

Children's Social Care Newham Children and Young People's Services

**Policy and practice
guidance in respect of
those with no recourse to
public funds (NRPF)**

6 February 2015

Contents

1	Introduction
2	Legal Duties
3	Policy Statement
4	Practice Guidance
5	Eligibility, Assessment and Support
6	Reviewing and Ceasing

INTRODUCTION

- 1.1 There are, and will always exist in Newham, a small number of people who have no recourse to public funds (NRPF) and are destitute (herein referred to as “those with no recourse”). Whilst not all these people will approach the local authority for support there will inevitably be a significant proportion that do.
- 1.2 The London Borough of Newham (LBN) wishes to provide a lawful, robust, humane, fair and transparent response to those in need of services who cannot address those needs themselves or do so with the assistance of other persons or bodies and who cannot return to their country of origin in order to address those needs, and to those not barred from support. LBN recognises that many of these people are here against the wishes of the UK Border Agency (UKBA) and so will seek to work closely with the UKBA in resolving these cases. In some cases LBN may be barred from providing a service or limited in what services it can provide.
- 1.3 In assessing and supporting NRPF families, LBN will have appropriate regard to a number of significant expectations, namely:
- the need to ensure children are safe and provided with good enough standards of care:
 - the need to cooperate with other government agencies in a timely and transparent manner, and to act lawfully;
 - the need to ensure best value principles are adhered to, and that public resources/services are commissioned and discharged responsibly.
- 1.4 This policy document sets out the framework upon which assessments of eligibility and need should take place so as to allow correct, robust and legally sound decisions to be made in relation to what support is provided on a case by case basis. This document also makes clear where, within the authority, responsibility lies for these assessments and the support provided.
- 1.5 The legal and policy landscape relating to NRPF is regularly changing, and as such this policy will be reviewed and updated annually. However, LBN’s

practice will change according to legal developments as these arise and not await the yearly refresh of the protocol. This is not intended as a comprehensive statement of the law in this area. Practitioners are referred to the guidance issued, and regularly updated, by the No Recourse to Public Funds Network.

LEGAL DUTIES

2.1 Once it could be said that **nationality** or immigration status did not impact on a person's ability to secure services from the state. That is no longer the case.

2.1.1 Many will have no recourse to public funds, and such a marking may be made on their passport. Public funds include a range of benefits that are given to people on a low income, as well as housing support. These are:

- 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; and
- local authority homelessness assistance.

2.1.2 There are additional provisions in the Housing Act 1996 which prevent ineligible persons applying for housing under Part 6 or 7.

2.1.3 But thirdly, and perhaps most importantly, there are bars on provision of a range of services to defined classes of ineligible person under Schedule 3 of the Nationality Immigration and Asylum Act 2002. Those classes of person include those who have refugee status abroad, those who are nationals of other EEA states, failed asylum seekers and those unlawfully present in the UK.

Those persons are barred from services under the long list of provisions listed in paragraph 1 of that schedule. It includes services under, in particular, Part 3 of the National Assistance Act 1948, services to adults under listed sections of the Children Act 1989 and a number of other provisions including the Localism Act 2011.

- 2.1.4 Children and British nationals are not caught by the provisions.
- 2.1.5 If someone is caught by those provisions, no service may be provided to them save to the extent necessary to avoid a breach of human rights and rights under community treaties.
- 2.1.6 The Secretary of State (SOS) has a statutory duty to support most asylum seekers through the National Asylum Support Service (NASS). That obligation may continue until the children of the asylum seeker have reached the age of 18. However in some cases the duty falls on the local authority to provide support instead. A large proportion of those cases will be where the applicant is unlawfully present in the UK. The SOS does from time to time develop schemes of support for individuals who do not fall into these categories such as survivors of domestic abuse and individuals who have been subject to human trafficking.
- 2.2 Where other support or assistance may be available, in particular in the form of benefits, this support should be applied for. If the support is applied for but the application is unsuccessful, or the support is granted and later withdrawn, the expectation of LBN is that any review or appeal reasonably available is pursued by the applicant.
- 2.3 Where the local authority has a duty to support, the principal legislation for adults will either be the National Assistance Act 1948 or, the Mental Health Act 1983 (in particular section 117) and for children it will be the Children Act 1989. The Human Rights Act 1998 is also likely to apply for both adults and children.
- 2.4 When a person from abroad who is not a UK citizen claims support and appears to be in need of services, it is essential their immigration status is first

established in order to determine the eligibility for services from the local authority.

