social workers, so could work together to provide better support for service users.

Reflections:

- Do you recognise the three types of social work responses in your own practice? Which position do you take and why?
- What are the main voluntary sector organisations in your area working with migrants? How can you work with them to provide better support to migrants?

Jonsson, J.H., 2014. Local Reactions to Global Problems: Undocumented Immigrants and Social Work. British Journal of Social Work, 44(suppl 1), pp.i35–i52. Available at: *http://dx.doi.org/10.1093/bjsw/bcu042*.

What is NRPF?

The No Recourse to Public Funds (NRPF) condition is a provision in the immigration rules and Immigration and Asylum Act 1999 which removes entitlement to several social security benefits and other welfare provisions. The full list at the time of publication (2022) is as follows:

- income-based jobseeker's allowance
- income support
- child tax credit
- universal credit
- working tax credit
- a social fund payment
- child benefit
- housing benefit
- council tax benefit
- council tax reduction
- domestic rate relief (Northern Ireland)
- state pension credit
- attendance allowance
- severe disablement allowance
- personal independence payment
- carer's allowance
- disability living allowance
- an allocation of local authority housing
- local authority homelessness assistance

KEY LEGISLATION: Immigration and Asylum Act 1999
The Immigration and Asylum Act 1999 sets out the support available from the Home Office to destitute asylum seekers (Section 95), and the 'hard case' support available to asylum seekers whose cases have been refused but are still in the UK (Section 4). The Act defines what is meant by 'destitution' (section 95)

and the list of 'public funds' (Section 115). Only people who have claimed asylum and meet the destitution test (See page 9 for definition), are entitled to asylum support. This can be in the form of subsistence support, accommodation, or both.

What is not a public fund

Children Act 1989
Support under the Children Act 1989 (including section 17 payments and accommodation) is not listed as a public fund and can be accessed by children and families with NRPF. Restrictions under Schedule 3 Nationality Immigration and Asylum Act 2002 (See box on page 20) prohibit access for some migrants, but can be overridden in cases where there is a potential breach of human rights. However, schedule 3 does not apply to children, and local authorities have a safeguarding duty to all children 'in need' within their area, regardless of an individual parent's immigration status. This means that social workers can and should carry out assessments.

Care Act 2014
Assessments and provision of adult social care are not considered a public fund, but adults with NRPF may fall within an excluded group under Schedule 3 of the Nationality Immigration and Asylum Act 2002 (See box on page 20). To be eligible, the need must not be solely a result of destitution, although support can be provided for destitute people who have an additional care need.

NHS treatment
NHS care is not classed as a public fund under the immigration rules, and primary healthcare (e.g., GP Surgeries, dentists, opticians) is available to all irrespective of immigration status, however, there are restrictions on who can access free secondary healthcare (i.e. where you have been referred on for specialist services).

Child maintenance
Parents with NRPF can receive child maintenance support from the other parent, and can access the Child Maintenance Service irrespective of immigration status. However, in practice, non-voluntary child maintenance payments are difficult to access without a national insurance number.

Legal Aid
Legal Aid is not a public fund. It is issue-based (e.g. there is currently no legal aid for most immigration matters, but there is legal aid for community care issues and asylum claims).

Contributory Benefits
Contributions based benefits which are based on national insurance contributions are not classed as public funds. An individual with NRPF who has accrued enough contributions or previously been in work may in some circumstances become eligible for the following benefits:

- Bereavement benefit
- Contributory-based employment and support allowance
- Contributory- based jobseeker's allowance
- Guardian's allowance
- Incapacity benefit
- Maternity allowance
- Retirement pension
- Statutory maternity pay
- Statutory sickness pay
- Widows benefit

Individuals with a disabled child may also be able to access disability living allowance (DLA) as the child is the claimant, and the parent is only an appointee acting on behalf of the child. As long as the child has recourse to public funds, then their appointee can receive DLA on their behalf. If an eligible individual is refused one of these benefits, it may be possible to appeal the decision.

Who has NRPF?
The NRPF restriction applies to people 'subject to immigration control' (PSIC). This includes:

- Individuals who need leave to enter or remain in the UK but do not have it (people who are undocumented or have 'irregular' status)
- Individuals who have been granted Limited Leave to Enter or Remain which is subject to an NRPF condition
- Individuals who have been granted leave to remain as a result of maintenance undertaking, for example as part of a sponsorship agreement with an individual.

Some individuals will have their NRPF condition written on their Biometric Residence Permit or Entry Clearance Stamp. Some will also be allowed to work. International students will have restrictions on the hours they can work, while others such as undocumented migrants are not eligible for work at all, and are particularly vulnerable to destitution (See page 32 for definition).

LEARNING FROM RESEARCH: 'Everyday bordering'
The concept of everyday bordering was developed by Nira Yuval-Davis, Georgie Wemyss and Kathryn Cassidy. They argue that the focus of UK immigration policy has shifted from external physical borders to internal borders, where ordinary citizens either become part of enforcing immigration control, or become suspected 'illegitimate border crossers'.

For instance, this can be seen in the requirement to prove the right to work, where employers take on the role of border guard by checking passports or work permits, and prospective employees become a potential border crosser.

Everyday bordering in social work can be seen in the requirement for social workers to check the immigration status of children and families to see if they are in an excluded group before providing services.
Reflections:
- Are there any other examples of everyday bordering in your social work practice?
- What are some of the tensions between everyday bordering practices and social work values and ethics?

Yuval-Davis, N., Wemyss, G. & Cassidy, K., 2017. Everyday Bordering, Belonging and the Reorientation of British Immigration Legislation. Sociology, 52(2), pp.228–244. Available at: *http://dx.doi.org/10.1177/0038038517702599.*

Common issues faced by families with NRPF

Homelessness

People who have NRPF are not able to access social or council housing and are not eligible for local authority homelessness assistance. Under the Immigration Act 2016, those who are undocumented are currently not eligible to rent private accommodation in England, which leaves them at particular risk of homelessness or inadequate housing arrangements (e.g., 'sofa surfing'). Local Authority Children's Services have the power to provide accommodation for children and families with NRPF under section 17 of the Children Act 1989. However, research by Hackney Community Law Centre and Hackney Migrant Centre found that families supported under section 17 were frequently placed in accommodation which was unsuitable for children.

Destitution and the long term impact of poverty

Destitution is defined in the Immigration and Asylum Act 1999 as a situation where:

(a) he [sic] does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
(b) he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.

Due to the restrictions in accessing benefits and housing, people who are subject to the NRPF rule are vulnerable to destitution. This can impact on children's wellbeing in a number of ways. Research has found that children with NRPF are particularly at risk of food poverty and insecurity and a study in Birmingham found that 9 out of 10 families with NRPF were food insecure. However, research for the Trussell Trust has found that families with NRPF are less likely to access food banks than other families living in food poverty so might not be accessing services which could help to mitigate the impact of food poverty.

Even for families who receive support from local authority children's services, section 17 subsistence rates are often too low to alleviate poverty. A study of section 17 support across England found that all rates were below both the Households Below Average Income poverty line, and Joseph Rowntree Foundation Minimum Income Standard.

Difficulty accessing services

Although child in need support under section 17 of the Children Act is not a public fund, it might not be easy for families to access this support. Families might not be aware of their entitlements, may be fearful of approaching children's services, or even unaware of the existence of section 17 support. Even when families with NRPF are referred to children's services, only a minority of families subsequently receive support. Research by the Children's Society found that 4 out of 10 referrals made to local authorities by families with NRPF did not receive section 17 support. Some local authorities have instituted 'robust front door' policies to make it more difficult for families with NRPF to access section 17 support. This creates ethical issues for social workers as it may conflict with their registration with SWE, the BASW Code of Ethics and the PCF domains of applying anti-discriminatory and anti-oppressive principles in practice (Domain 3) and of advancing rights, justice and economic wellbeing (Domain 4).

Exploitation

In the absence of access to social welfare support, families are at particular risk of exploitation and this can take many forms. Labour exploitation for pay which

is below the Minimum Wage/National Living Wage in the informal economy is one form, with work in the takeaway and food processing sector, and domestic and care work being particularly common. Similarly, the vulnerabilities of children and young people with NRPF make them at risk of Child Sexual Exploitation, and trafficking. Finally, women with NRPF may find it difficult to leave abusive relationships due to the difficulty of accessing a refuge when subject to the NRPF rule.

Issues of having NRPF for long periods of time

Being 'under the radar' without access to services for extended periods of time can also lead to other difficulties. For example, families might be suspicious of engaging with those in authority, including social workers, or might not take up offers of support for fear of being deported, and there are examples of families not going to health services for fear of being reported to the Home Office. Others might be victims of crime, or fear becoming victims of crime, and be reluctant to contact the police due to their insecure immigration status. Social workers should be mindful of these anxieties and be aware that non-engagement with services might not necessarily indicate a lack of needs.

Impact on identity: children and young people

Having NRPF can mark children and young people out as 'different' from their peers. Children with NRPF often report feelings of sadness, shame and stress. The uncertainty of immigration status, or seeing adults in the family experiencing insecurity, stress or sadness can also impact on children's wellbeing.

Issues of identity can be particularly acute for young people at times of transition, such as leaving formal education and attempting to apply for university, which may be the first time that young people become aware of their immigration status. Research suggests that over half of children and young people with an irregular migration status were born in the UK, and for young people who were born and brought up in the UK, and may even identify as British, discovering that they do not have British citizenship can be particularly traumatic.

LEARNING FROM RESEARCH: Necropolitical exception

Natalia Farmer uses the concept of 'necropolitical exception' to help understand the situation of migrants with NRPF. She argues that concepts of 'illegality' have unhelpfully entered social work with migrant families, and that this is an example of Achille Mbembe's concept of 'necropolitics' This explores racism and colonialism as the context to explain why some people are considered as more worthy of life, and others are illegalised. Using this analysis, she notes that questions of immigration status and legality take precedence over human need or human rights in assessments with families who have NRPF, who are considered unworthy of humane treatment.

Reflections:

- How do examples of necropolitical exception in social work practice conflict with the PCF and SWE standards?
- Have you seen examples in your own practice of people with NRPF treated less favourably because of their immigration status?
- How can social workers challenge this sort of practice?

Farmer, N., 2020. "I Never Felt like an Illegal Immigrant Until Social Work Turned up at the Hospital": No Recourse to Public Funds as Necropolitical Exception. The British Journal of Social Work. Available at: *http://dx.doi.org/10.1093/bjsw/bcaa151.*

2. Eligibility for services

As we've seen in the previous chapter, people with NRPF have limited access to state welfare, but there is some support that people with this status are entitled to, or have specific eligibility criteria around, which will be explored in more detail below.

Section 17 support

Support provided under section 17 of the Children Act 1989 is not a 'public fund (this also applies to s22 Children (Scotland) Act 1995)'.

This means that children who are assessed to be 'in need' under this legislation – either directly because of a family member's NRPF status or for any other reason – are entitled to support irrespective of their immigration status.

Section 17 support is therefore a key provision to protect the welfare of children and prevent destitution for children and families with NRPF.

We will explore in chapter 4 how section 17 is currently used to assess and support children and their families facing homelessness and destitution as a result of NRPF.

KEY LEGISLATION: Section 17, Children Act 1989
Section 17 of the Children Act 1989 gives a duty to local authority children's services to safeguard and promote the welfare of children within their area who are in need. Section 17 is not a 'public fund'.

Children 'in need' under the Act are defined as being 'unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority' or:

If their 'health or development is likely to be significantly impaired, or further impaired, without the provision of such services'; or if the child is disabled.

It is possible both to provide subsistence support and housing to families with NRPF under section 17.

Care Act support

Similar to the provision of support under the Children Act 1989, adults with presenting care needs are entitled to support from Adults' Social Care under section 9 Care Act 2014.

KEY LEGISLATION: Care Act 2004
Adults with presenting care needs are entitled to support from Adult Social Care under section 9 of the Care Act 2014. Local authorities have a duty to assess the needs of anyone who appears to be in need of care and support. In an emergency, local authorities have a power under section 19 (3) to provide support before an assessment has been completed.

Local authorities also have a power under section 19(1) to support people who do not have care needs. E.g. A local authority could chose to support someone with NRPF who is pregnant, but has no other support and no other care needs.

The Care Act is not a 'public fund' so adults with NRPF are allowed to access Care Act support. However, those who fall under Schedule 3 of the Nationality, Immigration and Asylum Act 2002 can only receive support to prevent a breach of their human rights.

