



Social Work with No Recourse to Public Fund 'NRPF' Challenges and Dilemmas

**By members of the
Immigration, Asylum & Trafficking Special Interest Group
(IAT SIG)**

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BASW
The professional association for
social work and social workers

Immigration, Asylum and Trafficking Special Interest Group (IAT SIG)

- Sub group of Policy Ethics and Human Rights (PEHR) Committee
- Group in various forms on this area of social work have existed for decades, with a focus on human rights and ethical practice
- Main aims are to
 - Raise awareness, knowledge and understanding of immigration asylum and trafficking issues, policy, interface with and impact on social work practice.
 - Support good practice and influence policy makers, ensuring BASW responds to consultations and associated developments including position statements, both UK and country specific.
- Currently have two active subgroups:
 - i) on NRPF
 - ii) on Age Assessment

The logo for BASW, featuring the letters 'BASW' in a bold, blue, sans-serif font.

The professional association for
social work and social workers

We meet by teleconference approximately every 6 weeks and face to face once a year.

We actively work to have membership from all the nations and struggle to have membership from all the four nations so please join us and pick up the baton of activity in this field of social work!

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What is 'no recourse to public funds'?

- No entitlement to 'public funds' i.e. the majority of welfare payments, social housing or homelessness assistance
- Applies to people 'subject to immigration control', including
 - Undocumented more irregular migrants
 - Those who have overstayed their leave
 - Those with leave to remain with the 'NRPF' condition attached
 - Some groups of EEA nationals
 - Special visa categories, such as spousal, student and some human rights cases
 - Asylum seekers or refused asylum seekers

NRPF- the removal of human rights

Destitution, as defined in law by the Immigration and Asylum Act 1999 is when a person:

- (a) does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or
- (b) they have adequate accommodation or the means of obtaining it, but cannot meet their other essential living needs.

NRPF Destitution differs from other forms of poverty because it results from a removal of the right to access most forms of public welfare provision

The lived experience for people with NRPF

Poorest and most vulnerable will be most affected by 'hostile environment'

Such individuals may experience:

- Further financial restrictions may include no right to work, no right to hold bank account
- No access to educational support to address disadvantage e.g. 'pupil premium' and free school meals
- Life 'under the radar', social isolation
- Frequent delays in accessing health, social care
- Destitution over longer period than other population groups

What is the social work role with people with NRPF?

Children & families

Duty to promote the welfare of children 'in need': may include homelessness, low income

- s17 Children Act 1989 in England & Wales; s22 Children (Scotland) Act 1995

Adults

Addressing care needs for adults (including pregnant women) not arising solely from destitution

- Care Act 2014 (England & Wales); s12 Social Work Scotland Act 1968 & Community Care Act 1999

We invite further country specific legislation.

Some of the barriers to good practice.

- Racist and other discriminatory and oppressive practice
- Lack of statutory guidance
- Complex legislation, tension between family and immigration law
- High thresholds for support
- Immigration control overshadowing children's rights (Children's Society 2016)
- Threats to accommodate child(ren) without parent
- Poor funding by central government
- Support (when provided) is inadequate to meet children's needs

Case Study 1

Mrs A married a UK citizen and moved to the UK to be with her husband. The couple had two children aged three and five years.

Mrs A was subjected to emotional and domestic abuse throughout her marriage and following the latest incident left the family home with her children and presented at Children's Services for support.

Mrs A finds out that her immigration status has never been formalised and she has no recourse to public funds.

Case Study 1

Questions

1. You are working in a front door team of a L.A. What would your initial case recommendations be?
2. What further information would you seek?
3. Your manager informs you that the L.A. will not provide a service, what is your response?

Case Study 2

S is an 18 year old who has been in the UK for 2 years having arrived alone and is still waiting for an initial decision on his asylum claim.

S has significant physical and mental health issues, PTSD and regular hospital appointments.

When S turned 18 he was moved out of his foster placement into a shared house. S did not want to move.

The house S moved to was dirty and many of the things in the house were broken. S was given a prepaid card which was topped up with £45 a week, it charged him £1.50 to withdraw money.

S's friend's with leave to remain gets £57.90 a week. S did not have a keyworker.

When S challenged the support he was being given his personal advisor told him it was what was available for him because he had NRPF.

Case Study 2

Questions

1. If you were allocated this case what issues would you want to address?
2. Your manager says when the young person receives his immigration decision his support situation may change. How do you respond?
- 3 . How are you going to prepare this young person for various the possible outcomes?

The logo for BASW (The professional association for social work and social workers) is located in the top left corner. It features the acronym 'BASW' in a large, bold, blue sans-serif font. Below the acronym, the full name 'The professional association for social work and social workers' is written in a smaller, blue, sans-serif font. The logo is set against a white background that is partially framed by a dark blue diagonal shape on the left side of the slide.

The professional association for
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What next?

