Safeguarding children from destitution: Local authority responses to families with ‘no recourse to public funds’

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Aims

The study was funded by the Nuffield Foundation, and the aim was to explore the tension between two policy areas relating to the welfare of children: provision in immigration law which precludes some families from accessing mainstream welfare benefits (‘no recourse to public funds’, or ‘NRPF’), and local authorities’ responsibilities in relation to children in need. The study explored current local authority policy and practice in England and Wales in relation to s17 support for NRPF families (s17 refers to Section 17 of the Children Act 1989 which sets out the duty of local authorities to safeguard and promote the welfare of children in their area who are ‘in need’).

Methodology

- The study took place across England and Wales.
- The researchers first delivered a basic survey to all local authorities in England and Wales with a Children's Services department. Where local authorities did not respond, the information was requested under the Freedom of Information Act.
- The first 55 local authorities to respond to the basic survey (and who had supported NRPF families under s17 in 2012/13) were sent a more detailed questionnaire. 24 local authorities responded.
- An online survey of the voluntary sector was undertaken – 105 responses were received.
- Six local authorities agreed to be research sites in order to explore assessment processes and service provision in more depth. 92 in-depth interviews were held with service providers (49) and parents (43).

Two of the local authorities responding to the detailed survey were in Yorkshire and the Humber. The six sites studied in greater depth are not explicitly identified, although the acknowledgements indicate that at least one was in Yorkshire and the Humber.

Key issues

The researchers found that the number of NRPF children and families being supported under s17 has increased. It was found that generally families are clustered in a small number of local

authorities. Nearly two-thirds had the immigration status of ‘overstayer’. The most common welfare need was housing, followed by food and other essentials such as clothing and warmth. It was found that families were vulnerable to exploitation. Families had generally presented to the local authority in crisis following a deterioration in circumstances, due to a number of factors, for example fewer work opportunities, and more stringent immigration requirements for employers. Most parents interviewed wanted to stay in the UK, mostly for reasons relating to their children. The researchers found that local authorities’ approaches to assessment and service provision varied. Parents reported negative experiences of the assessment process, even when services were provided under s17. For example they reported being told to return to abusive partners, or to their ’own country’. There was a strong fear that children would be removed. Accommodation provided was often unsuitable for children (especially when bed and breakfast was used). It was found that local authorities’ subsistence payments varied considerably and could be below subsistence rates provided by the Home Office for refused asylum seekers. The researchers found that local authorities were usually dependent on the Home Office to resolve the immigration status of families being supported under s17, which was reported as often taking a considerable length of time. The survey showed that more than a third of families were supported for between one and three years. Most families are eventually given leave to remain.

Conclusion

The report concludes that the fact that the Children Act provides a vital safety net for children in families with NRPF, but that the level of support is limited due to local authorities' receiving no additional funding to meet their duties under s17 which results in unsuitable accommodation being used and inadequate rates of subsistence being provided. Issues with local authorities' assessment process and variation in levels of subsistence provided may be explained by a lack of statutory guidance. Local authorities are reliant on the Home Office to resolve the immigration status of destitute families, a process which can take a number of years. The voluntary sector plays a key role in supporting destitute families but this support is not universally available. The researchers question whether the aim of s17 of the Children Act, to safeguard children in need, is being met for this group of children.

Recommendations

The researchers make a number of recommendations, including:

- Reduce the length of time to resolve the immigration status of families
- Grant funding from central government based on agreed criteria and definition of destitution
- Consider ways that local authorities could assist with the voluntary return of families

- Local Safeguarding Children Boards should consider ways to improve joint working to support these families
- Statutory guidance should be developed to improve the consistency in local authorities/ screening and assessment processes

Address the lack of capacity in the voluntary sector to provide advice and support e.g. by improved joint working.

Web Link
https://www.compas.ox.ac.uk/2015/safeguarding-children-from-destitution-local-a…
Migrant Group
Refused asylum seekers
Topic
Children
Children and young people
Destitution
NASS
Welfare entitlements
Place
UK - inc. Yorkshire & Humber element
Year
2015
Resource Type
Report
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COMPAS, University of Oxford

Source URL: *https://www.migrationyorkshire.org.uk/research-entry/safeguarding-children-destitution-local-authority-*

responses-families-no-recourse