Domestic abuse

Survivors of domestic abuse who are dependents of a spouse and who have spousal leave will not have recourse to public funds. Refuge places are not usually available for people with NRPF and so survivors of domestic abuse may have limited accommodation options. Without the provision of alternative accommodation, many survivors will be unable to flee abusive relationships or may be at risk of homelessness if they do. Where the survivor is destitute, legal aid may be available for immigration representation to address his/her NRPF status.

Support around involvement with the criminal justice system and Children's Services should be provided in relation to domestic abuse. The Domestic Violence Rule allows some survivors of domestic violence to apply for Indefinite Leave to Remain in the UK. To be eligible, applicants must be on a partner visa, must have been in the relationship when the visa was issued,

and the relationship must have broken down as a result of domestic violence. If applicants are destitute, the Destitution Domestic Violence Concession allows them to apply for temporary access to public funds for three months while they make an application

LEARNING FROM RESEARCH: South Asian Women facing Domestic Violence
Anitha (2008) found that women with NRPF faced barriers to accessing support when facing domestic violence, including destitution and being refused support from children's services leading them to remain in abusive relationships. When support was received accommodation was often inadequate and subsistence support was too low to prevent poverty.

Women who took part in the study showed evidence of trauma, and although a majority had experienced some form of mental health problem, very few had accessed counselling. This was compounded by isolation or ostracism within their community, and in some cases not being able to speak English.

Women with children were more likely to receive support, but faced extra difficulties because of their childcare responsibilities. Sometimes children's services offered to help the children, but not the mother with the risk of separating the children. This fear was exploited by abusive partners to prevent them leaving an abusive relationship.

Reflections:
- In what ways does the NRPF rule make migrant women more vulnerable to domestic violence?
- What particular additional needs do women with NRPF who are experiencing domestic violence have?

Anitha, S., 2008. No Recourse, No Support: State Policy and Practice towards South Asian Women Facing Domestic Violence in the UK. British Journal of Social Work, 40(2), pp.462–479. *Available at: http://dx.doi.org/10.1093/bjsw/bcn160.*

Free school meals & pupil premium

At the time of writing, all children in England are entitled to free school meals (FSM) until the end of year 2. Since April 2020, some children in NRPF households were able to access free school meals and vouchers during the coronavirus pandemic. This was made permanent in June 2022, so now all children in households with NRPF are eligible for FSM. This eligibility is subject to the following maximum income thresholds:
- £22,700 for families outside of London with 1 child
- £26,300 for families outside of London with 2 or more children
- £31,200 for families within London with 1 child
- £34,800 for families within London with 2 or more children

Eligible families should apply through their child's school or local authority, and should confirm both their NRPF status and their income through one of the following:

- payslip
- P60
- bank statement
- letter from their bank
- letter from their employer
- letter from the local authority confirming support if applicable

The Secretary of State for Education has agreed to extend the pupil premium to children with NRPF who are in receipt of FSM and children with NRPF who are in receipt of FSM are also be able to receive free home to school transport providing they meet the other criteria.

Early learning & childcare

Children of parents or carers who are undocumented are not generally eligible for 15 hours' free childcare from the age of 2-years-old as this is dependent on entitlement to public funds and certain benefits. 3 and 4 year olds can receive 15 hours a week free childcare irrespective of immigration status.

KEY CASE LAW: Ruiz Zambrano (European citizenship) [2010] EUECJ C-34/09 (30 September 2010)
The Zambrano judgement allows someone from a non-EEA state to live in the UK if they are the carer of a child or adult dependent who is British and this is the only way for the child or adult dependent to live in the UK. Zambrano carers are able to rent privately, but have no recourse to public funds, so may need support under Section 17 of the Children Act 1989 in order to prevent homelessness. Prior to Brexit, Zambrano carers were eligible to apply for either EU settled status if they could prove five years continuous residence in the UK, or EU pre-settled status if they had a shorter residence period in the UK. Those who did not apply for either status, or those who have pre-settled status will have no recourse to public funds and may therefore need support under section 17.

The 15 hours free childcare for two-year-olds is however available, where evidence of low income is provided, to children of Zambrano carers (see Case law box above), children of families with leave to remain on grounds of private and family life under Article 8 of the European Convention on Human Rights (ECHR) (see key legislation box below), or children of parents whose application for asylum has been refused and who are receiving section 4 asylum support (See section on asylum support below for more information).

KEY LEGISLATION: Article 8 of the European Convention on Human Rights (ECHR).
Article 8 concerns the right to respect for private and family life:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others

Article 8 was incorporated into UK law by the Human Rights Act 1998, and is not affected by the UK leaving the EU. It is possible to make an application for leave to remain on family or private life grounds. For example, if someone is married to someone who is British, has British children, or if needs to stay in the UK to continue treatment for a long-term medical condition which would not be available if they left the UK.

Up to date information is available at the Right to Remain toolkit: *https://righttoremain.org.uk/toolkit/humanrights/*

NHS Treatment

Access to healthcare is linked to immigration status, not NRPF status. The NHS is not listed as a Public Fund in the Immigration Rules, and primary healthcare such as GP appointments are available to all in the UK, irrespective of immigration status. Families do not need to provide evidence of immigration status, identity or address to register or access healthcare from a GP, and should not be charged for GP services.

Secondary or tertiary healthcare, such as hospital operations and specialist healthcare is not provided free of charge, and people with an irregular migration status may be charged for hospital care (See box on the National Health Service (Charges to Overseas Visitors) Regulations 2015)

Covid-19 vaccinations, treatment for infectious diseases and emergency healthcare are also available on the NHS without charge for people who have NRPF.

KEY LEGISLATION: The National Health Service (Charges to Overseas Visitors) Regulations 2015

The National Health Service (Charges to Overseas Visitors) Regulations 2015, set out the eligibility and charges to temporary migrants for NHS healthcare. The Regulations place duties on NHS trusts to check the immigration status of a person seeking healthcare to test if charges apply.

Patients must prove that they are a UK resident or will be billed for secondary healthcare.

Further information is available from the Doctors of the World toolkit on NHS charging regulations: *https://www.doctorsoftheworld.org.uk/wp-content/uploads/2018/11/Toolkit_for_NHS_Charging_Regulations_JCWI_DOTW.pdf*

Asylum support

Those seeking asylum who are destitute can access accommodation and subsistence from the Home Office through asylum support. Applications for asylum support are made through Migrant Help.

Current asylum-seekers can request support under section 95 of the Immigration and Asylum Act 1999 ('section 95 support'), while those whose application has been refused (and who are Appeal Rights Exhausted [ARE]) can be supported under section 4 of the Immigration and Asylum Act 1999 ('section 4 support'). If an individual becomes ARE while there is a child under 18 years old in the household, the family will continue to be eligible for section 95 support until the child turns 18 years old. The Asylum Support Appeals Project website has a toolkit and factsheets about appealing asylum decisions, and the address is in the further resources section.

National Referral Mechanism

People with NRPF status may have been the victim of trafficking. Adults can choose whether they would like a referral to the National Referral Mechanism to request

support. Referrals to the NRM will mean any other outstanding immigration applications are put on hold pending an NRM outcome. There are two stages to this application:

1) The Reasonable Grounds Decision – where the Single Competent Authority (SCA) will make a decision about whether the applicant 'may' be a victim of trafficking based on the information provided in the application. This should happen within 5 working days.
2) The Conclusive Grounds Decision – Where the SCA will make a final decision to accept or reject a claim based on the 'balance of probabilities'.

Only first responder organisations can refer to the NRM (including local authorities, and third sector organisations such as Barnardos, Migrant Help and the NSPCC). There is a duty for public authorities to refer to the NRM where children have been identified as possible victims of trafficking to the NRM. Where adults decide they do not want to be referred, there is a duty to share non-identifying information with the NRM through a 'duty to notify' referral. Referrals are now made online: *https://www.modernslavery.gov.uk/start*

3. Local Authority Support

General social work practice

Social work role with children and families with NRPF
Most families with NRPF status do not require social work support. However, when families experience a change in circumstances or a crisis (e.g., relationship breakdown, unemployment, loss of informal support), their ability to meet children's needs can be significantly impacted.

There is a general duty for local authorities to meet the needs of children 'in need' in the local area. This includes children where a parent is unable to obtain appropriate accommodation or to meet the costs of their children's basic needs. In this context, the social work role with children and families with NRPF status is to assess and then meet the needs of these families.

Screening and assessment
Social workers from many services are likely to come into contact with people subject to NRPF . Social workers in all 'front door 'services (e.g., a MASH/ screening team) are likely to encounter families subject to NRPF in their work. This is explored in further detail below.

Emergency Duty Teams
Emergency duty social workers are also likely to encounter families with NRPF at some point – sometimes needing to deal with families in emergencies who have presented to the local authority after the close of normal work hours.

Good Practice Points

Sharing information with the Home Office
In the UK there are no formal firewalls between children's services and the Home Office, and information is often routinely shared. According to data from the NRPF network, in some cases, this has led to deportation, but in others this has led to families receiving leave to remain more quickly. When sharing information with the Home Office, social workers should consider why information is being shared, and should wherever possible explain to families that this is happening and why. Social workers should be mindful that they have an obligation under the Social Work England professional standards to: "Treat information about people with sensitivity and handle confidential information in line with the law."

One of the reasons why local authorities share data with the Home Office is the duty on local authorities under schedule 3 of the Nationality, Immigration and Asylum Act (2002) for the local authority to inform the Home Office that there is a person in the area who may follow into the category of ineligible persons. However, this duty is very specific to particular categories:

- A person with refugee status granted by a non-UK EEA country and any dependents;
- Non-UK EEA nationals and any dependents;
- Failed asylum seekers who have failed to comply with removal directions
- A person unlawfully present in the UK (including those whose visa has expired and refused asylum seekers who did not claim asylum at a port of entry).
- A failed asylum seeker with family who has not taken reasonable steps to leave the UK voluntarily.

Not all people with NRPF will fall into one of the categories above. For instance, someone who has leave to remain with NRPF would not.

The law only permits the local authority to disclose that there is a person who may fall into the category, and does not, for instance, permit the sharing of an assessment. The practice of allowing embedded immigration officers into assessments has been found to be problematic, unethical and a deterrent to families seeking support.

Data-sharing of this nature, and the consequences it may have for families, should always be carefully considered.,

Sharing personal details with the Home Office is not mandated by the Act, and neither are families required to sign a document requiring information sharing with the Home Office before an assessment of need. Sharing further information is unlawful, and could leave the local authority vulnerable to Judicial Review.

Local authorities do have an additional power (not a duty) to share information with the Home Office for immigration purposes under section 20 of the Immigration and Asylum Act 1999. However, social workers should weigh up whether this is in the best

interests of the child in each case, and wherever possible get permission from the family and explain why before sharing information with the Home Office. Social workers should also consider their duties under Data Protection legislation, and must consider whether sharing the information would be necessary, proportionate, and fair and complies with the six principles of data processing.

For example, if consent for data sharing is gained before an assessment of need is completed, this would not be proportionate if the alternative would be to remain destitute with no support (Article 7, 4 of the Data Protection Regulations).

LEARNING FROM RESEARCH: Firewalls
Firewalls between border policing and social welfare can be an important means to ensure that families are able to access basic social support without fear of deportation. They have successfully been used in the US sanctuary cities movement, for instance in the US city of San Francisco where municipal employees have agreed to work with all residents irrespective of immigration status and have resisted attempts to share information for immigration control.

These can range from on the one hand, individual practices by social workers, to policies at a local level, to national and international laws.

Reflection
- What are some of the ethical issues for social workers with sharing information with the Home Office?
- Would it be proportionate for a Home Office worker to sit in on assessments?
- When is it appropriate to share information and when to withhold?
- Is there a case for 'firewalls' in social work?

Hermansson, L. et al., 2020. Firewalls: A necessary tool to enable social rights for undocumented migrants in social work. International Social Work, p.002087282092445. Available at: *http://dx.doi.org/10.1177/0020872820924454.*

Anti-oppressive practice and social justice
The global definition of social work includes social justice as a central principle of the profession, and social workers who are registered by Social Work England are required to "promote the rights, strength and wellbeing pf people, families and communities" . Social Justice and child rights should be key to work with families with NRPF. This means in practice that child welfare and the needs of the child should take precedence over immigration control.

In the current political climate, local authorities sometimes have scarce resources and budgetary constraints. However, this should not come at the expense of children's rights. Social workers have a responsibility to Social Work England to practice in an ethical way.