- 2.5 Assessments should then be undertaken by the relevant service, using the statutory criteria applicable to their status. In the case of a family, Newham Children's and Young People's Services (CYPS) should undertake the assessment as it is unlikely that a duty will be owed to the adults alone. If the Children's assessor believes that one or more of the adults may be owed a duty in their own right then they should be referred to Adult's Services (AS) for an assessment.

POLICY STATEMENT

3.1 GENERAL

- 3.1.1 LBN will strive to meet the needs of those with no recourse, within the framework of national legislation, national policy and the responsibilities of local authorities.
- 3.1.2 LBN will promote links and work collaboratively (as appropriate) with other local authorities, voluntary agencies and statutory bodies to ensure that those with no recourse are assessed, provided with appropriate support and, have their cases resolved in an appropriate manner.
- 3.1.4 LBN will ensure that all staff, responsible for assessing and/or supporting those with no recourse, are appropriately trained and capable and that their training remains suitably up to date. While assessments will be undertaken by or alongside a qualified social worker, LBN made decide that support packages can be delivered and reviewed by a professional with other qualifications.
- 3.1.5 The NRPF Panel, which meets fortnightly, will review and scrutinise NRPF cases to ensure that decisions are fair and in line with policy.
- 3.1.6 LBN will deliver services in a non-discriminatory and consistent manner taking into account race, ethnicity, culture, language, sexual orientation, disability and religion.

3.2 FAMILIES WITH DEPENDENT CHILDREN

- 3.2.1 It is unlikely that a local authority will be required to support an asylum seeking family or families that have been refused asylum, because of the extended definition of asylum seeker for asylum support. NASS may be obliged to accommodate the family until the youngest child reaches the age of 18. Local authorities cannot provide assistance in the form of essential living support and accommodation under Section 17 Children Act 1989 (CA) to a child where LBN

has reason to believe support would otherwise be available to the child under Section 95 Immigration and Asylum Act 1999 (IAA). If a refused asylum seeker has a child after their Appeal Rights Exhausted (ARE) date they may be eligible for LA support.

3.2.2 Where a family presents to LBN they will be assessed by the Safeguarding Assessment Service, where a trained practitioner will first determine their immigration status. Their eligibility for services will depend on their level of need and immigration status. If it seems that there is reasonable potential for them to be eligible then the family's needs will be assessed.

3.2.3 Where the assessor believes that the adult may qualify in their own right for support from Adult's Services then the adult will be referred to Adult's Services for a separate assessment. Where a duty to the adult is established the accommodation needs for the adult will be met by Adult's Services. The cost of additional support for children will be funded by CYPS.

3.2.4 Where the adult does not qualify for support in their own right but the child is eligible for support then CYPS, in consideration of the child's human right to respect for private and family life (article 8 of the European Convention on Human Rights (ECHR)) will provide support in a way designed to enable the family to stay together, should this be considered in the child's best interest. If parenting is assessed to be of a 'good enough standard', then accommodating children away from their parents will not be considered. Families with NRPF will be treated no differently from other families in that separation from parents will only be considered where there are significant safeguarding concerns. The overarching concern will be to address the needs of the child and to act in the child's best interests, and to ensure that appropriate consideration is given to the human rights of all concerned.

3.3 TRAFFICKING

3.3.1 The 2000 U.N. Palermo Protocol definition states that:

“Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

3.3.2 Trafficking continues to be a risk to children and safeguarding trafficked children is a priority of the Newham Safeguarding Children Board.

