

Grants Committee

Thematic Review: No Recourse to Public Funds Item 6 (NRPF)

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Summary

In February 2017 Grants Committee members agreed to a revised commissioning performance management framework to manage the London Councils 2017-21 Grants Programme. To enable the Grants Committee to examine issues that affect a number of the London Councils priorities the framework includes thematic reviews as part of the reporting timetable.

This report is the first of these thematic reviews and focuses on the issues of No Recourse to Public Funds (NRPF). This topic was selected by members given the large impact this issue has on local authorities in London.

The report focuses on the policy work that London Councils has undertaken on behalf of the boroughs, as well as the impact on the Grants Programme. Ashiana, one of the 2017-21 providers, will deliver a presentation highlighting some of the issues beneficiaries with NRPF face.

Recommendations The Grants Committee is asked

- Extend a thank you to the representative from Ashiana for providing the first thematic review presentation, as well as the beneficiary presenting her story.
- Agree the means by which they would like to receive information regarding NRPF going forward. Officers suggest that providers are asked (where possible) to monitor the numbers of people benefitting from their services, with NRPF, and to provide this in the annual return, which can be included for members as part of the annual equalities audit.
- Agree to share this report and the project information in the

2017-21 report on this agenda, with their local authority to ensure that officers are aware of the support available regarding NRPF through the programme.

- Note the work being undertaken by London Councils to improve understanding of the financial pressure on boroughs generated by the need to support clients with No Recourse to Public Funds (NRPF) as outlined in Section Two.

1 Background

- 1.1 This report represents the first of the Grants Committee thematic reviews which form part of the commissioning performance management framework agreed by members of the Grants Committee at their meeting 8 February 2017. At the meeting in February, Cllr Simpson (LB Camden) suggested that the first thematic review be focused on the subject of No Recourse to Public Funds (NRPF), given the growing pressures that this is placing on local authorities in London. Members agreed this focus at the July meeting of the Grants Committee. The report focuses on the policy work that London Councils has undertaken on behalf of the boroughs, as well as the impact on the Grants Programme. The report is provided to members alongside a presentation by one of the London Councils Grants Programme organisations, Ashiana, which provides emergency specialist refuge provision and has specific targets relating to service users with NRPF.
- 1.2 NRPF refers to people who are subject to immigration control and have no entitlement to public funds such as welfare benefits, Housing Benefit and Home Office support for asylum seekers. Individuals with NRPF have very few alternative avenues for support and local authorities have a duty to undertake an assessment of their needs under a combination of the Human Rights Act, the Children's Act 1989 and the National Assistance Act 1948. NRPF has been growing rapidly and is a particularly acute issue in London, placing increasing service and financial pressure on local authorities. Consequently, boroughs are often left with the responsibility to provide for subsistence and accommodation needs that, under different circumstances, would be centrally funded. At the moment, local authorities receive no funding for these costs.

2 No Recourse To Public Funds: The Policy Context and London Councils

- 2.1 In order to improve understanding of the financial pressure on boroughs generated by the need to support clients with No Recourse to Public Funds (NRPF), London Councils conducted a survey in 2015. Its headline findings were that London boroughs spent an estimated £50 million in 2014/15 on NRPF in support of an estimated 3,200 cases during the year, with an estimated average annual cost per case of around £19,000.
- 2.2 With the passage of the Immigration Act, and the ongoing Fair Funding Review, it was decided to refresh the evidence base and the original survey was re run in early autumn 2017. Due to the complexity of the issue the original survey deadline was

significantly extended in order to support response rates. The survey closed to further responses in November, by which time 23 returns had been received. Data cleansing and analysis is currently underway.

- 2.3 The results of the original survey have been used to support and inform a wide range of lobbying activities, including numerous written submissions to HM Treasury and ongoing dialogue with the Home Office. Once finalised, the updated survey figures will be used to support continuing activity in this area, including attempts to get The Fair Funding Review to take account of this unrecognised cost pressure.