LEARNING FROM RESEARCH: Statutory Neglect
Families in the UK with an irregular migration status are excluded from most mainstream welfare provision through the no recourse to public funds rule, and statutory children's social work services are one of the few welfare services available to undocumented migrant families.

The research found that undocumented migrant children with NRPF in Birmingham had experiences which would be considered as neglectful if as a result of action by a parent or carer.

The article argues that the exclusion of migrant families from the welfare state by government policy amounts to a form of statutory neglect, which is incompatible with the global social work profession's commitment to social justice and human rights.

Reflections:
- What examples of neglectful legislation or government policy have you seen in your own practice?
- How can you identify statutory neglect and support families when legislation does not protect them?

Jolly, A. (2018). No Recourse to Social Work? Statutory Neglect, Social Exclusion and Undocumented Migrant Families in the UK. Social Inclusion, 6(3), 190–200. *http://dx.doi.org/10.17645/si.v6i3.1486*

Good practice with interpreters
For families who do not speak English as their first language, it is important to use an accredited interpreter during assessments, and to offer this even if they appear fluent in English. It might also be necessary to translate letters and assessment documents, or invitations to meetings. Using family members as interpreters can be problematic especially when there are issues of domestic abuse which might be traumatic for children to recount. However, in some cases it may be the preferred option, so social workers should always check with families in the first instance.
A family member might also choose to bring along an interpreter or 'communication facilitator', but as an addition to the official interpreter. Interpreters should be subject to references and DBS checks, and should sign a confidentiality agreement.

Research suggests that working with interpreters can make it more difficult to build relationships with families, and that families requiring interpreters presented as less trusting and open with professionals. Social workers should be mindful of this effect and not make assumptions based on a reticence from families about using interpreters.

Materials such as posters and leaflets should be translated into community languages (Nice, 2010), and social workers if possible should explore other ways of communicating including video, leaflets, photographs, drawings and audio clips.

LEARNING FROM CASE REVIEWS

It is important for social workers to remember that even when a child is born in the UK, English might not be their first language (BSCB 2009 10–2; BSCB 2009 10–3).

Case reviews where there has been a child death and the family had NRPF often discussed language issues.

Although none of the family spoke English, one review noted that professionals thought an interpreter was unnecessary as the mother understood basic English (SCR 0310 2011). Letters and phone calls inviting the family to be seen by a health visitor were in English, and when no response was received no appointment was made. In other cases, professional interpreters were not used even where it was known that parents did not speak English (Child G 2011). This meant that the family's wishes and feelings were not understood (Child S Greenwich). In two cases, interpreters were only used after an injury had occurred to a child (Child G 2011; SCR 0310 2011). Friends or family members were also commonly used as interpreters (Child S Greenwich; SCR 0310 2011; Child U 2019). One review noted that:

"This compromised the family's confidentiality, the ability for their voice to be heard, and helped maintain the mother in an isolated and potentially oppressed position." (SCR 0310 2011)

The review later concluded that this lack of confidentiality and isolation resulted in a lower standard of care for the family (SCR 0310, 2011). Other reviews highlighted inadequate interpreting practices such as contacting families by text using Google Translate (Baby T 2020); professionals booking the wrong language interpreter (Baby T 2020), or visits taking place without interpretation because none was available (Child U 2019). Recommendations:

- Professional interpreters should be used instead of relying on friends and family (Child G 2011; Child U 2019; SCR 0310 2011). This is especially important for section 47 enquiries, initial and core assessments, and family health needs assessments (SCR 0310 2011). This should be included in an interpreter policy, and staff should fully understand how to access interpreters (SCR 0310 2011).

Timely referral for immigration advice

Receiving good quality immigration advice can be crucial for families to regularise their status, and should form part of an assessment of need. It is likely that only a minority of families with an irregular migration status have applied to regularise their status. This can result in families becoming destitute for long periods of time. One barrier to regularising immigration status is the expense of applying, and of paying for a solicitor, a problem which has been exacerbated by immigration applications being taken out of the scope of legal aid by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (See key legislation box below). Social workers should ensure that families have access to legal advice from a solicitor or OISC registered advisor.

KEY LEGISLATION: The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)
LASPO removed a number of areas from the scope of legal aid including: housing, welfare, family law and immigration.

It also modified the Crime (Sentences) Act 1997 to allow the deportation of foreign nationals who are serving indeterminate prison sentences.

The Law Society reviewed the impact of the changes four years after LASPO's introduction, and concluded that legal aid was no longer available to people who needed it, that those who were eligible found it hard to access and that these gaps in provision were not being addressed.

Working with advocates

The principle of an independent advocate or appropriate adult is well established, and article 12 of the UNCRC gives children the right to express their views in matters affecting them, and to have these views given due weight in accordance with their age and maturity.

Although there is no legal right for families with NRPF to receive advocacy services, in January 2020, the Local Government and Social Care Ombudsman ruled that Sandwell MBC should apologise for refusing to allow a voluntary sector representative to accompany a family

to meetings, and that they should remind staff that: "families have a right to be accompanied to meetings by appropriate representatives." (LGSCO, 2020).

REFLECTION:
- Do you allow advocates into meetings?
- Why/why not?
- How does your decision link to the PCF and Social Work England standards?

Allowing families to be accompanied by representatives of their choice can prevent misunderstandings, ensure that their interests are represented, and help to prevent costly legal action in the future.

SCIE guidance

SCIE has not issued specific good practice guidance for children and families with NRPF; however, there is guidance for social care with refugees and asylum seekers, which has some transferrable learning for children and families with NRPF. SCIE recommend adopting a 'rights based' approach to their care as set out in the international treaties that the UK is signatory to. It is important to recognise people's resilience and capacity for endurance, and also acknowledge the particular mental strain which can be exacerbated by post-arrival factors such as: "enforced poverty, social isolation and compulsory, routine detention alongside uncertainty about the future are serious post-migratory stressors" SCIE identify the following primary needs for children in families:

- Accommodation and maintenance
- A secure place in the neighbourhood and community
- Access to healthcare
- Access to, and support with, their education
- Support with needs related to the family's immigration status (including legal advice and support)
- Support, and as appropriate, access to psychological interventions and social support in relation to experiences of forced migration, torture and/or trauma including bereavement
- Access to help with other needs on the same basis as indigenous families – for example, day care, help with disability or illness
- Cultural and linguistic sensitivity in reception and provision of services.

The SICE guidance also identifies six 'pointers for practice' which also provide useful guidelines for people with NRPF:

1. A humane, person-centred, rights-based and solution-focused response to the social care needs of asylum seekers and refugees. Asylum seekers and refugees should be seen as individuals first and foremost; with the same rights as UK nationals to be listened to and to have their needs identified and appropriately responded to, with understanding both of their current situation and of their future aspirations. In the case of children and young people this means viewing the child as a child first, acting in their best interests and taking account of their wishes and feelings. This will require an approach that is flexible, solution-focused and innovative in order to meet the complexity and diversity of needs.

2. Respect for cultural identity and experiences of migration. Asylum seekers and refugees are not a homogenous group; they come from a wide range of countries, in different circumstances, and have diverse abilities and skills. Providing good quality social care hinges on positive regard for cultural identity, the diverse experiences of migration, and the capacity of staff to translate this principle into practical action.

3. Non-discrimination and promotion of equality to be treated positively, with regard to the possibility of discrimination, and to receive the same treatment as British citizens. This means that the role of social care services is to ensure that asylum seekers and refugees are properly supported and their social care needs met. It implies working within an equality and diversity framework and putting measures in place to ensure that asylum seekers and refugees receive a fair and just response.

4. Decision-making that is timely and transparent and involves people, or their advocates, as fully as possible, in the process. Unnecessary delays in decisions about the provision of social care are avoided and the process is transparent with a demonstrable commitment to involving asylum seekers and refugees and their advocates in the process. A clear process that details assessment, eligibility criteria, involvement of advocates and processes for appeal should be clearly laid out.

5. Promotion of social inclusion and independence. Working to promote inclusion and support the autonomy of asylum seekers and refugees within the UK or through the process of returning home is central to the task of social care. It implies working with different scenarios (staying in the UK/returning home) to plan for the future and facilitating self-organisation. It also means mainstreaming the needs of asylum seekers and refugees within organisational agendas.

6. A holistic approach. Promoting the rights of asylum seekers and refugees is highly unlikely to be achieved by one organisation alone. The complexity of individual circumstances and histories demands robust and well developed partnership working across organisational boundaries at both strategic and operational levels.

4. The Assessment Process

Screening

Threshold for presentation of need

A family with NRPF has the right to request an assessment if they are struggling to provide for their child's essential needs. The threshold for triggering an assessment is low (see below), so it is likely that most families requesting an assessment would be entitled to one.

A very rough outline of a Child in Need assessment under section 17 for a family with NRPF status would be as follows:

- Family presents/is referred for assessment. If there is any reason to believe that a child may be in need then an assessment must begin immediately.
- The assessment can last up to 45 working days. Where an immediate need is identified (e.g. homelessness) interim support can be provided on a 'without prejudice' basis.
- If a child/children is/are found to be in need, but the adult/s in the family is/are excluded by Schedule 3 NIAA, then a human rights assessment should be conducted.

The definition of 'in need' in section 17 of the Children Act 1989 is broad enough to cover the possibility of a range of levels of need. As a reminder, a child will be 'in need' if:

(a)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 for him of services by a local authority under this Part;

(b)his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or

(c)he is disabled

The local authority must carry out the assessment if they believe that the child may be in need. The Act does not contain any requirement for the family to be destitute, street homeless, or in crisis, and social services can only refuse to assess if there is no realistic prospect that the child is in need. Families' situations are nuanced and complex, and it is always possible that there will be hidden factors in their lives which contribute to their level of need, but which are not immediately obvious.

CASE STUDY

A family of 3 (mother and two daughters, aged 9 and 12) is referred for a Child in Need assessment, as they are experiencing financial difficulties. They are living on charitable support from friends (around £100/week), and have been staying with a man from the mother's church. Their host has stated that he is happy for them to stay indefinitely, and the referrer has not expressed any concerns other than their financial situation. Your initial feeling is that the family are probably doing alright, but since there is reason to believe that a child may be in need, a Child in Need assessment is triggered. During the course of the assessment, it emerges that the man is exploiting the mother by making her take care of the house and perform sexual favours in lieu of rent. This is an unsuitable environment for the children, and it may not have been discovered without a thorough assessment being conducted.

Reflections

Q. What support should/could the local authority provide?

Q. Should the local authority support the whole family or just the children? Why?

Q. What are the factors that may make the family particularly vulnerable to sexual exploitation?

A child whose family does not have adequate accommodation or sufficient income to meet their essential living needs will almost certainly be 'in need'. It is not necessary for a family to be facing street homelessness, in some cases simply not having adequate accommodation (e.g. accommodation that is severely overcrowded, or in serious disrepair) will mean that the child is 'in need'.

In a situation where there are no current needs but it is clear that a need will arise in the future, consideration should be given to the length of time before the need will arise and steps should be taken to ensure sufficient support will be provided at the time of need. It is likely that forward planning to avoid a crisis will be in the best interests of the child and an assessment should not be refused on the basis that a need is not imminent. For example, a family facing homelessness who presents prior to the actual point of homelessness should not be told that an assessment will only be conducted at the

CASE STUDY
A single father approached the local authority for assistance under section 17 of the Children Act (1989). He had leave to remain with NRPF, and, although he was working, he could not afford to rent anything larger than a studio flat for himself and his 7-year-old daughter. However, he could not find a landlord who was willing to rent to him, and as a result he and his daughter had to live separately for a number of months; she 'sofa-surfed' with relatives, and he slept on the floor of his friend's shop. Although they had enough money for food and clothing, they did not have access to adequate accommodation as a family, so the local authority agreed to support them with housing assistance under Section 17.

Reflections
Q. Would the child be able to achieve or maintain a reasonable standard of health or development without access to the accommodation? (Section 17 of the Children Act 1989)
Q. Would the family meet the criteria for destitution? (Section 95 Immigration and Asylum Act 1999)
Q. What other factors might the local authority need to consider?

'Child in your area': who is the responsible local authority?
This poses one of the greatest problems for NRPF families in crisis, as it is often misinterpreted and misapplied.

KEY CASE LAW: R (on the application of BC) v Birmingham City Council [2016] EWHC 3156 (Admin)
The only test for being 'within the area' of a local authority is that of physical presence. This was established in a case R (on the application of BC) v Birmingham City Council [2016] EWHC 3156 (Admin), in which physical presence was found to be both necessary and sufficient to establish that a child was within a local authority's area. The 'local connection' test, taken from housing law, has no bearing on local authority duties under section 17 of the Children Act 1989.