A child who has been trafficked from abroad has the same right as any other child to protection under the Children Act and other relevant legislation and guidance. LBN will not return a trafficked child to its country of origin unless this is the best way to safeguard and promote the child’s welfare or unless it has been instructed by UKBA to assist in doing so.

3.3.3 The Council will aim to ensure that vulnerable children are identified and given the help they need. In all cases where a child is suspected of being trafficked LBN will

- Ensure the safety of the child.
- Assess and vet any possible friends/relatives or named contacts in the UK.
- Provide adequate access to services
- Enable and facilitate a multi agency approach to ensure the needs of the child are considered and met.
- Provide safe and sensitive access to resources.
- Endeavour to raise awareness in all sectors.

3.3.4 The Council will collaborate with national protocols of child trafficking and with police and UKBA initiatives. The UK Trafficking Centre will be informed of all suspect cases.

3.3.5 In all circumstances where trafficking is a potential risk, LBN will adhere to the procedure and guidance as set out in the London Child Protection Procedures.

3.3.5 If it appears that any adult in the area has been or may have been trafficked consideration must be given to implementing local Safeguarding of Vulnerable Adults procedures.

3.4 PROVISION OF INTERIM SUPPORT

3.4.1 The issue of interim support presents a challenge, as on the one hand there is a risk that support will be provided unlawfully but conversely there may be an urgent need for interim support around housing and subsistence. In such situations, an initial judgement will be taken on a case by case basis considering factors such as:

- The apparent likelihood that the household will be eligible
- The urgency of the presenting need
- The possible consequences of not providing support (particularly in homelessness cases)

3.4.2 The UKBA provides accommodation and subsistence support to asylum seeking adults and families under Sections 4 and 95 of the Immigration & Asylum Act 1999. Where there is a delay in the provision of this support LBN can provide temporary support and assistance depending on the presenting circumstances and eligibility. This may include Interim relief when a decision has been agreed by the UKBA to provide support.

3.4.3 Where interim relief is provided, it is done without prejudice and does not mean that an assessment, when concluded, will indicate a need for support.

PROCEDURES

4.1 LEGAL FRAMEWORK

- 4.1.1 The legislation is complex and both the law and practice are subject to changes. This policy cannot cover all the legal complexities and in complex situations involving NRPF, advice should be sought from LBN's Legal Services.
- 4.1.2 Practitioners are also referred to the detailed guidance and updating bulletins produced by the No Recourse to Public Funds Network. Where such guidance appears to contradict this document, legal advice must be obtained, as nothing in this Policy should be taken as recommending any step which would amount to a breach of the requirements of legislation (including the Human Rights Act) or case-law.
- 4.1.3 Local authorities have a duty to inform the Home Office of any such person who they suspect or know is unlawfully present in the UK or a refused asylum seeker (Para 14; Schedule 3; NIA Act 2002). In all circumstances involving NRPF, a UKBA/Home Office check must be undertaken immediately to determine the individual's status in the UK. This check must be repeated every six weeks until the case is resolved with the local authority.
- 4.1.4 Most services are provided to adults under the NAA 1948. Services for children can only be provided under the CA 1989.
- 4.1.5 An agreement is in place between CYPS and Newham Community Team Legal Services which ensures timely legal advice is available to practitioners. Where practitioners feel they have a particularly complex case such that legal advice is required, they should seek approval from their Manager to seek such advice. The case will then be allocated and a response will be provided by the Legal Team within 72 hours. Where, due to a particularly complex case, the duty lawyer is unable to provide advice, the duty lawyer will commission external counsel to advise.

