



Centre on Migration, Policy and  
Society (COMPAS)

# Safeguarding children from destitution: local authority responses to families with 'no recourse to public funds'

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Breakfast Briefing

12<sup>th</sup> June 2015



# Research questions

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## **1. NRPF families seeking support**

- Who comprise the group of families seeking s17 services who have NRPF?
- What are the factors that lead families to seek support from local authorities?
- What welfare needs do they present?

## **2. Local authority practices**

- What are the practices of local authority departments administering s17 services in relation to assessment and provision of services to children and families with no recourse to public funds?
- What are the factors which influence variation in practice between local authorities?
- What are the experiences of children and families when they engage with local authorities?
- What impact does the way in which s17 services are arranged have on such families seeking or receiving support?
- What strategies are employed by families and their advocates to access this support?

# Research questions

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## **3. Outcomes and case resolution**

- For those who have or have not received s17 support, what have the implications been?
- What impact does the nature of the relationship between local authorities and the voluntary sector have on outcomes for families?
- How does the role of the Home Office in resolving immigration cases impact on the ability of local authorities to progress NRPF cases from temporary s17 support to a more permanent resolution?

## **4. Implications for policy and practice**

- What are the implications for future policy and practice at national and local levels?

# Methodology

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- Literature review
- Law and policy mapping
- Round tables in London and Manchester (consultation on research design)
- Basic survey – Children’s services departments (137 responses – 79% response rate)
- Detailed survey – Targeted sample of Children’s Services departments (24 local authorities supporting 878 families/1561 children)
- Survey – Voluntary sector organisations (105 responses)
- Fieldwork – Eight local authority research sites
  - Interviews with children’s services staff (n=27)
  - Interviews with voluntary sector/NHS/private sector (n=22)
  - Interviews with parents (n=43) **TOTAL = 92**
- Analysis (Using Excel, SPSS and NVivo)
- Round tables in London and Manchester (consultation on emerging findings)

# Legal and policy framework

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- Section 17 Children Act 1989 (s17): the duty to safeguard and promote the welfare of children in need, within their families
- ‘No recourse to public funds’ precluding access to welfare benefits, not s17
- Further exclusions affecting some NRPF families’ access to s17: ‘Schedule 3’ and the human rights exception
- Evolution of a parallel welfare system