A family should approach the local authority with which the child has the greatest connection. However, many children are 'within the area' of more than one local authority; for example, they may live in one area, and go to school in another. In such cases, the family can approach either local authority and both local authorities have a duty to assess.

This was established in the case of R v Wandsworth [2001].

KEY CASE LAW: R v Wandsworth LBC ex p Sandra Stewart [2001] EWHC 709.

This case centred around a British family who had been deemed to be 'intentionally homeless' in housing law, and were thus reliant on s17 support for housing. The family, whose children attended school in Wandsworth, were temporarily accommodated under the Housing Act 1996 at a hostel owned and managed by Hammersmith and Fulham, but situated in Lambeth. The duties of Hammersmith and Fulham under the Housing Act 1996 ceased after the decision of intentional homelessness, and it was under no further duty to accommodate. However, the physical presence test under s17 imposed a duty on both Wandsworth (the borough of the school) and Lambeth (the borough where the family were currently staying) to provide an assessment of the children's needs.

If a family is accommodated under section 17 by a local authority in another area, the local authority providing the accommodation retains the responsibility for the ongoing section 17 duty. Section 27 of the Children Act stipulates that two authorities must cooperate with one another if it assists in the exercise of their statutory duty to children.

Where there are disputes between local authorities, case law states that a child's needs should be met whilst responsibility is determined. The best interests of the child should always be paramount and social workers should work with their colleagues in other local authorities to ensure that needs of children are met.

Are the family entitled to asylum support?
Some families who approach social services may be seeking asylum or have been refused asylum and may therefore be entitled to asylum support. In these instances, it is important to assess whether the Home Office or local authority is responsible for supporting the family

Section 95 support
If a person has a pending asylum claim or Article 3 human rights application/appeal and they are destitute, they can apply for accommodation and financial support from the Home Office under section 95 of the Immigration and Asylum Act 1999. An asylum seeker's dependents will also be provided with support. It is also possible to receive financial support only should a person have access to adequate housing.
It is possible to apply for emergency support from the Home Office under section 98 of the Immigration and Asylum Act 1999 while awaiting the outcome of an application for section 95 asylum support.

If an asylum claim is refused by the Home Office and the person seeking asylum becomes 'appeal rights exhausted' (ARE), then support will be terminated unless there is a child who was part of the household prior to the claim being determined. In these cases, families will continue to be eligible for support until the youngest child turns 18 or they are no longer considered destitute (through section 94(5) of the Immigration and Asylum Act 1999).

If a family is eligible for or receiving section 95 support, then the local authority is prevented from providing accommodation and/or financial support under section 17 under section 122 of the Immigration and Asylum Act 1999, unless there are delays and support needs to be provided in the interim (see below).

Families can be supported to access asylum support by contacting Migrant Help. It can be very difficult to get through to Migrant Help and there may be delays to accessing support that the local authority needs to take into consideration. In such instances, local authorities will need to provide support in the interim.

Section 4

Destitute refused asylum seekers may be eligible for support from the Home Office under section 4 of the Immigration and Asylum Act 1999. This depends on whether a person is:

- taking all reasonable steps to leave the UK;
- is unable to leave the UK due to physical impediment;
- has no safe route of return;
- has been granted leave to appeal in an application for judicial review in relation to their asylum claim; or
- requires support to avoid a breach of their human rights (e.g. if they have made further submissions for a fresh claim)

If a person is eligible, they can be provided with accommodation and financial support from the Home Office. It is not possible to receive financial assistance only.

However, local authorities can only discharge their duty to families eligible for section 4 support if the support provided by the Home Office is 'available and adequate'. The local authority must be able to confirm with the Home Office that the support will meet the assessed needs of the child. Case law suggests that it is unlikely that section 4 would be sufficient to meet a child's needs so in these instances, local authorities are likely to need to provide section 17 support.

Who is excluded from support? (Schedule 3)

Some adults are excluded from accessing support under section 17 because of their immigration status (see box below).

KEY LEGISLATION: Section 54 and Schedule 3 of the Nationality, Immigration and Asylum Act 2002
If a parent falls into one of the following categories, they are excluded from accessing support by schedule 3 of the Nationality, Immigration and Asylum Act 2002, unless a failure to provide support would breach their human rights.

The following groups of people are excluded under schedule 3:

- People granted refugee status abroad
- Refused asylum seekers who have failed to cooperate with removal directions
- People in the UK in breach of the immigration rules (except asylum seekers). This means:
  - Present in the UK without a right of abode or leave to enter/remain
  - Not entitled to remain in the UK under EEA treaties
  - Not exempted from the need to have leave (e.g. diplomats, forces personnel)

Those with limited leave to remain, as well as Zambrano carers, are not excluded under schedule 3, and schedule 3 does not apply to children or to British citizens.
EEA citizens are no longer automatically excluded under the since Regulation 13 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020/1309. However, if an EEA citizen becomes unlawfully resident, then they would become part of an excluded group.

If the family falls into one of the excluded categories (above), **they may still be able to access section 17 support if failing to provide support would breach a person's rights under the European Convention of Human Rights ("ECHR") or EU law.** If you are unsure whether there is a potential breach, remember that interim support should be provided on a 'without prejudice basis' and can be provided while an assessment is ongoing.

Where there are no alternative forms of support, there is a barrier to the family leaving the UK, and the family is destitute, failure to provide support may:

- amount to 'inhuman or degrading punishment' contrary to Article 3 of the ECHR or

- amount to an unjustified interference with their right to a private or family life contrary to Article 8 ECHR.

In such cases, the adults will not be excluded by schedule 3.

A human rights assessment will consider whether any human rights breach could be avoided by returning the family to their country of origin. If it can, then it may be lawful for the duty under section 17 to be discharged by an offer of financial assistance to assist a family to return to their country of origin. However, any such offer should seriously consider whether this would be in the best interests of the child, and should also take into account any legal or practical barriers which prevent return.

Even if a human rights assessment concludes that it might be reasonable for a family to return to their country of origin, a local authority may need to support a family under section 17 on a longer term basis where there are legal or practical barriers that prevent this return. This could be the case where, for example:

- The family is waiting for the Home Office to make a decision on an application for leave to remain (that is not hopeless or abusive) based on human rights grounds or is in the process of preparing an immigration application for submission;
- The family is appealing against an immigration decision (and the appeal is not hopeless or abusive) or proceeding with a judicial review, or;
- The family can show that they are unable to return to their country of origin (e.g. they are in the late stages of pregnancy, or have a serious medical condition that prevents travel)

If no barriers to the family's return exist, the local authority can offer to assist them to return. If they cannot return immediately (for example because they do not have passports or travel documents) the local authority may have to provide accommodation or financial support while these obstacles are overcome. In some cases, the only barrier to the family's return may be a temporary practical obstacle such as being unable to afford the airfare. If this is the case, the local authority could offer to provide support to meet the costs of return under section 17, or provide support on a temporary basis while the family engages with the Home Office voluntary returns service.

If no legal or practical barrier has been identified, the local authority should consider for itself whether returning the family to their country of origin would breach their human rights or their rights under European law.

KEY CASE LAW: See R (Clue) v Birmingham CC [2010] EWCA Civ 460

The case concerned a Jamaican woman and her children who were destitute and were refused support under Section 17 of the Children Act 1989 by Birmingham City Council.

The Court of Appeal ruled that because the family had an application for leave to remain pending with the Home Office, the refusal to provide support to a family breached the family's right to respect for family and private life under Article 8 of the European Convention on Human Rights.

This means that, apart from in 'hopeless and abusive cases', local authorities cannot prejudge a Home Office decision on leave to remain when deciding whether to provide Section 17 support.

Human Rights Assessments

Prior to the end of the Brexit 'grace period', Human Rights Assessments did not need to be completed for a British citizen or their family or EEA nationals due to the EU Settlement Scheme. However, Zambrano carers with rights not yet recognised by the Home Office are now subject to Human Rights Assessments as they are unlawfully resident, as will EEA nationals without pre-settled or settled status. Any undocumented migrant (such as someone who has overstayed the length of their visa) will also be subject to Human Rights Assessments.

The purpose of a Human Rights Assessment is to explore all options available to a family if Children's Social Care support was to end, as well as in cases where it hasn't been given yet but may need to be given.

Good practice in Human Rights Assessments includes:

- Transparency about the possibility of a Human Rights Assessment from as early a point as possible in the work;
- Carrying out the assessment within a reasonable timeframe to minimise family members' anxiety (a suggested timeframe is 4–6 weeks from start to completion);
- A clear explanation about the process, notably possible outcomes and expected timescales;
- Facilitating access to advocacy and support throughout the process, referring for this support if needed;
- Continuing to provide pre-existing support (including accommodation and subsistence) until a negative assessment outcome is confirmed;

- Providing a suitable notice period (suggested to be at least 28 days) for the termination of support which is communicated to families in writing following a negative assessment outcome;
- Notifying the family that one possible means of ending the assessment is submitting an application to the Home Office;
- Exploring with family members their plans following termination of support;
- Clear communication with the professional network so that support can be provided to family members as needed;
- Discussing the above points with family members to ensure practice is transparent

Comprehensive guidance is available for completing human rights assessments in the NRPF Network Practice Guidance. The NRPF Network also provides training sessions (See details in further resources section).

'Invisible' factors

When screening a family, it is important to recognise that people with NRPF are at high risk of exploitation and abuse. There may be 'invisible' factors that are not disclosed at the point of screening, such as the exploitative or abusive nature of relationships of support. People with NRPF, including children, may be expected to cook, clean, look after children, or perform sexual favours for others in exchange for accommodation and/or financial support. Women might be particularly at risk of becoming trapped in abusive relationships as a result of NRPF, with perpetrators using immigration status as a mechanism of control.

Assessment (where NRPF is not a main presenting issue)

Families with NRPF status may have contact with Children's Social Care for reasons not relating to their immigration situation, including safeguarding issues and children with disabilities. Where the assessment is taking place to address safeguarding or other presenting needs, NRPF status is a complicating factor. Social workers and their 'generic' teams often do not hold the specialist knowledge to address NRPF/ immigration issues and the possible vulnerabilities these raise. This chapter will explore good practice for 'generic' Children's Social Care social workers in exploring and addressing NRPF and immigration issues.

It is important to note that being a migrant does not necessarily mean that individuals are more vulnerable or will need support in addressing issues relating to their status. However where a family faces other difficulties, immigration issues are an intersecting issue which should be explored as part of the social work assessment to understand more about if and how it impacts the family.

It can be helpful to address immigration status early on in your work with a family when other relevant environmental factors are considered. In doing so, it is worth proactively addressing possible concerns and anxieties about immigration issues. For instance, explaining to the family that:

- This will not impact the outcome of the social work assessment;
- You are not the Home Office and will discuss information sharing before it is carried out (there is a duty to share certain information for 'excluded groups', see section on schedule 3 for more information who this includes);
- This is being explored so that possible support needs can be identified;

Where parents or carers are identified as having NRPF status, it can be helpful to create space in conversations for parents or carers to discuss if and how they meet their families' needs without fear of judgment or negative repercussions' about how they meet the families' needs.

Considerations which might be specific to families subject to NRPF which should be covered in the assessment process include (but are not restricted to):

- Housing: Whose accommodation is it? Who lives there, who has access to the property? Is rent paid or has anything else been agreed in exchange for accommodation? How does the child/ren feel about the home, co-tenants, landlord? How does this affect you and your feelings about your life?

- Finance: Who supports the family, how? Has any exchange been agreed in return for financial assistance? Are there specific items which you aren't able to afford? How does your financial situation affect you and your feelings about your life?

LEARNING FROM SERIOUS CASE REVIEWS:

A serious case review published in 03/2018 addressed physical abuse where a child who suffered serious injuries found that that neither the assessment nor ongoing safeguarding work under a child in need plan addressed mother's NRPF status or how she addressed the risk of homelessness or limited finances. These grey areas were identified but not addressed, meaning the risk of significant harm to the child was only identified retrospectively (Child M, City & Hackney, March 2018). *http://www.chscb.org.uk/wp-content/uploads/2018/03/CHSCB-SCR-Child-M-Report.pdf*

Assessing intersectionalities

Immigration status as well as ethnicity, social status, level of language and other issues can impact wider family issues. It can be useful to consider how immigration status and related issues might impact other difficulties the family face. Considering how these issues interact with other issues is key to a holistic assessment which takes into account all the relevant factors.

