

STEVENAGE BOROUGH COUNCIL NO RECOURSE TO PUBLIC FUNDS (NRPF) PROCESS 2024

No Recourse to Public Funds Definition

No recourse to public funds (NRPF) refers to the status of people from abroad who do not meet the criteria to access welfare benefits. If a person is deemed to have NRPF and is subject to immigration control, they would be unable to support themselves through work or other means, which may lead to destitution.

All local authorities in the UK have a duty to advise people with NRPF on their personal circumstances and to assist them in finding a solution to their destitution. In limited circumstances, councils can provide care services including accommodation and financial support if the eligibility criteria are met.

Helping people with No Recourse to Public Funds avoid homelessness

The issue councils and housing associations face with people having No Recourse to Public Funds (NRPF) is that individuals and families are at risk of (returning to) homelessness and rough sleeping.

All families who present to Stevenage Borough Council requesting support with accommodation and subsistence, will receive a fair and customer-focused response. This strategy will ensure a consistent response to people who request a service, irrespective of the department to which they initially present. This policy acts as a guide on the duties and powers of Stevenage Borough Council and outlines the response to requests for service provision. It does not attempt to provide an exhaustive statement of the relevant law; nor is it a substitute for legal advice either generally or in relation to individual cases.

Immigration Status of the Client

- 1) The case officer may contact Home Office case workers via the NRPF Network to establish if the person concerned has a 'live' immigration application, has been refused Asylum or has some other application pending.
- 2) The case officer should review the documentation outlined in key documents to establish the status and identity of the applicant and his/her dependents and the case worker will collaborate with the Home Office as fully as possible.
- 3) Social workers and the Immigration case officer will need to tell over-stayers they have a duty to inform the Home Office as they have approached the local authority for assistance. It is the duty of the social workers and immigration officers to inform the Home Office updates around over-stayers.

Destitution

- 1) It is important to have a clear picture of the family's circumstances. The immigration case officer and the social worker need to assess if the client is indeed destitute, i.e., he/she has no means of supporting him/herself nor family or friends on whom he/she can rely on for support.
- 2) The Immigration case officer must consider if the information given 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 case the local authority decision is subject to legal challenge.

Single Assessment

Social care intervention is necessary where there are children in a family who have NRPF to establish the risk to them. This is done following referral to children services of the relevant local authority.

1) Children in Need (single assessment) will need to be completed within 10 working days incorporating a thorough understanding of the:

- Developmental needs of child(ren);
- Capacities of parents/caregivers to respond to the needs of those children and;
- Impact of wider family and environmental factors on both parenting capacity and children.

2) An example of what might constitute a 'child in need' for the purposes of Section 17 of the 1989 Children Act includes:

- A disabled child or young person; those with emotional and behavioural difficulties; or those with caring responsibilities. It is also important to check that the child has access to appropriate health and educational provision.

3) Some guiding questions in the Child in Need single assessment should include:

- What support networks are available as an alternative to financial support under section 17 of the Children Act?
- Are the developmental needs of the children being met?
- Does the parent/s have capacity to respond to the needs of his/her children aside from the current restrictions to employment and/or benefits in the UK?

Possible Accommodation Provision during The Assessment Period

If the family (with child(ren) under the age of 18 yrs) have no immediate accommodation or are at threat of impending homelessness, it may be necessary to arrange for short term emergency bed and breakfast provision. This is not a cost-effective option. Therefore, the Duty Worker/ Social Worker must seek the Team Manager's approval and ensure that the assessment is completed speedily, and that the tenure of emergency accommodation is brief. Once the assessment is completed, the social worker should discuss the outcome with their line manager and determine whether to terminate support or offer support from the Immigration case officer who will formulate a Child in Need Plan.

Support

1) The allocated Social worker will need to ensure that the assessment record outlines the needs of the family and considers provision of support. This should cover;

- If the family needs an interpreter;
- Special accommodation needs;
- Health needs;
- Length of proposed support;
- The legislation under which the family is being supported, Section 17 of the Children Act 1989.

2) Stevenage Borough Council may terminate existing support to a family where it becomes clear that the application to the Home Office is hopeless or abusive. This may happen where a family have lodged repeat applications based on the same facts. Any decision to class a case as hopeless or abusive must be evidenced by referring to copies of all Home Office applications and in consultation with legal services.