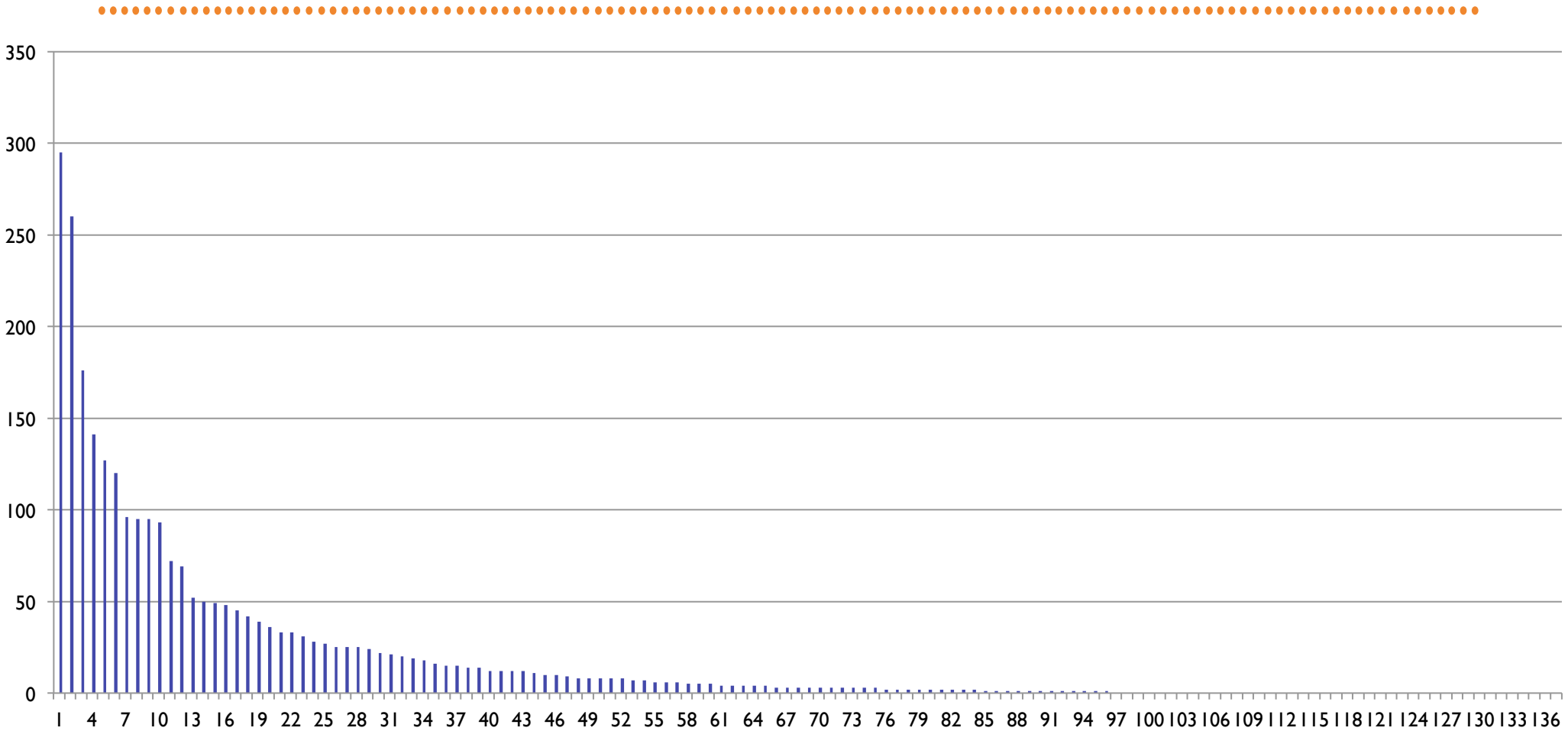
# Service user profile

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- 2,679 families and 4,644 children identified across 137 authorities, extrapolated to 3,391 families and 5,900 children across England and Wales
- Uneven distribution: concentration of families in particular areas and 61% in London
- Immigration status: 63% overstayers; 29% in the UK on a visa, mobile EU citizen or granted LLR under certain immigration routes
- Nationality: Jamaican and Nigerian nationals made up 51% of families
- British children: 23% of families had at least one British child