5.1 ESTABLISHING ELIGIBILITY AND ASSESSING

- 5.1.1 Families with no recourse to public funds usually present in different ways
-Self-referral without an appointment;
-Self-referral or referral by an external agency, by appointment.
- 5.1.2 Social workers firstly need to consider if there is evidence to suggest that the child comes within the definition of a Child in Need or there is potential for such concerns. This may include the state of being without accommodation, health needs affecting the parent/s or children, e.g. chronic health conditions, physical disabilities, learning disabilities, or safeguarding issues, e.g. neglect and/or domestic abuse.
- 5.1.3 If there is a strong possibility of such needs as outlined above, the Safeguarding Assessment Service should commence an assessment.
- 5.1.4 When interviewing the children and parents, social workers should explore as fully as possible with them any existing sources of help and support in the community, voluntary groups, social networks etc.
- 5.1.5 Because of the 'no recourse' status of the applicant, social workers will also have to check the following alongside the Child in Need assessment:
- Key Documents
 - Responsible authority
 - Immigration Status of the Client
 - Destitution

Key Documents

The applicant must have sufficient identification although in certain cases this may not be possible, e.g. if the person is fleeing domestic abuse. In such cases evidence should be established at a later date through the assistance of a solicitor or the police;

- a. If potential clients do not bring the necessary documentation on first presentation, the assessment can begin but they must be informed that any decisions regarding provision of support can only be made when they have provided the appropriate documents, and they should have all the required documents

- before another interview is arranged;
- b. If the client needs an interpreter, arrangements should be made with the interpreter to inform the client of the documentation required;
 - c. Applicants should be asked to verify their identity and immigration status with the production of the following identification:
 - d. Passports and birth certificates for all members of the family;
 - e. If available, travel documents such as airline tickets;
 - f. Home Office papers (Application Registration Card –ARC-, application letters or refusal letters) and solicitors' letters; and
 - g. If applicable, bank account statements (from the last 3 months to the present date).

*All identification documents supplied must be original documents. Assessors should view the original documents, take photocopies; and file them in the client's folder.

**If the applicant or any dependents have health needs, they must provide any documented evidence of ill health or disability for any member of the family, e.g. occupational therapy reports, mental health/psychiatric reports

Local Connection and The Responsible Authority

- a) Services are liable to be provided by different departments within a local authority, or by different local authorities, or by different statutory bodies, all depending on the context and upon the relevant statutory scheme. For instance support may be provided in appropriate circumstances by a local authority or by NASS by way of asylum support, or by way of hard case support, or perhaps by health bodies. Moreover depending on the circumstances services are liable to be provided either by adult social services, or by children's services, or by both or neither of these departments, or by such departments in a different area.

- b) The test as to which authority or other body is responsible to provide a service will depend on which statutory scheme or schemes are under consideration, and may involve a determination of such matters as where the applicant is ordinarily resident, or is resident, or was resident on a defined date, whether a need is urgent, or where a person is physically present.
- c) In each case LBN will check to see whether the application for support is being made to the correct department, to the correct local authority and or to the correct statutory body.
- d) That may in turn involve social workers having to follow up on the contact details given by the clients. All applicants for services are required to comply with all requests by LBN in identifying their eligibility for services.
- e) Where it appears to LBN that an application has been made to the wrong department or to the wrong authority, it will seek to direct the applicant to the correct authority. LBN will have regard to the possible danger of a gap in care emerging whilst the correct authority is identified.

Immigration Status of the Client

The social worker must check with the Home Office whether the client has a 'live' asylum application, or has been refused asylum, or has some other application pending. If support is provided post assessment, then 6 weekly Home Office/UKBA checks must be undertaken to regularly review the status of the client. Newham is investing in software that will enable 'live' connections to Home Office data to ensure these checks can be completed more easily.

- a. Social workers should have the documentation outlined in Key Documents to establish the status and identity of the applicant and his/her dependents and this should be cross-referenced with the Home Office as fully as possible;

- b. Social workers need to tell overstayers they have a duty to inform the Home Office as they have approached the local authority for assistance.

Destitution

It is important to build up a clear picture of the client's circumstances and social workers need to assess if the client is indeed destitute, i.e. he/she has no means of supporting him/herself nor family or friends whom he/she can rely on for support, and/or no accommodation;

- a. Social workers must consider if the information given by the client both verbally and in documented form is credible. If they do not think it is credible, they must be confident that there is enough evidence to the contrary (taking care to record this in the client's case file) otherwise the local authority's decision making will be open to legal challenge.