Seeking advice about addressing NRPF/Immigration issues

By addressing immigration issues and their impact on a family in a timely manner, assessments will better reflect families' situations and risks.

This can be done by referring families for advocacy support. Advocacy organisations will often ensure families access immigration advice and other support about their immigration status (some examples of advocacy organisations can be found in the further resources section). Do not assume that advocates will carry out this work on your behalf – check with them what they intend to do to avoid actions falling between the cracks.

Ensure you seek management or advice from an NRPF specialist early on. Be aware that managers may not always have experience of NRPF specific issues, and that social workers should think critically about the input they receive to ensure it makes sense, meets children's needs and is not oppressive.

Referring for immigration advice

Timely immigration advice can mean that families' immigration difficulties can be addressed early on. Immigration advice should only be sought from qualified solicitors or OISC registered providers – it is illegal for social workers to offer this, even where the resolution appears simple. Discuss the advice given to parents and encourage them to ask further questions and clarify points if needed – support parents to feel as though the solicitor works for them!

Finding a good (or free/affordable) solicitor is not necessarily easy – you can support family members to approach a local law centre or migrant support agency who may be able to give recommendations. Alternatively, you can contact national organisations including Coram Children's Legal Centre, Here for Good, Rights for Women for advice about local support (See details in further information).

Some high street solicitor firms charge high fees and may not be client- or family-centred. Others may tie families into their services with contracts which state documents will only be handed over on receipt of full payment of fees (see templates section for an example letter to address this). Social workers can support families to get a second opinion on information and poor practice can be referred to solicitors' regulatory body.

In contrast to family law, there is no reason why social workers should avoid contact with the family's solicitor- don't worry about communicating with them about the advice provided to the family, how you can support any applications or to address problems.

Where there are concerns around abusive or controlling behaviour from a partner, ensure survivors are referred for immigration advice independent of the partner to discuss their rights with regards to remaining in the country, rights to care for the children and rights within the relationship. This advice is separate to legal advice that may be provided about criminal justice, family or other law. If a family member has several legal advisors, try to ensure they are in communication and working with one another.

Assessing families where NRPF is main presenting need

Destitution arising from a family's immigration circumstances is a safeguarding issue and should be taken seriously. The impact of destitution on a child's health and welfare can be detrimental both in the short and the long term. It is important to undertake a full Child in Need assessment even when a family's main presenting need is that they are excluded from mainstream welfare support.

Where NRPF is the main presenting issue, families should be informed of the assessment process, expectations and possible outcomes from the outset. This information should be communicated clearly, both orally and in writing, though social workers should not assume levels of literacy or English language. Families are likely to be in the midst of crisis when they present to the local authority, so social workers should take time to communicate the process and ensure understanding.
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Possible outcomes would include:

- The local authority provides subsistence and/or accommodation support
- The local authority concludes that the family is eligible for support on a short-term basis while they take steps to return to their country of origin (it is important to explain that this decision will only be reached if there are no barriers to return)
- The local authority concludes that the family is not

eligible for support due to having alternative sources of support upon which they can rely

It is good practice to provide families with information about advocacy and advice services that may be able to support them throughout the assessment process or provide advice on challenging decisions where appropriate.

Once the assessment is completed, a copy should always be provided to the family, and if needed, translated. It is important to go through the assessment together with the family to make sure they understand the local authority's decision. If the conclusion of the assessment is not to provide support, social workers should explain that families may seek legal advice and direct them to appropriate services or solicitors

Accommodation

Many families with NRPF end up 'sofa-surfing' with friends or acquaintances in cramped and overcrowded conditions, and their lack of tenancy rights means that they are at risk of homelessness at any given moment and are often exploited.

During the assessment, a family's housing situation should be explored. Consideration should be given to both whether a family has access to accommodation and whether that accommodation is suitable. It is important to bear in mind that migrant families will often be fearful of detention and deportation, which is likely to make them less inclined to trust authority figures or representatives of the state, such as social workers. In some cases, friends and acquaintances supporting families will be reluctant to provide confirmation of support to the Council and may refuse to have contact with the local authority altogether. This may mean that families struggle to provide evidence of their circumstances. These factors should be taken into consideration during the assessment in a sensitive way.

Right to Rent

KEY LEGISLATION: Immigration Act 2014 and 2016

If a person is undocumented, they are unable to legally rent a property (Immigration Act 2014). The 'Right to Rent' regulations currently mean that it is a crime for a landlord to rent a property to a person who does not have a legal right to rent in the UK. More often than not, this means that families without the right to rent are forced to rent unsafe or unsuitable accommodation from unscrupulous landlords who are more likely to exploit their precarious situation.

The Immigration Act 2016 introduced a 'fast track' eviction process where all of the occupiers under a tenancy or licence have no right to rent. This process can only be used after the Home Office has given a disqualification notice to the landlord which states that the occupier(s) has/have no right to rent. This notice converts the occupier(s) status to that of an excluded occupier and allows the landlord to end the agreement by serving a minimum of 28 days' notice, on a prescribed form. At the end of the notice, the landlord can evict the occupier without a court order and without applying to the court for bailiffs to enforce possession but must do so lawfully and peaceably.

For further information, see Shelter's guidance: *https://england.shelter.org.uk/legal/housing_options/private_rented_accommodation/right_to_rent_immigration_checks*

Eviction procedures

Assured shorthold tenants

Families with NRPF may have an assured shorthold tenancy if they rent from a private landlord or letting agent. In many cases, families will be unable to afford the cost of rent and will fall into arrears, which in turn leads their landlords to evict them.

In order to evict someone from an assured shorthold tenancy, landlords must follow eviction procedures unless the person agrees to leave. They must give valid notice (under section 8 or section 21) and apply to a court for a possession order if the tenant stays past the date given on the notice. If a tenant doesn't leave by the date set out in the possession order, the landlord can apply to the court for bailiffs to evict them. The tenant(s) will have to leave when the court bailiffs comes to evict them.

However, in some cases a landlord may bypass requesting the county court to issue a warrant of possession and apply to transfer the order to the High Court for enforcement by a High Court Enforcement Officer. This is usually quicker than the county court bailiffs and execution of a writ of possession by a HCEO can happen just a few days after the expiry of the notice of the landlord's application for permission to the High Court. There is no requirement on a HCEO to notify tenants in advance of their visit.

Excluded occupiers

Where a person lives with their landlord and shares a kitchen, bathroom or other living space with them, or where they live in accommodation rent free, they will be classified as an 'excluded occupier'. This means that their landlord can evict them without going to court. If they have a fixed term agreement, they can stay

until the end date unless the contract states that the landlord can end it early. However, the landlord can give them notice to leave at any time if they have a rolling agreement or if they have no written agreement. Families with NRPF will often have no written agreement with their landlord. In such cases, the landlord only needs to give them reasonable notice. Reasonable notice can be short and doesn't need to be given in writing. The landlord can insist that a person leaves at the end of the notice, and if they do not leave, they can evict them peaceably (e.g. changing the locks while they are out).

Illegal evictions

Families with NRPF may experience the following issues with their landlords:

- Harassment or threats
- Attempts to forcibly remove them from the property
- Changing the locks while they are out
- Restricting access to facilities or rooms within the property

These actions count as 'illegal eviction', which is a criminal offence. Landlords must follow the correct legal steps in order to evict someone.

Where families encounter these issues, social workers should support them to contact the police and/or refer them to organisations that are able to provide advice and support (e.g. Shelter).

Financial circumstances

Financial assessments can be intrusive, tiring, and humiliating for families. Social workers should proactively support parents to provide any information that is needed and be understanding where information cannot be obtained. Assessments should be sensitive to the fact that migrants with insecure status are likely to be fearful of detention and deportation, which may make them less inclined to trust authority figures or representatives of the state, such as social workers. In many cases, families may be reluctant or afraid to say how much financial support they need. Social workers should endeavour to put families at ease in this respect.

In many cases, people with NRPF will have access to bank accounts. However, in some situations this will not be the case, particularly for those who are undocumented. The Immigration Act 2014 prohibits undocumented migrants from opening new bank accounts, and undocumented families may therefore find it harder to evidence their financial need.

It is also important to bear in mind that it can be often be difficult for people without any identification to obtain bank statements for accounts in their name. In some cases, local authorities will need to provide a form of ID or help to liaise with banks. Obtaining confirmation that old accounts are dormant or closed can also be hard, so social workers will need to be flexible about evidential requirements.

There are various reasons why families may struggle to explain or account for activity on their accounts. It may be that the transactions were made a long time ago and cannot be remembered or that parents are worried about disclosing information out of fear of the repercussions for themselves or others. For example, if a parent without the right to work in the UK has been working informally they may be concerned that the local authority would communicate this information to the Home Office. In other cases a fear of disclosing information could be because there may be other people using their bank account. It can be particularly difficult to evidence the latter as the other people using the account are unlikely to be willing to make that known to a local authority.

It is not unusual for families to have spent long periods of time destitute, but it is unreasonable to expect families to be able to evidence how they have survived since they came to the UK if they have been in the country for a long time. Social workers should focus on the family's current circumstances and any recent sources of support. It may be possible for parents to obtain letters from supporting networks confirming what financial support has been provided in the past and whether the support can continue or has come to an end. However, some people may be concerned about providing such statements or letters for fear of negative consequences.

It is important to be sensitive to the fact that parents may be fearful or ashamed of disclosing how they have survived financially. Social workers should not draw negative inferences from the failure to provide information, but should seek to sensitively explore barriers families may be facing to provide any evidence and work to build relationships of trust.

Families with leave to remain

If a family has temporary leave to remain in the UK from the Home Office, they will have the right to work in the UK, but in most cases will still have the NRPF restriction, then they can still be at great risk of destitution. A single parent, for example, will find it nearly impossible to earn a sufficient income to cover rent, food, and childcare costs, particularly in more expensive areas such as London. Depending on the type of work available to them, even a couple might struggle to be able to

provide for their children. This financial instability places NRPF families at higher risk of exploitation, of turning to begging to support themselves, or of returning to unsafe situations (such as abusive relationships) in order to survive.

Direct work with migrant children

As with any social work assessment under section 17 of the Children Act 1989, all aspects of the common assessment framework should be addressed. Direct work with children and young people is a way to gather information about a child's experiences and of seeking their thoughts, wishes and feelings. In addition to gathering children's views in relation to other safeguarding issues, immigration status and how this impacts a family's life should be explored with children and young people.

Before conducting direct work with children, it can be helpful to find out what aspects of the family's immigration status have been shared with the child, what children are already aware of and what language is used to talk about this issue. When speaking with children, make sure you introduce yourself and explain the social work role in the context of immigration: be proactive in addressing concerns that the child might be 'taken away': bear in mind that section 17 powers have been misused to threaten families with NRPF that only their children can be accommodated: in this context, it can be helpful to assure all family members this will not be the case. It can be also be useful to find out what the child has been told about your visit/ your role by their parents and to ask if the child has any questions.

Immigration, the role of the Home Office and the local authority can be complicated to speak with children about, but it should nevertheless be addressed with children. Avoid using jargon which is not easily understood by children like 'Home Office' or 'immigration status' and describe specifically what you mean.

This needs to be carried out in an age appropriate manner: older children and young people are likely to have a more developed understanding of their family's situation and the impact of immigration status on their life. Social workers should:

- Work in genuine partnership, and seek parental consent
- Often children are overly 'investigated' so it is best to avoid over intrusion when not needed. Ensure that the information you are gathering is relevant to the assessment and to safeguarding the child's welfare and not a 'fishing expedition'
- Explore home life and parents' work/finances- what is the child's understanding of this and what does it mean for the child that things work this way?

TALKING TO CHILDREN WITH NRPF:

Example immigration questions:

- What do you understand about immigration.
- Does everybody in your family have passports?

Example housing questions:

- Who do you live with?
- Where does everybody sleep at night?
- What about life at home makes you happy or sad?

Example finance questions:

- Where do your parents get money from to look after the family?
- Is there anything you're not able to afford that you'd like?
- What would you want your parents to do differently if they had more money?

Interim support

In urgent cases local authorities can provide support to families on a 'without prejudice basis' pending the outcome of an assessment. Paragraph 83 of the Working Together to Safeguard Children guidance states that:

"Whatever the timescale for assessment, where particular needs are identified at any stage of the assessment, social workers should not wait until the assessment reaches a conclusion before commissioning services to support the child and their family. In some cases, the needs of the child will mean that a quick assessment will be required."