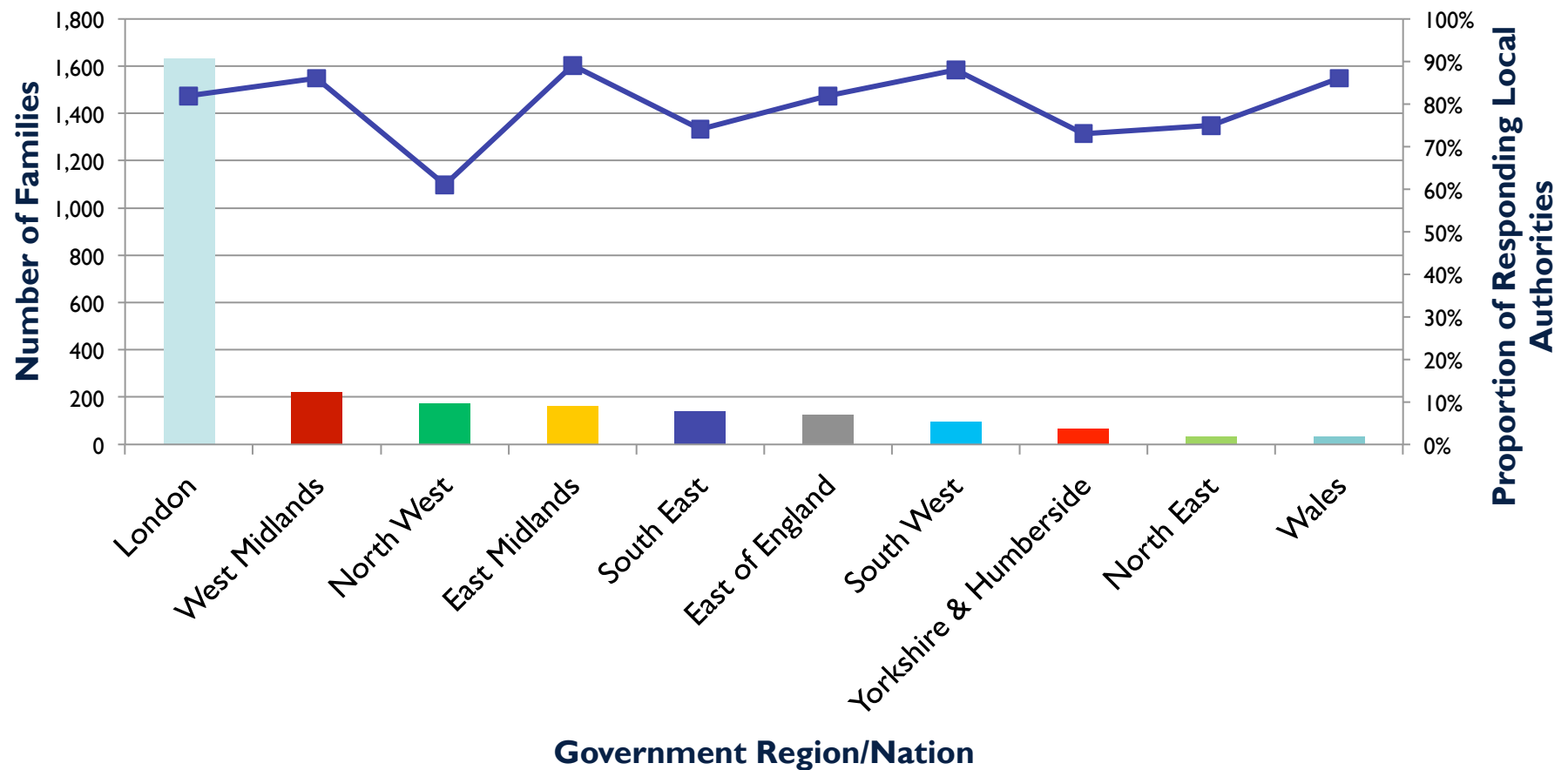


# Fig. I – Distribution of NRPF families by local authority



# Fig. 2 – Number of NRPF Families by Region/ Nation (2012/3)