5.1.6 In cases involving children where the parents are excluded from support under the Children Act by Schedule 3 Nationality, Immigration and Asylum Act 2002, a Child in Need (CIN) assessment and a Human Rights Assessment must always be carried out. The findings in the CIN assessment can be incorporated into the Human Rights Assessment. In practice, the relevant articles of the European Convention on Human Rights (ECHR) are likely to be:

- Article 3 (prohibition on torture or inhuman or degrading treatment or punishment) and
- Article 8 (respect for private and family life).

Staff must request proof that an application to remain in the UK under Article 3 or 8 has been made in cases involving non-EEA nationals who are otherwise ineligible for services, but who claim that a failure of the local authority to provide support will result in a breach of Article 3 or Article 8.

See [Appendix 3: Human Rights Assessment and Assessment Pro forma](#)

5.1.7 When an assessment is completed, the social worker should discuss the outcome with his or her practice or team manager, including any need for urgent/immediate support.

The team manager will decide whether to approve the outcome of the assessment. Such decisions will be based upon the assessments and the applicant's immigration status.

5.1.8 The decision will be one of the following:

- To accept the client's application for support or agree to continue support;
- To reject the client's application for support or terminate any existing support;
- To defer the decision pending the presentation of documents or further evidence.

5.2 PROVIDING SUPPORT

5.2.1 If the conclusion of an assessment is that support should be provided, a Child in Need plan must be devised. The plan should set out the type of support, timescales and outcomes sought. The plan must be reviewed in line with the CYPS Child in Need Framework.

5.2.2 The two main types of support provision are Housing and Financial.

5.2.3 Housing

Temporary housing must be commissioned through the NRPF team. Following assessment, the assessing social worker must notify the NRPF Coordinator or designate who will assist in commissioning appropriate housing provision for the family.

When housing is indicated as a need in an assessment, LBN will fulfil its duty to provide this. LBN interprets this duty as the provision of safe accommodation which will not compromise the well-being or safety of the child. Assessors must

be clear with families that accommodation that is sourced is unlikely to be within London and could be based in any part of the UK.

5.2.4 Financial:

Financial support can be agreed, if a need is indicated by the Child in Need Assessment. Subsistence payments are paid weekly. The starting point for calculating these payments is the rates under s(4) Asylum and Immigration Act 1999 and the figure payable will be determined on a case by case basis considering the individual situation of the family, taking into account the availability of local provisions (for example community or voluntary support). The starting point rates may therefore be added to or subtracted from accordingly.

- 5.2.5 Additional financial support may be required, for example due to a crisis or emergency but also more generally when the child's needs require the provision of that additional financial support. LBN can provide additional financial support, but requests must be made by the allocated case worker using Appendix 2. The social worker should determine and record what additional financial support is required if any, and whether that additional financial support should be by way of a one off payment, time limited or continuing whilst a particular need continues.
- 5.2.6 Where a person states in writing that he or she is not satisfied that the amount paid meets the subsistence needs of the family and that a further sum is required to meet those subsistence needs, LBN will conduct an internal review within 21 days of receipt of that written request in order to determine whether any and if so what further sum is required. LBN will have the discretionary power to backdate any enhanced payment.
- 5.2.7 Where it is assessed that support or assistance must be provided, this should be kept under regular review and the responsible social worker must keep themselves informed of any change in the person's circumstances. This includes changes in a person's immigration status, which may effect LBN's obligation to provide support or assistance.
- 5.2.8 Their "care and attention" needs should be dealt with in the same way as those who have recourse to public funds (as far as this is possible).

5.3 REFUSING SUPPORT

- 5.3.1 All assessment decisions should be recorded in writing and the outcome clearly communicated to the client in appropriate language and format. The assessment outcome should clearly state why the applicant is not eligible, or no longer eligible for support. It should also be made clear that, should their circumstances worsen and/or change (though remaining destitute), then they should re-present for a reassessment.
- 5.3.2 Any adverse findings (e.g. that a person's account is not truthful) must be put to

the person so that they may have a chance to respond. Any new information provided by the person after the decision, or any alternative explanations must be considered.