Social workers should be mindful of factors which might make this necessary, including asking

- Are the family currently homeless?
- If they are not homeless, are they likely to become homeless before the assessment is completed or is their current accommodation inadequate?
    - o Are there rent arrears? (If so, how much, and has any action been taken by the landlord)
    - o If in temporary accommodation, have they been asked to leave, and by when?
    - o Is there an eviction pending (if so when?)
- Do the family have a current source of income? (If not, when did they last have a regular income?)

In some cases this might necessitate completing an assessment more quickly, and in others it might be necessary to provide interim support, but it is important to be aware as soon as possible if this is likely to be necessary to prevent a crisis.

Provision of support

The assessment must have the child's best interests as the primary consideration. Although social services are not legally obliged to meet every need of every child, they must exercise their discretion lawfully. This means that any service-provision decision must follow a lawful assessment that considers the relevant needs of the child and the consequences of not providing services. Children's services must also act fairly, reasonably, within the limits of their statutory powers, and in accordance with human rights obligations.

5. NRPF specific practice

Good practice at a service level

Protocols, processes, policies

Developing an NRPF protocol is good practice as it allows staff to be clear about expectations on them by their agency and for families and their advocates to be clear about what they can expect from the service. This allows for clear and consistent thresholds, practice standards to be maintained and means that social workers without NRPF experience can provide the same service as NRPF social workers. Project 17 has a website with several template documents available.

Protocols should be clear, concise, and outline the most important aspects of practice, including the complaints procedure and details of migrant support agencies. NRPF specialist teams should consider working with other internal teams to ensure all service areas are clear about immigration issues and good practice in addressing these. This can include agreements between screening, assessment, and domestic abuse teams.

Staff training

Staff working with individuals with NRPF should have sufficient training in order to practice in a professional and anti-oppressive manner. The specific vulnerabilities of people who are subject to NRPF should be clearly understood, and social workers should have an up to date understanding of the legal context and rights and entitlements of people with NRPF.

Specialist training is available from a range of providers including (but not restricted to) the NRPF Network, Project 17, BASW and London Asylum Seeker Consortium. Where possible, training should address not only NRPF specific practice issues but also wider social work and immigration issues.

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Internal service level agreements

Families with NRPF can face a range of difficulties. These can be addressed individually by social workers working with each family, however at a service level it is worth considering how issues can be addressed on a systematic level.

Service level agreements with internal council services may support smooth transitions for everybody involved. The following are examples of internal service level agreements:

Local authority housing:

The Housing Directorate may be able to support Children's Social Care in sourcing suitable accommodation for families, reducing the need for subsequent moves for families after they move into mainstream welfare support. Establishing a referral process into housing once families have been granted recourse to public funds can be a way of avoiding crisis points around transition from one type of support to another.

Private sector housing:

Good cooperation with the local body for regulating private rentals can ensure risk assessments are completed in a timely manner, addressing issues with landlords. Timely support can mean that families do not face homelessness due to the unsuitability of their accommodation.

Council tax:

Some parents may have rented independently before being referred to Children's Social Care at a point of crisis. Families may be in a range of situations where they are unable to pay Council tax, perhaps they are facing eviction and cannot afford bills or are in receipt of subsistence which is not sufficient to cover the cost of bills. Council tax is a priority payment and debt advice often suggests families make payments to Council tax. Service level agreements between children's social care and Council tax teams can alleviate stress for families in rented accommodation who realistically face court action if payments are not kept up.

Agreements with external services to the local authority may also be helpful in addressing issues families face. These might include:

Banks:

After being granted recourse to public funds, families may struggle to provide proof of address and other identity documents needed to start many bureaucratic processes including opening bank accounts. Banks require additional confirmation of address due to laundering rules. Agreements with local bank managers can make it substantially easier for families to open their first bank account

while they are in the process of establishing an independent life.

Migrant Support Agencies:

Open and trusting relationships between Children's Social Care and migrant support agencies can directly contribute to improved outcomes for families, and third sector specialist support agencies often have expertise in immigration law and advice which can be invaluable in supporting families out of destitution. Learning from Serious Case Reviews indicate that practitioners should be aware of the migrant support agencies in their area and involve them in care planning and support. Actions such as agreeing referral routes, regular meetings and addressing any issues and difficulties as they arise can avoid unnecessary conflict, and improve outcomes for children and families. Local authorities should consider allowing third sector advocates into assessment meetings when requested by families, in order to help support them through the process, as recommended by the Local Government Ombudsman (See page 15)

NRPF Network:

Staff at the NRPF Network are available to provide training, facilitate Home Office checks and can provide advice and guidance for difficult cases. The Network manages regional meetings to meet other local authority staff in the region and are a forum for feeding back issues to the Home Office and to gather information nationally about the landscape nationally.

Neighbouring local authorities:

Developing relationships with NRPF team members and management in neighbouring local authorities can be helpful in ensuring families who live across boroughs are supported correctly. Where families are referred unnecessarily by another local authority, consideration can also be given to escalating cases with internal senior management for the case to be raised with their counterpart in the second local authority.

Immigration advisors/law centres:

Consideration can be given to establishing a relationship with law centres or other immigration advice providers in order that families receiving section 17 support will also be referred for advice in order to progress their immigration situation with the Home Office. Contracting the services of a trusted advisor for several days per week can have a swift and positive impact on the number of NRPF cases held by the team.

This list is not exhaustive and different areas are likely to face different issues at different points in time. The purpose of these suggestions is to explore how NRPF teams can support families by addressing systemic difficulties faced by the community.

Pathways to mainstream welfare

Regularising immigration status

For those people who are subject to the NRPF rule because they are undocumented, regularising their immigration status might be the most viable route to both mainstream social security rights, and the right to paid employment. Social workers should support families to regularise their immigration status. However, it is important for social workers not to attempt to give immigration advice themselves, as it is illegal for anyone not accredited by the OISC or LSC to give immigration advice. Where families have not already received immigration advice, they should be signposted to services that can offer free immigration advice and assistance.

It is likely that evidence from social services can be used to support applications made by families. For example, if a family is applying for a fee waiver, they will need a letter from the local authority confirming that the family is destitute and detailing the support being provided. This should be offered to families and their representatives where requested.

There are a number of routes that may be available to families to regularise their immigration status. In many cases, families are likely to be making applications on the basis of their Article 8 rights (rights to family and private life in the UK). It is important not to make assumptions about a family's immigration prospects and to wait until they receive immigration advice.

In other cases, where a family have a well-founded fear of persecution in their country of origin, they may make a claim for asylum, and if they are destitute could become eligible for asylum support, which can impact their entitlement to local authority support (see p.28 for more information on Asylum Support).

It can take a long time for a person to regularise their immigration status, in some cases, several years. This may be due to Home Office delays, lack of legal aid for immigration cases, limited access to free immigration advice and representation, difficulties obtaining supporting evidence, high rates of refusals from the Home Office requiring appeals, and/or the complex nature of cases. These factors are beyond a family's control. Sometimes families may have received poor

quality immigration advice and representation in the past, which can make their cases more complex and lead to additional delays. It is therefore important not to pressure families in this respect and to allow them time and support to access good quality advice.

Change of conditions

For families with 'Limited Leave to Remain' with NRPF, it may be possible to make a 'Change of Conditions' application to the Home Office. This application involves a request to lift the NRPF condition on their leave. It is important that families receive immigration advice before making this application as in some cases it can have an impact on their leave. Social workers should not assist with or make these applications on behalf of families as they are not qualified to do so, and families should be supported to access an OISC registered immigration advisor if necessary.

Change of conditions applications are complex and require a significant amount of evidence. In some cases, families may feel confident and able to make these applications themselves, and there is guidance for individuals that can be accessed from Project 17. However, in many cases, families will need support to make these applications. As there is no legal aid for these applications, it is very difficult to access assistance with these applications and families may spend long periods on waiting lists.

If families are receiving section 17 support, it is important that they have a letter confirming this for a Change of Conditions application. It is best to speak to them or their legal representative to understand what information the letter should contain.

Transition to mainstream support

If a family is granted leave to remain with recourse to public funds, or makes a successful change of conditions application, they will become eligible for mainstream welfare benefits and housing assistance. However, it is important not to terminate support straight away as the transition from section 17 support to benefits and social housing can be slow. Parents will need to have received their Biometric Residence Permit before they can apply for mainstream support. In addition, some parents may not already have a National Insurance Number, however, DWP guidance states that those without a National Insurance Number should not delay their application, but should apply for Universal Credit without one, which will initiate the process: "Once the conditions of entitlement to Universal Credit are established, an application for a NI number will be prioritised by the Department for Work and Pensions (DWP)."

In all cases, families will have to wait for their Universal Credit applications to be processed. Social workers should ensure that families are not without support or accommodation and that section 17 support is only terminated at the point at which families are in receipt of Universal Credit and able to access alternative accommodation (e.g. from the Housing department). In some instances, it may be helpful for social workers to liaise with other departments in the local authority (e.g. Housing) to make sure that families are offered suitable accommodation in a timely way.

CASE STUDY

You have received a referral for Dacia, a woman from Jamaica who has an 8 year old son and an 18 month old daughter, both of whom were born in the UK. She came to the UK 11 years ago on a visa, and became destitute after leaving an abusive relationship in the UK. The visa was in the partner's name and has since expired. Since leaving the children's father 3 weeks ago, the family have been moving around, staying a night at a time sleeping on floors in friend's houses, and last night slept on the night bus. She has nowhere to sleep tonight. She has no income, and whenever she has been able to get cash, has spent it on food for the children. She hasn't eaten in 2 days, but her children last ate this morning.

Reflection

Q. What are the key issues here?
Q. How could you work in an anti-oppressive way with the family?
Q. What powers do children's services have to support the family?
Q. What other agencies could help?
Q. What are the relevant PCF domains and Social Work England professional standards?

Frequently asked Questions

Q. Is section 17 of the Children Act 1989 a public fund?

Support provided under section 17 of the Children Act 1989 is not a public fund.

There is a definitive list of 'public funds' for immigration purposes in paragraph 6 of the Immigration Rules, although there are some exceptions. For more information on what is a public fund and what exceptions apply, see the NRPF Network website.

Q. Do I need to notify the Home Office ?

Some adults are excluded from accessing support under section 17 because of their immigration status, unless the situation is so serious that a failure to provide support would breach human rights.
(see discussion on Schedule 3 on page 21)

This duty only permits the local authority to notify the Home Office that a person is in their area. It does not permit further information sharing with the Home Office (e.g. personal information about the family's circumstances).

Individuals with limited leave to remain are not excluded under schedule 3, so there is no duty in such cases for the local authority to notify the Home Office.

CASE STUDY REFLECTION:
An undocumented mother and her six-month baby are facing homelessness. During the assessment, the social worker realises that the mother was not charged for the NHS care she received when the child was born, even though technically the mother was chargeable. The social worker tells the mother that she should have been charged and that she's going to contact the hospital so that they can send her a bill. She calls the hospital repeatedly to tell them to charge the mother for the care she received.

In this case, the social worker did not need to share information about the mother's immigration status with the hospital. There was no duty to do so and it could be argued that the information sharing was unlawful. It is important to always question:

- What is the purpose of the information sharing?
- Does it support the family's needs? Is it in the child's best interests?
- Under what legal basis is the information being shared?

Q. Do they really 'deserve' support?

Ideas about 'deservingness' are problematic and oppressive. Registered Social Workers should follow the professional standards of Social Work England to 'Respect and promote the human rights, views, wishes and feelings of the people I work with, balancing rights and risks and enabling access to advice, advocacy, support and services.' (1.2); 'Recognise differences across diverse communities and challenge the impact of disadvantage and discrimination on people and their families and communities.' (1.5); and 'Promote social justice, helping to confront and resolve issues of inequality and inclusion.' (1.6)

It's important to take a rights-based, non-judgmental approach to working with families with NRPF. Just because a person has NRPF does not mean they do not have rights. Whether or not a person is in need of support does not depend on their immigration status. Although immigration status can be a factor in terms of entitlement to support, a person's immigration status does not make them 'undeserving' of support.

Think about the language you use when you talk about families with NRPF. It is oppressive and discriminatory to use the terms 'illegal' or 'overstayer'. We suggest instead using the terms 'undocumented' or 'irregularised'.

Q. Can support be provided before the end of the assessment?

Where support is urgently required, local authorities can provide interim support on a 'without prejudice basis' pending the outcome of the assessment. This could take the form of accommodation, financial support or any other support that is needed. If needs are identified during the assessment, social workers should not wait until the assessment reaches a conclusion before commissioning services to support the child and their family.