3 No Recourse to Public Funds in the context of the London Councils Grants Programme

Priority One: Combatting Homelessness

- 3.1 The Grants Committee has been aware of the interrelated issues of no recourse to public funds and homelessness and this was reflected in the applications that were awarded funding. As part of the thematic review the five providers under Priority One were asked to submit information on the support they have provided. London Youth Gateway (led by New Horizon Youth Centre) has estimated that 51 of the beneficiaries in the period April to September 2017 did not have recourse to public funds and it is believed that this is likely to be an under-estimate. Shelter has estimated between 1 in 10 and 1 in 5 beneficiaries have no recourse to public funds or problems with immigration status.
- 3.2 Beneficiaries face a range of needs. London Youth Gateway (LYG) reports that the situation frequently impacts on young people who have lived in the UK for nearly their entire lives, only to discover their uncertain migration status when legally becoming adults, typically at the crucial transition time into adulthood and independence. Shelter has highlighted the needs of lone parent families, where parents do not have recourse to public funds following a relationship breakdown. High levels of destitution tend to erode the physical and mental health of those affected.
- 3.3 A range of support has been provided including access to suitable long and short term accommodation and, where appropriate, support to return to the country of origin, and providing support to relevant services (such as drug/alcohol services) in that country. Emergency assistance, access to immigration advice, support to engage with statutory services has also been provided. Young people have also been supported with intensive casework, ESOL classes, immigration advice, employment

preparation and supported referrals to relevant agencies as well as practical support such as breakfast and hot lunch, IT access, laundry facilities and access to an in-house nurse. LYG has highlighted that support is often required at an intensive level and long term. LYG has supported young people up to 4 years whilst they regulate their status.

3.4 Homeless Link and its partner Shelter have delivered support to frontline homelessness organisations to improve the response on NRPF. This includes training, spotlight events and toolkits including:

- Migrant Destitution Toolkit www.homeless.org.uk/our-work/national-projects/strategic-alliance-on-migrant-destitution/migrant-destitution-toolkit
- Hosting Toolkit www.homeless.org.uk/hosting-toolkit
- Supporting women with NRPF spotlight event and blog <http://www.homelesslink.org.uk/connect/features/2017/jul/24/women-experiencing-homeless-with-no-recourse-to-public-funds>.

3.5 Providers have highlighted challenges in supporting beneficiaries with no recourse including very limited options available to this group with housing and access to benefits. Since 1 February 2016, landlords in England have been required to check the immigration status of new tenants, sub-letters, lodgers and other adult occupants of their property. Shelter has seen cases where families are unable to rent or continue renting if one parent has no recourse. The high risk of exploitation is also highlighted and Shelter has worked with environmental health teams to uncover overcrowded and unsanitary conditions in hostels. Providers have identified a number of changes that they feel would lead to better outcomes for the beneficiaries they support. Officers have passed these comments to staff in the relevant policy teams in London Councils.

3.6 A case study is provided below regarding a beneficiary with NRPF who was supported by the STAR project led by Shelter.

Case Study
Priority 1: Combatting Homelessness
Shelter, STAR Project
I came to the UK from Bangladesh on a student visa to study. My wife and two children (aged 3 and 4) joined me shortly after. When my student visa expired on 28 th August 2015 I applied for a Family visa. This was rejected 5 times as I was unable to afford the fee to pay for the application to be submitted. I finally managed

to borrow some money to do this but it was rejected once more.

Whilst I was studying, I was working in Asda until my contract ended in February 2016. Since then I have been relying on friends and family for financial support. We have had a very unsettled housing situation and frequently have had to move to different properties, relying on friends for help. We are now living in 1 room in a shared house and share a kitchen and bathroom with other people. My family and friends have been helping me pay the rent here but it is becoming increasingly difficult to rely on this. This summer, the landlord decided to not renew our tenancy and we are now facing eviction. We couldn't afford to find somewhere else to live and so our landlord has been harassing us continuously to encourage us to leave. He most recently has removed the front door to the property in an effort to get us out quicker. I have had to use the door to our room to replace the front door leaving my family and I without privacy.

Since getting help from Shelter things are getting better for my family and I. Shelter contacted the environmental health department at Newham council, and the private housing team about my landlord. They discovered that the landlord did not have the correct licence to rent the property as a housing in multiple occupation (HMO) and have been to inspect the property. They have said that they will take action against the landlord.

Most importantly, we are now at risk of homelessness and I am still having to borrow money from family and friends to afford rent and food. Shelter have helped me get assistance from the no recourse to public funds team at Newham council and children's services have said that they will help accommodate myself and my family when we finally are lawfully evicted and have to leave this property. In addition, they have helped me to get support from an organisation called RISE who help people in my situation find work and they have provided me with foodbank vouchers.

Shelter has also made sure that I am getting the proper immigration advice and have linked me in with a pro bono solicitor who has taken on my appeal against the Home Office.