- 5.3.3 If the person has been receiving support and this is to be withdrawn, reasonable notice must be given to allow the person to make alternative arrangements and what constitutes reasonable notice will depend on the person's circumstances. Usually 'reasonable notice' will be 28 days (unless the support was clearly only for the duration of the assessment in which case a shorter period of notice will suffice).
- 5.3.4 Information should be given to people ineligible or refused support of voluntary organisations that might be able to provide support.
- 5.3.5 Should practitioners believe that support has been claimed fraudulently, such suspicions should be reported to the NRPF Panel for consideration as to whether any legal action against the claimant should be considered.

5.4 EEA MIGRANTS

- 5.4.1 EEA countries include all those in the EU plus Norway, Iceland, and Liechtenstein. Switzerland is part of the single market meaning Swiss nationals have the same rights to live and work in the UK as other EEA nationals. To check which countries are members of the EU see www.europa.com.
- 5.4.2 Regarding EEA migrants, paragraph 2.2 (above) is relevant.
- 5.4.3 In regards to EEA migrants (or people who gained refugee status in another EEA state), local authorities have the power to purchase travel tickets to enable an individual to return to their country of origin when it would be an effective response to avoid a breach of a person's human rights. Embassies may also be able to purchase travel tickets for their nationals. Pending their return to the relevant EEA state, the local authority can provide time-bound interim accommodation, but has no power to provide cash payments.

5.5 SURVIVORS OF DOMESTIC ABUSE

- 5.5.1 LBN defines domestic abuse as: “Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse: psychological; physical; sexual; financial; emotional.”
- 5.5.2 Survivors of domestic violence who are from abroad and have NRPF will usually have been granted limited leave to enter the United Kingdom as a spouse or a fiancé of a person present and settled in the UK. This leave is granted subject to a condition that the individual has no recourse to public funds, although individuals granted leave as spouses or civil partners are permitted to take up employment.
- 5.5.3 Where the criteria for the Home Office’s Destitution Domestic Violence (DDV) concession scheme are met this will be pursued to enable a temporary period of recourse to public funds whilst their case is considered. This will enable access to mainstream provision (such as domestic violence refuges) and should remove the requirement for support from LBN. The Job Centre Plus should assist in this matter by ensuring that all staff are trained to accept the special proof of entitlement provided to people under the DDV concession.
- 5.5.4 If a survivor of domestic abuse refuses to apply for the DDV concession, it is likely that any consequent breach of their Human Rights (by, for example, destitution) will be considered a consequence of the individual’s own actions, rather than a consequence of any steps taken by LBN, meaning that they would not be eligible for support.
- 5.5.5 Spouses and partners of EEA nationals fleeing domestic violence may be entitled to alternative support (depending on their individual circumstances) and should seek advice from their local Job Centre regarding what support or benefits they may be entitled to.

5.5.6 Survivors of domestic abuse from abroad will be assessed within the ordinary legal framework.

REVIEWING AND CEASING SUPPORT

6.1 WITHDRAWING SUPPORT

- 6.1.1 When clients are granted indefinite leave to remain in the UK, they no longer have NRPF and are entitled to work or access mainstream benefits. 28 days written notice shall be given to clients once they receive indefinite leave to remain.
- 6.1.2 Any withdrawal of support will be notified in writing. Clients will be supported with onward referrals/signposting to Housing, Jobs Centre Plus and any other relevant services.
- 6.1.3 Where a client is granted limited leave to remain and can work legally, LBN has a policy of promoting resilience and supporting that individual to take up work. This will involve support with training, accessing free childcare and signposting to Job Centre Plus. In such circumstances, individuals will be issued with a 3 month written notice, from the point at which they became eligible to work, to find and take up employment. After this, the support package will be reviewed and reduced accordingly in line with monthly income. If an individual cannot secure employment, they must provide the allocated casework with evidence of the steps they have taken to find and secure work; this will include evidence of training undertaken and job applications made.