Q. Can the offer of support be made to the child alone?

If a family are requesting to be accommodated together and there are no safeguarding concerns beyond the destitution the parents/carers are seeking support for, it is likely to be unlawful to offer to support the child only. It is also very unlikely to be in the child's best interests. Section 17 requires local authorities to support children being brought up within their own families, as long as that is consistent with their other duties to protect children and promote their welfare.

Glossary

Biometric Residence permit – A credit card sized permit issued by the UK government which is used for identification. It includes biometric information about the card holder including photograph and fingerprints, and information about the holder's immigration status. Crucially, it will include the holder's NRPF status.

Entry Clearance – This is the permission from the UK government for a non-UK national to enter the UK. In most cases, visitors will need to apply for entry clearance before arriving in the UK.

NICE – The National Institute for Health and Care Excellence is an Executive non-departmental body of the Department of Health and Social Care. It publishes guidance relating to health and care services in England and Wales, including for social care services and users.

OISC – The Office of the Immigration Services Commissioner (OISC) is the regulator of Immigration Advisors in the UK. It is illegal to give immigration advice if not regulated by the OISC or another relevant authority. Immigration Advisors can be regulated at level 1 for initial advice, level 2 for casework, or level 3 for advocacy and representation.

SCA – The SCA is the Single Competent Authority within the Home Office who make decisions on referrals through the National Referral Mechanism about whether there are reasonable grounds to think that a person is a victim of trafficking.

SCIE – The Social Care Institute for Excellence is a charitable body which shares good practice in social work and social care across the UK. It was originally set up in 2001 by the national institute for social work (NISW) the Department of Health (DoH) and the Welsh assembly.

SRA – The Solicitors Regulation Authority regulates Solicitors in England and Wales.

Undocumented/Irregular migrant – People who are undocumented or have an irregular status are those who do not have government permission to stay in the UK. This is usually because they have overstayed the length of their visa, but sometimes a person may have entered the UK clandestinely. All undocumented migrants will have NRPF.

Templates

Thresholds for support

People with NRPF do not easily fit within existing thresholds for support. Destitute families are usually classed as children in need, but due to their lack of access to the social safety net, may be more at risk, and be much higher need than other children supported under Section 17 of the Children Act 1989. This threshold tool offers examples of where different situations might fall within the four levels of need.

Level of need	Explanation	Response	Example scenario
Level 1 – Restricted Universal	Children in this category of need will have no additional health and developmental needs beyond those which can be met by universal services. It is important to remember that unlike other children, children with NRPF will not be able to access some universal support. E.g. child benefit, or child tax credit. They will however be eligible to access services such as compulsory age education. Most children with NRPF are likely to fall within this category and will be able to have their needs met by the universal services which they are entitled to. They may have some low level vulnerabilities and emerging needs relating to their NRPF status.	No involvement for these children is required from targeted early help or statutory social work services. However, due to the specific vulnerabilities of people with NRPF access to universal services is not guaranteed, and practitioners should be mindful of the chilling effect of restrictions, where an overzealous application of the rule might lead to services being restricted	A family on a current tier 4 work visa with a NRPF condition attached. The parents have the right to work in the UK, and have a regular income, live in adequate accommodation with no rent arrears, and are not known to children's services. The child is attending school, but the family are not eligible for universal credit if a parent loses their job.

Level of need	Explanation	Response	Example scenario
Level 2 – Early help	Children who have some additional needs relating to their NRPF status, which might make them vulnerable to not achieving good health and wellbeing outcomes. Children in this level of need may benefit from additional support through NOREAM or via a multi-agency network including specialist third sector migrant support agencies and/or immigration advice to work alongside their parents/carers.	A coordinated plan of support for these children should be delivered by universal services, or specialist NRPF early help projects such as NOREAM. Support should take a 'Team Around the Child' approach, and support should be provided with the families consent in partnership with parents/carers.	A family who are in rent arrears, and need help with school uniform costs. The family have discretionary leave to remain, but this expires in 9 months. One parent has a job as a cleaner but has a zero hours contract, and over recent weeks the hours have been low. The other parent is unemployed
Level of need	**Explanation**	**Response**	**Example scenario**
Level 3 – complex	Children who are in need, and require specialist support to promote their safety and welfare and to prevent them from experiencing harm. This might include destitution or imminent risk of destitution.	A social work child in need assessment will explore the risk of harm for these children, alongside their parents/carers and professional networks. A longer-term multi-agency plan of support, coordinated by a social worker, may be offered under a Child in Need Plan. This might include support such as accommodation and subsistence support to prevent destitution, and/or referral for immigration advice to regularise status or submit a change of conditions application.	A mother and a child where the child was born in the UK but is not registered as British. The mother came to the UK on a visa, but the visa has now expired and there is not current application pending with the Home Office. The family have no regular income, and are facing imminent eviction from their accommodation due to rent arrears.
Level of need	**Explanation**	**Response**	**Example scenario**
Level 4 – Acute risk of harm	Children who require specialist support to promote their safety and welfare and to prevent them from experiencing harm in addition to needs such as destitution resulting from NRPF status. This might include child protection or disability	A coordinated multi-agency response to reduce the risk of harm. This could be through Section 47 child protection procedures or via specialist health services including inpatient mental health provision	A Mother with two dependent children is undocumented, with no right to paid employment. The children have been found to be stealing food from other children at school, and appear to be malnourished. When asked where they are living, they say they have been homeless, but were recently taken in by a man they met at a bus stop. They say they are scared of this man, and a teacher notices bruising on one child's arm.

Ecological model of food security for families with NRPF

There are many different influences on food poverty for families with NRPF. This model assists social workers to identify some of the risks and protective factors, and how they are likely to operate on an intrapersonal, interpersonal, institutional, community and public policy level.

Intrapersonal

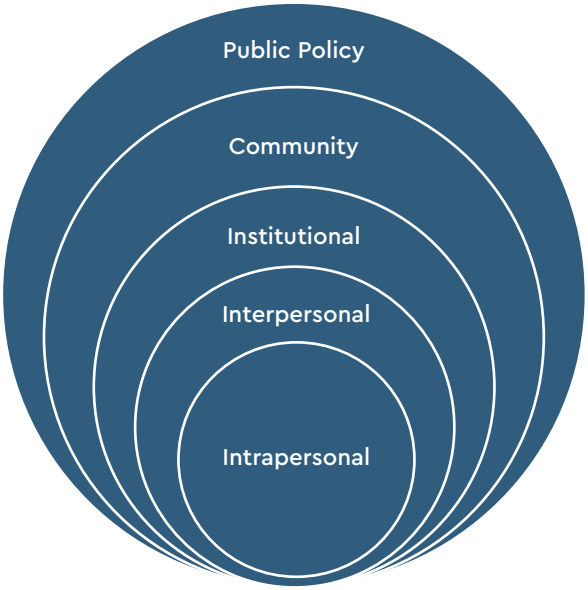
- Physical and mental health.
- Attitude (Self-concept)
- Budgeting skills
- Children's food preferences.
- Knowledge of healthy eating.
- Cooking skills
- Individual prejudice or skill of social workers

Interpersonal

- Other family commitments.
- Personal network size
- Transactional sexual relationships
- Family in UK
- Access to ethnic or religious community
- History of domestic violence

Institutional

- Access to healthcare
- Section 17 support rates
- Relocation out of city
- Cost of rent
- Cost of school meals
- School uniform costs
- Access to foodbank
- Availability of immigration advice
- Eviction from housing



Community

- Availability of informal work
- Existence of support and advocacy organisations
- Adequacy of housing
- Length of time without regular income
- Distance from food shops
- Choice of food shops (Supermarkets, convenience stores, takeaways).
- Support from official agencies

Public policy

- Narrative of undeserving poor
- NRPF rule
- Hostile environment
- Lack of right to work
- 'robust front door' local authority gatekeeping
- Gender inequality
- Citizenship

Subject access request template

Being able to access personal information held by other organisations can be vital in helping families to gather evidence for an application for leave to remain in the UK, or when changing solicitor or immigration advisor. This template can be sent to any organisation to request access to this data.

[Full name]

[Address]

[Telephone/email]

[Date]

[Name & Address of Organisation holding data]

To whom it may concern,
Subject access request

Please supply the personal data you hold about me, which I am entitled to receive under data protection law within one calendar month of this letter.

Please supply the information in electronic form/in printed format [delete as appropriate]

If you do not normally deal with these requests, please pass this letter to your data protection officer or relevant staff member.

Please let me know as soon as possible if you need any additional information from me.

Yours faithfully
[Signature]

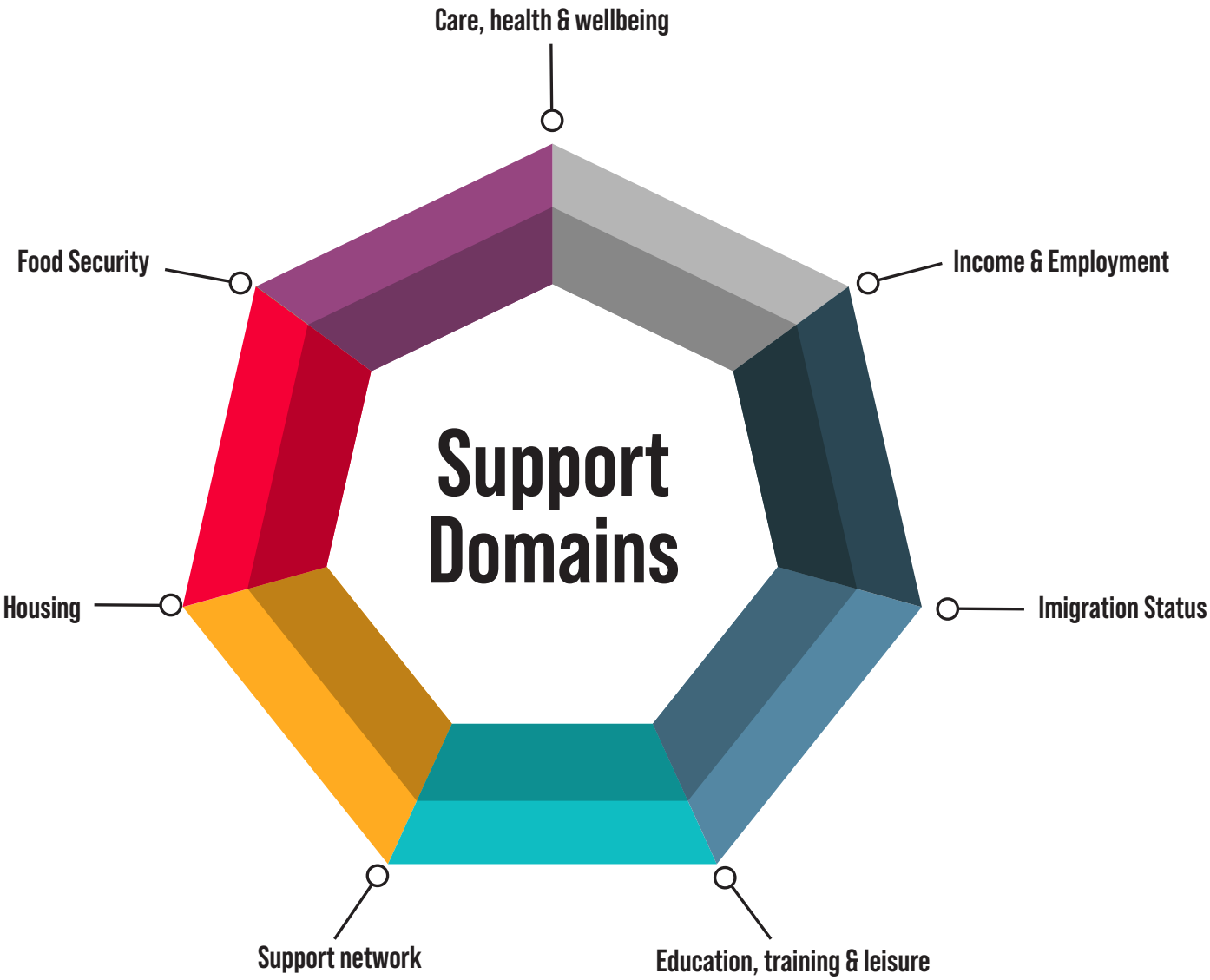
Hunger vital sign screener

The Hunger Vital Sign™ identifies households as being at risk for food insecurity if they answer that either or both of the following two statements is 'often true' or 'sometimes true' (vs. 'never true'). It can be used as a quick screening tool to identify if destitute families are in need of emergency food aid.

