Bournemouth Borough Council and
Borough of Poole
Adult Social Care Directorates

No Recourse to Public Funds
Procedure Guidance

Please assume that Adult Social Care documents are subject to change and that the electronic version is the most up to date.

Alternative formats are available on request from the Policy & Service Development Team.
### Document Control

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<th>No Recourse to Public Funds Procedure Guidance</th>
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| Policy Lead and Approval Body | David Vitty – Service Director, Adult Social Care (ASC)  
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| Author                        | Sarah Webb – Joint Service Manager, Statutory Services (BBC & BoP) |
| Produced By                   | Kevin Moore – ASC-S Policy Officer (BoP)  
                                 Helen Holland and Lucy Russell – Policy & Service Development Officers, (BBC) |

#### Revision History

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
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<tr>
<td>May 2013</td>
<td>1.1</td>
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<td>May 2014</td>
<td>1.5</td>
<td>Eu Residents New Conditions</td>
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<td>1.6</td>
<td>Full Update – Utilising NRPF Network</td>
<td>All</td>
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<td>1.7</td>
<td>Produced as combined Bournemouth and Poole document</td>
<td>None</td>
</tr>
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<td>Reproduced on agreed joint template. Updated with DDV guidance, current EEA guidance and current links/contacts</td>
<td>All</td>
</tr>
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<td>Amendment Borough of Poole guidance, strike through reference to National Assistance Act 1948</td>
<td>Appendix E</td>
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<td>Updated Borough of Poole guidance and link to full document</td>
<td>Appendix E</td>
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#### Equality & Impact Needs Assessment Location

- K:\Development Projects\Equality Champion\EINAs and EINA Screening Tool\E32 No Recourse to Public Funds 270917 EINA screening.docx

#### Distribution

- All BBC – available on Biz
- All BoP ASC staff - available on Loop

#### Who Must Comply with this Guidance?

- Adult and Children’s Social Care Staff: Service Director, Service Managers, Team Managers, Senior Practitioners, Social Workers, Care Managers, Care Coordinators, Integrated Team Managers of Community Mental Health Teams (CMHTs).

#### Who needs to be

- Relevant Voluntary Sector organisations, Housing Services, NHS Dorset – Clinical Commissioning Group, Royal Bournemouth and Christchurch
<table>
<thead>
<tr>
<th>aware of this guidance?</th>
<th>Hospitals NHS Foundation Trust, Dorset Healthcare University NHS Foundation Trust, Care Direct/ Customer Services, Members of the Public.</th>
</tr>
</thead>
<tbody>
<tr>
<td>When does this apply?</td>
<td>The guidance applies when considering the advice or support that may be required by an individual who appears to have no recourse to public funds (NRPF) or be prevented from claiming public funds as an EEA National.</td>
</tr>
</tbody>
</table>

Any links within this document that are **highlighted in yellow** are being worked on, and will be linked to this document as soon as possible.

Should you need further information about any of these links, please contact line management in the first instance.
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1.0 Introduction
This document provides guidance for Bournemouth Borough Council (BBC) and Borough of Poole Council (BoP) in assessing whether there is a duty to support adults, their families, carers or children who are subject to immigration controls and have no recourse to public funds (NRPF) or are EEA Nationals prevented from claiming public funds.

Returning British nationals are a third group who may not be eligible for welfare benefit payments or housing assistance in some situations. However, this guidance does not relate to this group as their circumstances are addressed in Adult Social Care Eligibility Policy.

All local authorities in the UK have a duty to advise people who have no recourse to public funds 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.

This guidance aims to:

- ensure that individuals are treated equitably, fairly and with respect;
- provide a consistent approach to assessing an individual’s eligibility for support;
- enable individuals who are eligible to access support;
- maximise resources to alleviate pressures on social care budgets;
- ensure that BBC and BoP carry out their duties within the legal framework.

2.0 What is meant by ‘No Recourse to Public Funds’?
No Recourse to Public Funds (NRPF) is a condition imposed on someone due to their immigration status.

The law regarding NRPF applies to non-EEA nationals; current EEA countries can be found here - [NRPF Network EEA countries](#). If you require information regarding EEA nationals only, please see Section 5.

Section 115 Immigration and Asylum Act 1999 states that a person will have ‘no recourse to public funds’ if they are ‘subject to immigration control’.

<table>
<thead>
<tr>
<th>A person will be ‘subject to immigration control’ if they have:</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave to enter or remain in the UK with the condition ‘no recourse to public funds’</td>
<td>Spouse visa, student visa, limited leave granted under family or private life rules</td>
</tr>
<tr>
<td>Leave to enter or remain in the UK that is subject to a maintenance undertaking</td>
<td>Indefinite leave to remain as an adult dependant relative of a person with settled status (there is a five year prohibition on claiming public funds)</td>
</tr>
<tr>
<td>No leave to enter or remain when the person is required to have this.</td>
<td>Visa ‘over stayers’, illegal entrants</td>
</tr>
</tbody>
</table>
If a person has leave to enter or remain with the ‘no recourse to public funds’ condition then this will be specified on their residence permit, entry clearance vignette or biometric residence permit (BRP), as it will say ‘no public funds’.