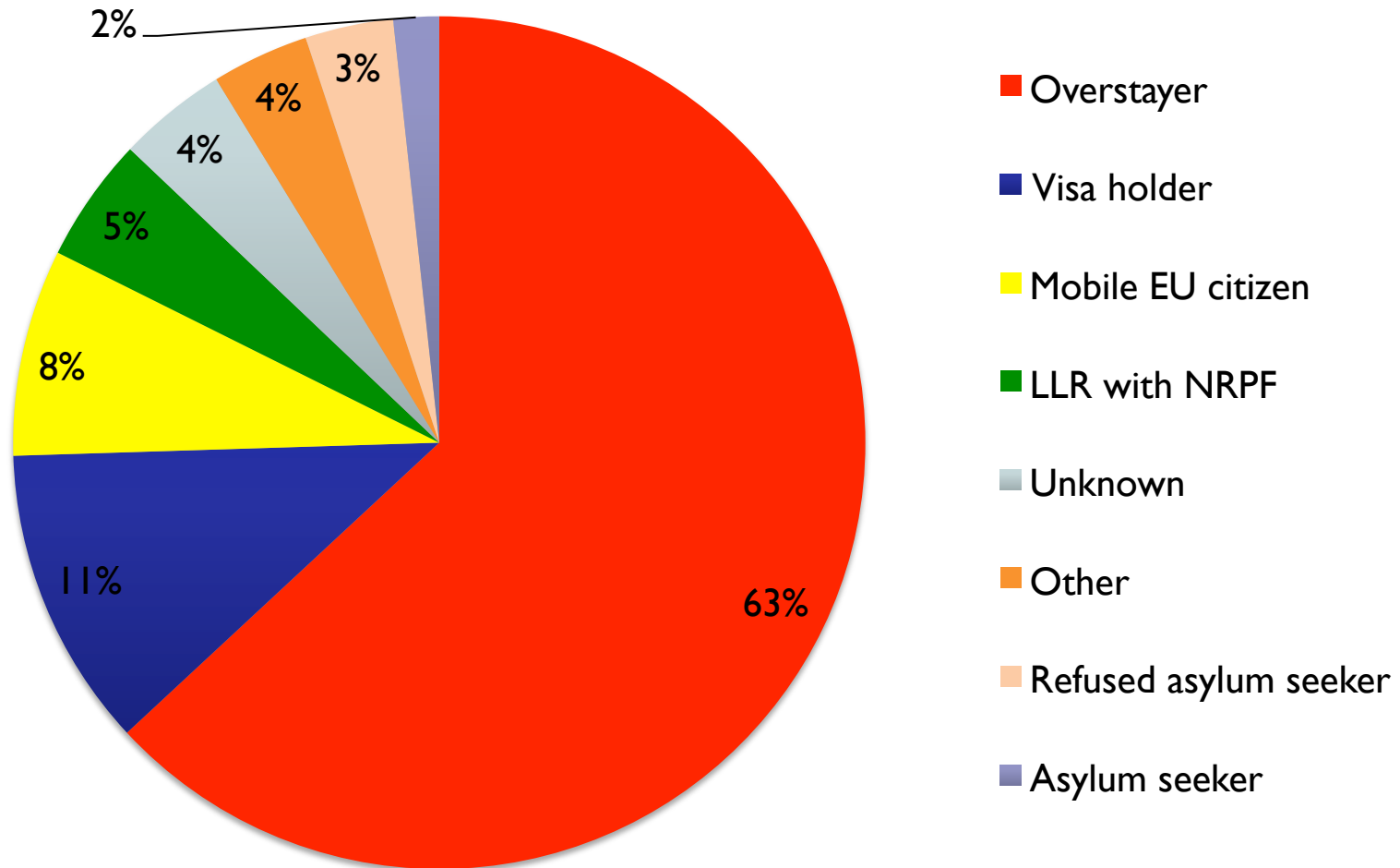
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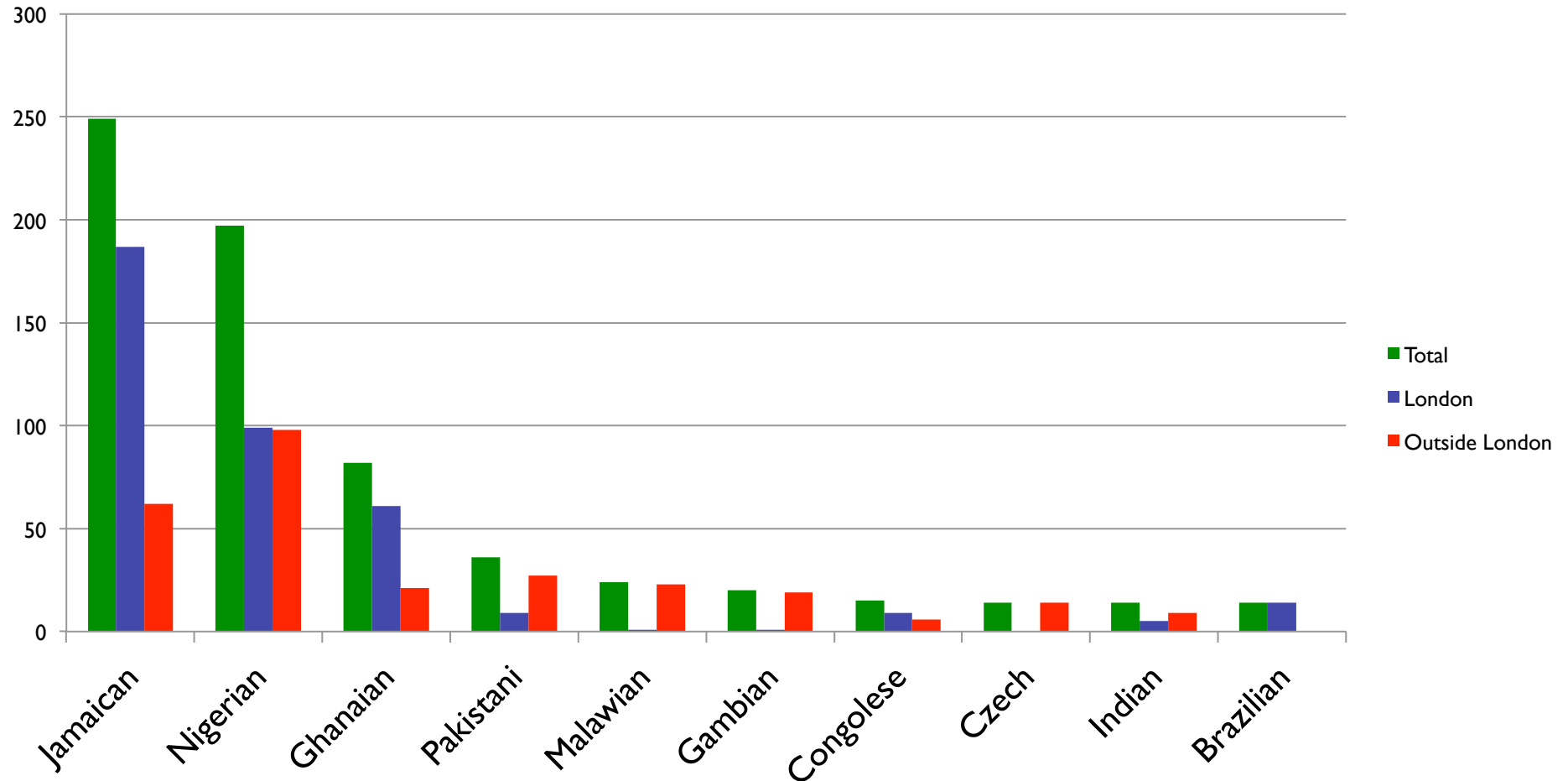
# Fig. 3 – Service users by immigration status