Shelter is still working with my family and myself to help us through this situation.

Priority Two: Tackling Sexual and Domestic Violence

- 3.7 There are over 600 women without recourse to public funds in London each year affected by domestic violence. Overseas spouses/partners of UK nationals or those with settlement rights in the UK are required to remain in a relationship for a probationary period of 30 months (plus 30 months renewal) before they are eligible for indefinite/permanent leave. Women who are reliant on their partner's immigration status are at risk of being trapped in a violent/abusive relationship. During the probationary period women have no recourse to public funds and are not entitled to welfare benefits, council housing or to use publicly funded facilities. This puts them in a vulnerable position, where they face a stark choice of remaining in a dangerous situation or becoming homeless with no support.
- 3.8 The Domestic Violence Rule allows people affected by domestic violence Indefinite Leave to Remain in the UK. However, women in this situation face barriers in accessing this exemption. Refugees struggle to meet the costs of women with no recourse and may be unable to accept them. This is evidenced by the London Councils commissioned data from Women's Aid Routes to Support (UKROL) data which showed in 2016 the percentage of successful referrals to a refuge in London for women with no recourse was 4.8 per cent. Other vulnerable groups affected are women who have been trafficked into the UK for sexual exploitation. When escaping from the trafficker they face a situation of destitution with no access to welfare and housing benefits.
- 3.9 Projects funded under London Councils Priority Two: Tackling Sexual and Domestic Violence have provided a range of support. Ashiana has worked with 32 women from April to September including eight resident in their emergency refuge provision. Support through the refuge and outreach includes a subsistence allowance, in-house counselling, safety planning, and attending family courts in order to obtain non molestation orders, advocating at solicitor appointments, referrals to social services and local IDVAs¹.
- 3.10 In the period April to September the Ascent advice and outreach project, led by Solace Women's Aid, supported 10 women through their no recourse financial assistance scheme, seven women with legal immigration advice, 287 with advice, counselling and group work. SignHealth supported three deaf services users with no recourse to public funds, with issues of access to services compounded by the fact

¹ Individual Domestic Violence Advocate

that they are deaf. The DAP partnership led by GALOP has worked with five LGBT clients with NRPF.

- 3.11 Through the helpline services provided by Women's Aid and partners 139 women who had no recourse to public funds (NRPF) were supported and were given support around dealing with their situation, tailored to their individual circumstances. Referrals to specialist providers include referral to refuge in high risk cases. The partnership led by AWRC supported 70 women with no recourse. Support provided includes assessing risk, advice on safety planning and safeguarding, DDVCs² applications, access to refuge provision, referral to solicitors and relevant specialist services and representation at MARACs³.
- 3.12 The providers highlighted a number of issues which they have found challenging in supporting people with NRPF. A number of these are included below:
- Safety of women with NRPF, who feel anxious to report to the police due to their insecure immigration status
 - Immigration status being the primary obstacle preventing the majority of those experiencing violence and abuse from leaving the situation
 - Additional resources and time taken by projects to support this client group
 - Challenges in securing legal aid solicitors
 - Delays in immigration decisions and release of documentation
 - Accessing refuge accommodation (in particular when the London Councils provision has reached capacity)
 - Limited move on options from refuge accommodation
 - Limited access to ESOL classes
 - Mental health issues and PTSD and access to related services
 - Managing expectations, suicidal thoughts and depression when clients receive a negative decision.
- 3.13 Projects have provided intensive support to beneficiaries with NRPF through the commissions. Projects have also come up with innovative solutions to support beneficiaries in accessing services. Ashiana developed contacts in a local college that has fund raised in order to allow no recourse clients to access education and apply for hardship funds, and has established partnerships with several councils and food banks to distribute food vouchers.

² Destitution Domestic Violence (DDV) concession

³ **Multi Agency Risk Assessment Conference (MARAC)** is a local, multi agency victim-focused meeting where information is shared on the highest risk cases of domestic violence and abuse between different statutory and voluntary sector agencies.

- 3.14 The following case study sets out the experiences of a person with NRPF and how the DAP project led by GALOP, (funded by the London Councils Grants Programme) was able to support him.

Case Study

Priority 2: Tackling Sexual and Domestic Violence

GALOP: DAP Project

John called the National LGBT Domestic Violence Helpline in early August. John is a non-EU citizen who had planned to return to his country of origin where he would apply for long-term immigration to the UK. At the point of calling, John had only two weeks left on his private rented flat tenancy and his employment in the UK had ended. John has no recourse to public funds.