6.2 ASSISTANCE IN RETURNING HOME

- 6.2.1 Where a person wishes to return voluntarily, and is staying in the UK illegally, or has previously claimed asylum or whose visa has expired, assistance is available from Refugee Action (www.refugee-action.org.uk) Refugee Action can provide additional assistance to clients with medical needs.
- 6.2.2 If the person is not eligible for support from Refugee Action, the local authority can use its powers to provide flights home and, if necessary, a financial reintegration package.

6.3 EXHAUSTED APPEALS/NO EVIDENCE OF ACTIVE APPLICATIONS

6.3.1 Where clients have exhausted their appeals with the UKBA or where checks with the UKBA indicate no active applications, 28 days notice of termination of support must be issued in writing to the client. In such situations, 6.2 above applies.

6.4 REVIEW

6.4.1 All NRPF cases will be reviewed by the NRPF Panel, which meets fortnightly, in order to scrutinise assessments and plans for NRPF families.

6.4.2 In addition, all NRPF cases must be reviewed by the allocated case worker and line manager in line with the Child in Need Framework.

Appendices:

1. NRPF Request for Support
2. NRPF Request for Support – Extension
3. Human Rights Assessment

Appendix 1: No Recourse To Public Funds Support Request

Team Name:	Team Manager:	Worker:
-------------------	----------------------	----------------

Name of Adult(s)	DOB	CF ID	Ethnicity

Name of Child/ren	DOB	CF ID	Ethnicity

Any other agencies involved:

Guidance / Eligibility Established	Yes	No	Not yet completed
Key Documents Reviewed			
Immigration Status confirmed by Home Office check			
Responsible Authority Established			
Destitution Assessed			
CIN Assessment			
Human Rights Assessments			

Reason for request:

Assessment of Need:

Action Planned and Timescales:

Support Package and Costs:

Request Agreed:

Signed: Date:.....

Team Manager

Signed: Date:.....

Strategic Lead/Service Manager

Review Date:

Appendix 2: No Recourse to Public Funds: Extended Agreement Request

PROGRESS REPORT

Team:	Team Manager:	Worker:
--------------	----------------------	----------------

Name of Adult(s)	DOB	CF ID	Ethnicity

Name of Child/ren	DOB	CF ID	Ethnicity

Date of first agreement:

Continued support required:

Relevant liaison with UK Border Agency, including dates and contact names:

Timescales and Actions to resolution:
--

Cost Analysis:

a) Cost to date

b) Costs for next 4 weeks

Signed: Date:.....

Team Manager

Signed: Date:.....

Strategic Lead

Appendix 3: ECHR ASSESSMENT FORM

This form is designed for use in relation to requests for assessment or resources from service users subject to immigration control who have no recourse to public funds.

Specifically, it has regard to the following Articles of the European Convention on Human Rights:

- Article 3, prohibition of torture or inhuman or degrading treatment or punishment); and
- Article 8, right to respect for private and family life.

Article 3 is an absolute right. There are 5 components to Article 3: inhuman treatment, degrading treatment; inhuman punishment, degrading punishment; torture. There are two key issues in relation to Article 3: (i) whether the facts of a service user's claim fit into one of the 5 components of article 3 and (ii) the need to show a minimum level of severity for Article 3 to be engaged.

Article 8 grants a right to respect for private and family life, home and correspondence. The right to respect for private life can include medical issues. Article 8 is a qualified right. Public authorities are prohibited from interfering with the Article 8 right except where the grounds for interference are in accordance with law, they pursue a legitimate aim and they are necessary and proportionate. The following are legitimate aims: the interests of national security, public safety or the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others.

This form is designed to supplement, not replace, assessment formats arising from *Framework for Assessment* (in relation to the Children Act 1989) or assessments conducted under the National Assistance Act or other accepted national or local authority assessment formats. Where appropriate, the most recent statutory assessment should be appended to this ECHR assessment.