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N = 867 families

# Fig. 4 – Service users by nationality



N = 869 families

# Welfare needs

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- Accommodation
- Some instances of exploitation
- From self-sufficiency to crisis and eventual referral to local authority
- Identification of welfare needs: key role of universal statutory agencies

# Local authority practice – Assessments

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- Screening and formal assessment process (s17 and Human Rights Assessments)
  - Destitution as the key consideration
  - Evidence and fraud
  - Child vs. adult focus of assessments

*“When a family presents at Children’s Services, it’s about trying to establish whether or not the family is genuinely destitute and whether or not the family has given us the true picture of the situation. Are they working illegally but not saying? Are they getting money from friends and family but they’re not saying? There’s not a child centred approach towards a Section 17 assessment. It’s all about the presenting parent; it’s not about the child.”*

*- Family support worker, Local authority*

# Local authority practice – Provision of services

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- Low and inconsistent subsistence rates
- B&B vs Private Rented Sector accommodation

*“We simply do not pay at rates that families need to survive...I think actually our service maintains poverty...I’ve never been comfortable...with paying £5 a day for a child”*

*– Social worker, Local authority*

# Local authority practice – Explaining variation

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- Strength of local advocates
- Dedicated vs mainstreamed NRPF services
- Conceptual framing of issues

*“Within the initial assessment it is very much needs led for myself. I like to keep it that way, I think when you look through the lens of immigration, that’s when you start to be the gatekeeper and you start to label people as deserving or undeserving, or eligible or not eligible. I think that’s not the purpose of an assessment of children in need.”*