Statement	True	False
" Within the past 12 months we worried whether our food would run out before we got money to buy more."	☐	☐
" Within the past 12 months the food we bought just didn't last and we didn't have money to get more."	☐	☐

NOREAM Support Domains

The No Recourse Early Action Model (NOREAM) is an approach which applies the principles of early help to support for families with NRPF. The aim is to prevent destitution by identifying strengths and risk factors, and intervening before families become destitute. The seven support domains below can be used with families to identify areas where more support is needed to reduce the risk of becoming destitute.



Further Resources

Articles about social work and NRPF

Dickson, E. (2018) Not seen not heard. London: Project 17. Available at: https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf

Dickson, E., & Rosen, R. (2021). 'Punishing those who do the wrong thing': Enforcing destitution and debt through the UK's family migration rules. Critical Social Policy, 41(4), 545–565.

Farmer, N. (2020). "I Never Felt like an Illegal Immigrant Until Social Work Turned up at the Hospital": No Recourse to Public Funds as Necropolitical Exception. The British Journal of Social Work. doi:10.1093/bjsw/bcaa151

Farmer, N. J. (2017). "No Recourse to Public Funds", insecure immigration status and destitution: the role of social work? Critical and Radical Social Work, 5(3), 357–367. doi:10.1332/204986017×15029697778471

Harris, D., Mansuri, N. & Stringer, A. (2019) Social Work with No Recourse to Public Funds 'NRPF' Challenges and Dilemmas. BASW. Available at: https://www.basw.co.uk/system/files/resources/BASW%20AGM%20NRPF%20Presentation%2013%20%206%2019.pdf

Hermansson, L. et al., 2020. Firewalls: A necessary tool to enable social rights for undocumented migrants in social work. International Social Work, p.002087282092445. Available at: http://dx.doi.org/10.1177/0020872820924454.

Hines, Z., & Leishman, E. (2022). No Knowledge of 'Public Funds'? An Investigation into Social Work Practitioners' Confidence and Knowledge When Working with Adults with 'No Recourse to Public Funds'. British Journal of Social Work. https://doi.org/10.1093/bjsw/bcac108

Humphries, B., 2004. An Unacceptable Role for Social Work: Implementing Immigration Policy. British Journal of Social Work, 34(1), pp.93–107. Available at: http://dx.doi.org/10.1093/bjsw/bch007.

Jolly, A., & Lind, J. (2021). Firewalls as a resource for resistance: separating border policing from social service provision in Sweden and the UK. Nordic Social Work Research, 11(2), 183–196. doi:10.1080/2156857x.2020.1862898

Jolly, A. (2018). No Recourse to Social Work? Statutory Neglect, Social Exclusion and Undocumented Migrant Families in the UK. Social Inclusion, 6(3), 190–200. http://dx.doi.org/10.17645/si.v6i3.1486

Jolly, A. (2017). 'You Just Have to Work with What You've Got' Practitioner Research with Precarious Migrant Families. Practice, 30(2), 99–116. doi:10.1080/09503153.2017.1385756

Jonsson, J.H., 2014. Local Reactions to Global Problems: Undocumented Immigrants and Social Work. British Journal of Social Work, 44(suppl 1), pp.i35–i52. Available at: http://dx.doi.org/10.1093/bjsw/bcu042.

Kerr, C., & Watts, N. (2022). Against a bitter tide: How a small UK charity operationalises dissent to challenge the "hostile environment" for migrant children and families. Aotearoa New Zealand Social Work, 34(3), 61–73.

Križ, K. et al., 2012. Fear management: How child protection workers engage with non-citizen immigrant families. Children and Youth Services Review, 34(1), pp.316–323. Available at: http://dx.doi.org/10.1016/j.childyouth.2011.11.001.

Maternity Action (2019) Information-sharing between the NHS and Home Office in England. Available at: https://maternityaction.org.uk/advice/information-sharing-between-the-home-office-and-the-nhs/

Perry, K. (2018) Serious Case Review: Child G. Wolverhampton Safeguarding Children Board. Available at: https://www.wolverhamptonsafeguarding.org.uk/images/safeguarding-children/SCR-Child-G-Published-Jan-18.pdf

Pinter et al. (2019) A Lifeline for All. London: Children's Society. Available at: https://www.childrenssociety.org.uk/sites/default/files/2020-10/a-lifeline-for-all-summary.pdf

Price, J. and Spencer, S. (2015) Safeguarding Children from Destitution: Local Authority Responses to families with 'No Recourse to Public Funds Oxford: COMPAS. Available at: https://www.compas.ox.ac.uk/wp-content/uploads/PR-2015-No_Recourse_Public_Funds_LAs.pdf

Singh, J., Dickson, E. & Richmond-Bishop, I. (2019) "Sometimes My Belly Will Just Hurt: No Recourse to Public Funds And The Right To Food. CAWR, Project 17 & Sustain. Available at: https://issuu.com/covunicawr/docs/food_poverty_and_nrpf_briefing_1_

Smith, F. (2018) Serious Case Review 'Ellie'. Medway Safeguarding Children Board. Available at: https://www.medway.gov.uk/mscb/downloads/file/163/2018-serious-case-review—ellie-overview-report

Voolma, H., 2018. "I Must Be Silent Because of Residency": Barriers to Escaping Domestic Violence in the Context of Insecure Immigration Status in England and Sweden. Violence against Women, 24(15), pp.1830-1850.

Woolley, A. (2019) Access Denied: The cost of the 'no recourse to public funds' policy. London: Unity Project. Available at: https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d021ada54e8ee00013fe5b9/1560419116745/Access+Denied+-+V12+%281%29.pdf

Devolved administrations

Scottish Government (2021) Ending destitution together: strategy
https://www.gov.scot/publications/ending-destitution-together/documents/

Welsh Government (2022) No recourse to public funds (NRPF): guidance
https://gov.wales/no-recourse-public-funds-nrpf-guidance

Northern Ireland Commissioner for Children and Young People (2021) 'A Hostile Environment – children and families affected by immigration status and No Recourse to Public Funds'
https://www.niccy.org/media/3953/niccy-nrpf-paper-final-7-october-2021.pdf

Web resources

ASIRT –
https://asirt.org.uk/

Asylum Support Appeals Project –
https://www.asaproject.org/

CORAM CLC Migrant Children's Project –
https://www.childrenslegalcentre.com/about-us/what-we-do/migrant-childrens-project/

NACCOM –
https://naccom.org.uk/

NOREAM –
https://www.noream.org/blog

NRPF Network –
https://nrpfnetwork.org.uk/

Project 17 –
https://www.project17.org.uk/

RAMFEL –
http://www.ramfel.org.uk/index.html

Social Workers without Borders –
https://www.socialworkerswithoutborders.org/

Unity Project –
https://www.unity-project.org.uk/

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References

https://www.mirror.co.uk/news/world-news/mum-toddler-who-starved-death-8797797?source=post_page-

Smith, F. (2018) Serious Case Review 'Ellie'. Medway Safeguarding Children Board. Available at: https://www.medway.gov.uk/mscb/downloads/file/163/2018-serious-case-review—ellie-overview-report

Smith, C., O'Reilly, P. Rumpel, R. & White, R. (2021) How do I survive now? The impact of living with no recourse to public funds. London: Citizens Advice

Jolly, Thomas & Stanyer (2020) Children and young people in London who are not British Citizens: A Profile London: GLA

Threipland, C. (2015) 'A Place To Call Home – A Report into the Standard of Accommodation provided to Children in Need in London'. London: HCLC/Hackney Migrant Centre

O'Connell, R., Knight, A. and Brannen, J. (2019) Living hand to mouth: Children and food in low-income families. London: Child Poverty Action Group

Jolly, A. (2018) What do World Hunger Day, immigration control and a former national airline have in common? Birmingham: University of Birmingham.

Sosenko, F., Littlewood, M. Bramley, G. Fitzpatrick, S., Blenkinsopp, J. and Wood, J. (2019) State of Hunger: A Study of poverty and food insecurity in the UK. London: Trussell Trust

J
olly, A. (2019). From the Windrush Generation to the 'Air Jamaica generation': local authority support for families with no recourse to public funds. Social Policy Review 31

Dexter, Z., Capron, L. and Gregg, L. (2016) Making life impossible: How the needs of destitute migrant children are going unmet, London: The Children's Society.

Jolly, A. (2019). From the Windrush Generation to the 'Air Jamaica generation': local authority support for families with no recourse to public funds. Social Policy Review 31

Lewis, H. Dwyer, P. Hodkinson, S. and Waite, L. (2015) Precarious Lives: Forced Labour, Exploitation and Asylum. Bristol: Policy Press

Thomas, S. Jolly, A. & Goodson, L. (2019) "It was like they cut off all my dreams": Emotional health and wellbeing of undocumented children in London. London: Barnados. Available at: https://www.barnardos.org.uk/research/it-was-they-cut-all-my-dreams-emotional-health-and-wellbeing-undocumented-children-london

Jolly, A. (2018). 'You Just Have to Work with What You've Got' Practitioner Research with Precarious Migrant Families. Practice, 30(2), 99–116.

Jolly, A. (2018). No recourse to social work? Statutory neglect, social exclusion and undocumented migrant families in the UK. Social Inclusion, 6(3), 190–200.

Thomas, S. and Jolly, A. (2019) "Leave the past and see the future": Emotional health and wellbeing of undocumented children in London. London: Barnados.

Dickson, E. (2019) Not seen, not heard: Children's experiences of the hostile environment London: Project 17

Thomas, S. Jolly, A. & Goodson, L. (2019) "It was like they cut off all my dreams": Emotional health and wellbeing of undocumented children in London. London: Barnados. Available at: https://www.barnardos.org.uk/research/it-was-they-cut-all-my-dreams-emotional-health-and-wellbeing-undocumented-children-london.

Sigona, N., & Hughes, V. (2012). No way out, no way in. Oxford: Centre on Migration, Policy and Society.

Department for Education (2022) Providing free school meals to families with no recourse to public funds (NRPF) https://www.gov.uk/government/publications/free-school-meals-guidance-for-schools-and-local-authorities/providing-free-school-meals-to-families-with-no-recourse-to-public-funds-nrpf

https://nrpfnetwork.org.uk/nrpf-connect

https://www.socialworkengland.org.uk/standards/professional-standards/

Barton, J. and Grierson, J. (2022) Immigration officers placed in 25 local authorities by Home Office, FoI reveals: Embedded officials can pass the details of undocumented people to immigration enforcement.

References

The Guardian. https://www.theguardian.com/uk-news/2022/may/01/immigration-officers-local-authorities-home-office-foi-embedded
https://www.socialworkengland.org.uk/standards/professional-standards/

London Child Protection Procedures (2020) Available at: https://www.londoncp.co.uk/

Kriz, K. and Skivenes, M., 2010. Lost in translation: How child welfare workers in Norway and England experience language difficulties when working with minority ethnic families. British Journal of Social Work, 40(5), pp.1353-1367.

Jolly, A., Thomas, S., & Stanyer, J. (2020). London's children and young people who are not British citizens. GLA. https://www.london.gov.uk/sites/default/files/final_londons_children_and_young_people_who_are_not_british_citizens.pdf

SCIE (2015) Good practice in social care for refugees and asylum seekers https://www.scie.org.uk/publications/guides/guide37-good-practice-in-social-care-with-refugees-and-asylum-seekers/background/legislation.asp

Anitha, S. (2010). No recourse, no support: State policy and practice towards South Asian women facing domestic violence in the UK. British Journal of Social Work, 40(2), 462–479.

Perry, K. (2018) Serious Case Review Child G. Wolverhampton Safeguarding Children Board Available at: https://www.wolverhamptonsafeguarding.org.uk/images/safeguarding-children/SCR-Child-G-Published-Jan-18.pdf

DWP (updated 2020) September 2019: Touchbase edition 137. Available at: September 2019: Touchbase edition 137 – GOV.UK (www.gov.uk)

Hager, E. R., Quigg, A. M., Black, M. M., Coleman, S. M., Heeren, T., Rose-Jacobs, R., Cook, J. T., Ettinger de Cuba, S. E., Casey, P. H., Chilton, M., Cutts, D. B., Meyers A. F., Frank, D. A. (2010). Development and Validity of a 2-Item Screen to Identify Families at Risk for Food Insecurity. Pediatrics, 126(1), 26–32. doi:10.1542/peds.2009–3146.