Section 1: Key Information

Family Composition: **Include date of birth, other names and aliases under which individuals are known**

Confirmation of Identity: **Is there a certificate, nationality document etc?**

Background / Chronology: Provide give a brief history of background and any social service support. In completing this section the following questions should be used as a checklist:

1. How long has the family/each applicant been in the country?
2. What is their immigration or asylum status, what is the date of any decision or appeal and what applications remain outstanding?
3. What are the medical, educational, social or other needs of each family member (include details of the GP and any person or organisation consulted or being consulted)?
4. What is the financial situation? What accommodation is available? What previous accommodation has the applicant/family had? How was that lost?
5. How has the applicant/family supported itself until now?
6. Are there any other people or organisations who have provided or could provide any support?
7. Is there any reason why the family cannot return to their country of origin (please set out in full)?
8. What other family or relatives do the family have in this country? What contact does the family have with them?
9. What difficulties, whether in terms of employment, schooling, medical provision or otherwise, would be caused were the family to return home?
10. Is there any other factor or factors which ought to be borne in mind?

Section 2: Immigration Status

2a. EU Nationals¹: **Complete this section for individual EU nationals who have applied for financial or social work support from LBN. For other people subject to immigration control with no recourse to public funds, including failed asylum seekers, complete section 2b.**

Purpose of Assessment: Please record and explain to the individual/family the purpose of this assessment.

Assessment of current situation: Is the individual/family destitute? Have they any other available means of support? Are children attending school?

Assessment of ability to work: Is the individual or anyone in the household able to work? Are there health needs that affect the service user's ability to work? Please record/obtain relevant medical proof where appropriate.

¹ Austria; Belgium; Denmark; Finland; France; Germany; Greece; Ireland; Italy; Luxembourg; Netherlands; Portugal; Spain; Sweden; UK; Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia, Bulgaria, Romania. Accession States: Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia, Bulgaria Romania.

Other Means of Support: Does the individual think that they might be able to become self -supporting in the near future? Are they having support from friends, family, religious communities, charities etc? If yes, obtain details.

Travel needs: **Establish whether or not it is possible for client to return home to their country of origin. Have they the means (finance, passport, travel documents)? If not, what help would the family need?**

2b Failed Asylum Seekers/Overstayers: **Complete this section for failed asylum seekers who have or have not been issued with Section 9 letter by the Home Office, and other people subject to immigration control who have no recourse to public funds.**

Purpose of Assessment: **Please record and explain to the individual/family the purpose of this assessment.**

Assessment of current situation: Does the family originate from a “Safe State” as defined by the Home Office?² Is the individual/family destitute? Has the family any other available means of support? Are children attending school?

Assessment of Health Needs: if the individual or anyone in the household was legally able to work, could they do so? Please record/obtain relevant medical proof where appropriate.

Other Means of Support: Does the individual think that they might be able to become self -supporting in the near future? Are they having support from friends, family, religious communities, charities etc? If yes obtain details

Travel needs: Establish whether or not it is possible for client to return home to their country of origin. Have they the means (finance, passport, travel documents)? If not, what help would the family need?

² Albania; Bolivia; Brazil; Bulgaria; Ecuador; India; Jamaica; Kosovo; Macedonia; Moldova; Montenegro; Romania; Serbia; South Africa; Sri Lanka; Ukraine.

Section 3: Assessment and Recommendations

Human Rights: **Consider whether there would be a breach of Article 3 or Article 8:**

Article 3: if support were refused or withdrawn would the individual/family be subject to treatment amounting to torture or to inhuman or degrading treatment or punishment.

Article 8: If the family or individual returned to county of origin, would the right to respect for private and family life be compromised?

In the case of failed asylum seekers, should individual/ family be applying for support under section 4 of the Immigration and Asylum Act 1999 or do they have other means of support?

Recommendation: Assessing officer should make recommendation as to the future of this case based on their assessment. Is there any other support to be considered? Provide a reasoned conclusion.

Confirmation of recommendation/decision:

Team manager should make a decision as to why this person should/should not receive continued support.

Name of Service User	Signature	Date
Name of Assessor	Signature	Date
Name of Team Manager	Signature	Date