*- Social worker, Local Authority*

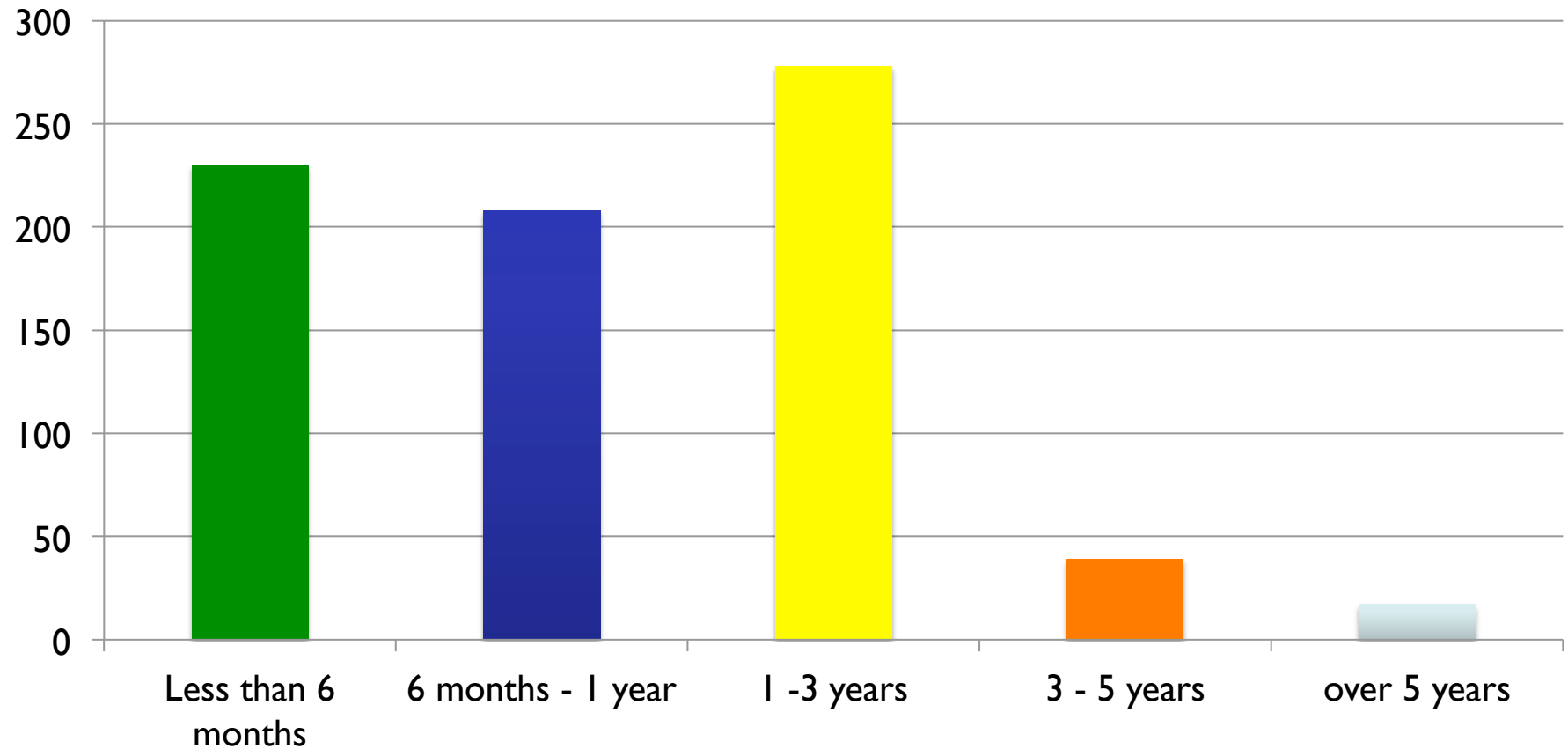
# Case Resolution and Outcomes

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- Local authorities reliant on Home Office to resolve most cases
- Length of time on s17 support: a period of limbo
- Pending immigration applications in 71% of cases
- Most cases are concluded through grants of status, return to country of origin as a means of case resolution rare
- Communication barriers between Home Office and local authorities