John has been married to an EU citizen for six years but fled the relationship after his husband tried to attack him with a knife. After leaving the relationship John and his husband have had no communication. However, recently John began receiving extremely violent and harassing messages from his husband, including threats to kill.

Galop's advocate began working with John in August 2017. During the initial meeting the caseworker provided safety advice and advice on obtaining a Non-Molestation Order. The Galop DV caseworker referred John's matter to the National Centre for Domestic Violence to prepare an emergency without notice Non-Molestation Order application. Within one week of meeting John, Galop was able to support him to apply for and obtain an emergency injunction at a Family Court.

Every time an injunction is granted, the Order must be directly served to the respondent, which comes with a cost of £100 (minimum). John was able to privately fund serving the emergency Order; however, due to his change in personal circumstance and no longer being able to work, John was unable to afford to serve the final Non-Molestation Order after the court return date. Without serving this document, the Order is not legally enforceable. Galop and the National Centre for Domestic Violence were able to support John to access funds through the Cottman Foundation to pay for the process of serving of the Order and obtain legal protection from his abuser.

The support Galop has provided to John has not been exclusively related to advocating on criminal and civil justice pathways. Galop has also supported John to

cope with the impact of abuse and increase his well-being.

For the last year John has drunk large quantities of alcohol nightly, which he expressed wanting to address. He expressed engaging in risky sexual practices and substance misuse. John is also HIV+ and has historically struggled to manage this aspect of his health.

Galop provides a non-judgemental space for clients to explore topics they may have previously avoided disclosing due to internalised shame or fear of being stigmatised. In this instance, the caseworker opted to build on the positive factors in John's life and focus on his skills to promote well-being. John is a trained journalist with a passion for writing and is now journaling regularly and writing his experiences with the aspiration to help others. This has served to not only empower John, but to promote positive health well-being.

Galop continues to support John through the police investigation of his reported abuse, increase his health and well-being and support him throughout the trials and tribulations of the immigration system.

4 Next steps

- 4.1 Officers have shared the submissions by the providers with officers in the policy division of London Councils to provide a 'front line' perspective on the issue. Members are asked to share this report and the project information in the 2017-21 report on this agenda, with their local authority to ensure that officers are aware of the support available regarding NRPF through the programme.
- 4.2 Members may wish to discuss whether they would like to receive further information on NRPF going forward. Officers suggest that providers are asked (where possible) to monitor the numbers of people with NRPF benefitting from their services and to provide this in the annual return, which can be included for members as part of the annual equalities audit.

Recommendations

The Grants Committee is asked

- Extend a thank you to the representative from Ashiana for providing the first thematic review presentation, as well as the beneficiary presenting her story.

- Agree the means by which they would like to receive information regarding NRPF going forward. Officers suggest that providers are asked (where possible) to monitor the numbers of people benefitting from their services, with NRPF, and to provide this in the annual return, which can be included for members as part of the annual equalities audit.
- Agree to share this report and the project information in the 2017-21 report on this agenda, with their local authority to ensure that officers are aware of the support available regarding NRPF through the programme.
- Note the work being undertaken by London Councils to improve understanding of the financial pressure on boroughs generated by the need to support clients with No Recourse to Public Funds (NRPF) as outlined in Section Two.

Financial Implications for London Councils

Funding for commissions was agreed at the meeting of the Grants Committee in February 2017, within the budget envelope agreed at London Councils Leaders' Committee in November 2016.

Legal Implications for London Councils

None

Equalities Implications for London Councils

London Councils' funded services provide support to people within all the protected characteristics (Equality Act 2010), and in particular targets groups highlighted as particularly hard to reach or more affected by the issues being tackled. Funded organisations are also required to submit equalities monitoring data, which can be collated across the grants scheme to provide data on the take up of services and gaps in provision to be addressed. The grants team reviews this annually. Beneficiaries with no recourse to public funds, in particular those trapped in a situation of violence typically are representative of a number of characteristics under the Equality Act 2010, making the focus on this very vulnerable group very important.

Background Documents

London Councils Grants Programme 2017-21, Item 4, London Councils Grants Committee, 8 February 2017

Commissioning Performance Management Framework 2017-21, Item 5 London Councils Grants Committee, 8 February 2017