- Take handouts and follow up the references
- Look up good practice, support organisations
- Join the IAT SIG

Sign hand-out sheet today or go on to the BASW website or email Helen Randle (IAT SIG Admin) on

helen.randle@basw.co.uk

BASW on Immigration Asylum & Trafficking Special Interest Group (IAT SIG) Workshop on Social Work Practice with 'No Recourse to Public Funds' (NRPF)

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Practice issues

- A culture of hostility and disbelief, which leads to local authorities employing various practices to discredit parents (e.g. credit checks; frequent use of fraud investigations)
- Lack of focus on the child: assessments focus heavily on credibility of parents, losing sight of the child;
- Thresholds can be very high, making self-referral very difficult. Families with presenting needs may not be assessed without legal representation or threat of legal action;
- Families are often left street homeless;
- Assessment practice can be poor and is not always conducted by social workers, which may mean need or risk factors not identified;

- Racism and other forms of discriminatory and oppressive practice and decision making are common, e.g. racist comments made to parents, xenophobic approach to immigration, blame towards single mothers;
- Consent forms may not allow families the space to disagree with checks or information sharing, stating that services cannot be provided without information sharing. This includes information sharing with the Home Office;
- Where support is agreed, it is often not sufficient: for example financial assistance will often not fully address food poverty and accommodation may be far from families' social network with poor living conditions;
- In the case of single mothers with NRPF, local authorities often suggest that the child can live with the other parent, even where there is a history of domestic abuse or the child has little or no relationship with the other parent;
- Lack of knowledge around immigration (e.g. barriers to regularising status), which can sometimes lead social workers to provide bad immigration advice where they are not qualified to do so;

Good practice points

- As in practice with all service user groups, families with NRPF are entitled to their rights. This includes working respectfully with families and ensuring families are able to give informed consent to the assessment including information sharing. This includes Home Office checks even in a child protection context;
- To clarify the social work role with migrant families from the start, including your role as different to the Home Office, what information will be shared and when, that families can contact you around meetings, the assessment process and its possible outcomes;
- Ensure families are aware of their rights: refer families to migrant support organisations who can advise families about their rights and their work with you. Support families to access immigration advice as swiftly as possible;
- To be proactive in asking about families' situation including how they have managed financially and with accommodation- don't wait for them to bring this up. Specific issues for families with NRPF include debt to the NHS or school for children's lunches and money owed on credit cards/to friends;

- To keep a civil professional relationship with solicitors, advocates and support workers even if it feels like they're nagging, critical or simply wrong. They can be really useful in addressing issues with families and it can help to avoid splitting in the professional network which can be anxiety provoking for families;
- To ensure assessments and your recommendations are clear and well-evidenced, whatever you recommend. Do incorporate parents' explanations for information which may lead to a decision not to support the family;
- To advocate for the families you work for: help other professionals to understand how NRPF is impacting this family and support families to access services you think meets their needs;
- To address poor practice when you see it including discriminatory or oppressive language, a lack of understanding about NRPF or the reasons that families are approaching the local authority. This might include managers and other senior members of staff;
- Where there are inconsistencies in information provided, give families a meaningful opportunity to respond before drawing adverse conclusions;
- Be aware of the fact that it takes a long time for families to regularise their immigration status.

RESOURCES

Practice resources

NRPF Network Practice Guidance

<http://www.nrpfnetwork.org.uk/guidance/Pages/default.aspx>

NRPF Network's web tool to check support options for families with NRPF

<https://migrantfamilies.nrpfnetwork.org.uk/>

Project 17 resource list (letter templates, factsheets for professionals working with families with NRPF, guidance on making complaints and support for families)

<https://www.project17.org.uk/resources/>

Project 17's [Charter for Children Living in Families with NRPF](https://www.project17.org.uk/policy/campaigns/childrens-charter)

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Serious case reviews involving families with NRPF

'Ellie' (Medway Safeguarding Children Board)

<http://www.msab.org.uk/pdf/Ellie%20Overview%20Report%20-%20Final1.pdf>

'Child G' (Wolverhampton Safeguarding Children Board)

<https://www.wolverhamptonsafeguarding.org.uk/images/safeguarding-children/SCR-Child-G-Published-Jan-18.pdf>

Reports about 'no recourse to public funds'

Safeguarding Children from destitution: Local authority responses to families with 'no recourse to public funds' <https://www.compas.ox.ac.uk/2015/safeguarding-children-from-destitution-local-authority-responses-to-families-with-no-recourse-to-public-funds/>

Making Life Impossible: How the needs of destitute migrant children are going unmet <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf>

"In the night we didn't know where we were going" Project 17's Hotel Fund: Provision of emergency accommodation to families left street homeless following a local authority refusal of support under Section 17 of the Children Act 1989 <https://www.project17.org.uk/media/67646/hotel-fund-report-pdf-final-copy.pdf>

Not Seen, Not Heard: Children's experiences of the hostile environment <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

Academic articles

Farmer, Natalia (2017) “No Recourse to Public Funds”, insecure immigration status and destitution: the role of social work?’

<https://www.ingentaconnect.com/contentone/tpp/crsw/2017/00000005/00000003/art00008>

Jolly, Andy (2018) ‘No Recourse to Social Work? Statutory Neglect, Social Exclusion and Undocumented Migrant Families in the UK’

<https://www.cogitatiopress.com/socialinclusion/article/view/1486>