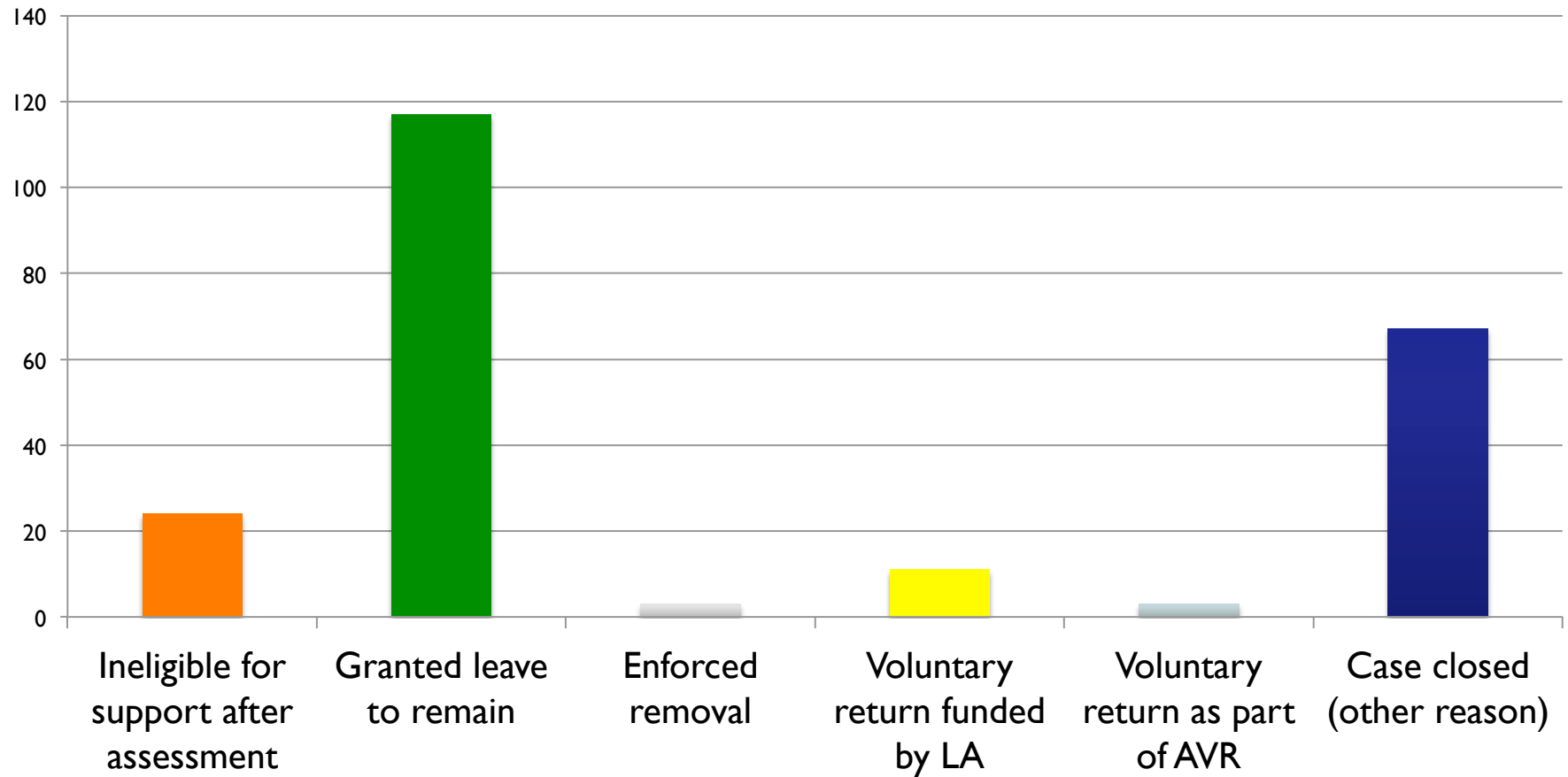


## Fig. 5 – Length of time on support



N = 772 families

# Fig. 6 – Means of case resolution



N = 224 families

# Conclusions

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- S17 provides a vital safety net for children whose parents are excluded from welfare benefits and face safeguarding risks through destitution
- Provision of services under s17 is minimal, lower than that provided to any other group. However, support can be long-term raising concern about the long-term impact on children of living in poverty
- The policy environment for local authorities is challenging: lack of statutory guidance, lack of fundings. But also different perspectives, service arrangements and relationship with advocates affects practice. These factors contribute to difficulty families have in accessing support and to variation in practice
- Resolving cases rests mostly with the Home Office and local authorities have little control over this – resolution takes too long and communication between them is poor
- Voluntary sector plays crucial role providing support and advocacy, but capacity and expertise are limited

# Implications for policy and practice

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- In reviewing extent to which NRPF policy is used, impact on children and on local authority budgets must be considered
- Reduce time taken to resolve immigration cases of NRPF families
- Statutory guidance should be revised to address assessments and service provision specific to NRPF families
- Local authorities could consider establishing dedicated NRPF team/social worker as focal point of expertise and referral
- Local Safeguarding Children Boards should consider ways in which statutory agencies and voluntary sector can work together to address safeguarding risks affecting children and families
- Extend membership of NRPF Connect as a means to strengthen working relations between local authorities and Home Office
- Lack of capacity in the voluntary sector to provide advice and support should be addressed