An example of a BRP with the NRPF condition (on reverse side) is:

![BRP example]

If a person has valid leave to enter or remain and there is no reference to NRPF on their immigration documentation, then it should be assumed that they do have recourse to public funds.

Claiming a public fund when a person’s immigration conditions prohibit this could adversely affect their current status and future applications. Legal advice should be sought in such circumstances.

*Note: This prohibition only applies to certain specified public funds, so a person with this condition is not excluded from other publicly funded services, including social services assistance*

### 3.0 Public Funds that a Person with NRPF Cannot Claim

A person with NRPF is prohibited from accessing specified welfare benefits and public housing.

These are set out in section 115 Immigration and Asylum Act 1999 and paragraph 6 of the Immigration Rules.

If a publicly funded service is not on this list, then a person with NRPF will not be prohibited from accessing it because of the NRPF condition.

<table>
<thead>
<tr>
<th>Housing</th>
<th>Welfare Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>An allocation of local authority housing provided under the Housing Act 1996</td>
<td>Attendance Allowance</td>
</tr>
<tr>
<td>An allocation of a housing association property provided via the local authority rehousing list</td>
<td>Disability Living Allowance</td>
</tr>
<tr>
<td>Local authority homelessness assistance provided under the Housing Act 1996</td>
<td>Personal Independence Payment</td>
</tr>
<tr>
<td></td>
<td>Carers Allowance</td>
</tr>
<tr>
<td></td>
<td>Working Tax Credit</td>
</tr>
<tr>
<td></td>
<td>Severe Disablement Allowance</td>
</tr>
<tr>
<td></td>
<td>Child Benefit*</td>
</tr>
<tr>
<td></td>
<td>Housing Benefit</td>
</tr>
<tr>
<td></td>
<td>Social Fund Payment</td>
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</tbody>
</table>
*If the parent of a British child has NRPF then they will normally be restricted from applying for Child Benefit or Child Tax Credit if the other parent cannot apply for these. However, the rules around claiming Child Benefit are complex and specialist welfare benefit advice should be sought.

3.1 Exceptions
There are some exceptions to the prohibition on claiming public funds, for example, if a person:

- is a national of a country with a reciprocal agreement with the UK, then, despite having NRPF, they may be able to claim certain public funds;
- with NRPF is living with a partner who has recourse to public funds, then they can jointly claim working tax credit and child tax credit;
- was granted leave to stay in the UK as the spouse/partner of a British Citizen/someone who has settled in the UK, and has been granted a Destitute Domestic Violence (DDV) concession. This concession grants domestic violence victims, who would otherwise have no recourse to public funds, access to emergency refuge accommodation and/or other eligible welfare benefits for 3 months. During this time the person should submit an application to the UK Border Agency for indefinite leave to remain. For further information and an application form see the [www.gov.uk DDV concession](https://www.gov.uk). Appendix E provides BoP’s guidance on further supporting victims of domestic violence.

For further details relating to public funds see the Home Office Modernised Guidance, [Public funds](https://www.gov.uk).

3.1.1 Living with a partner who has NRPF
If a person with recourse to public funds (for example, a British Citizen or person with indefinite leave to remain in the UK) is living with a partner who has NRPF, then the partner with recourse will be able to access any public funds that they would normally be entitled to, but will not usually be able to claim additional funds for a partner or other family members that have NRPF.

4.0 Social Services Support for People with NRPF
A person with NRPF is not prohibited from accessing assistance from their local authority’s social services department, as social services assistance is not a public fund.

Practitioners should refer to the NRPF Network [Practice Guidance](https://www.gov.uk) when dealing with NRPF cases and some questions are answered below:

4.1 When can accommodation and financial support be provided?
4.2 Exclusions to social services assistance
4.3 What do the exclusions mean in practice?

4.1 When Can Accommodation and Financial Support Be Provided?
There are provisions which require local authorities to provide some people with NRPF with accommodation and/or financial assistance if they become destitute.
Such assistance can only be provided to:

- families, where there is a child in need (if the family are destitute then a child will be in need);
- a young person who was formerly looked after by a local authority, for example, because they were an unaccompanied asylum seeking child, or another separated migrant child;
- adults requiring care and support due to a disability, illness or mental health condition.

The legislation which sets out these responsibilities in England is:

<table>
<thead>
<tr>
<th>Type of assistance</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Families with a child in need</td>
<td>Section 17 Children Act 1989</td>
</tr>
<tr>
<td>Young person formerly looked after by the local authority</td>
<td>Section 23C Children Act 1989, Section 24A Children Act 1989, Section 24B Children Act 1989</td>
</tr>
<tr>
<td>Adults with a need for care and support</td>
<td>Care Act 2014 (1.9 - 1.13)</td>
</tr>
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4.2 Exclusions to Social Services Assistance

Schedule 3 Nationality, Immigration and Asylum Act 2002 excludes five groups of migrants from being able to receive social services support or assistance under the legislation set out in the table above:

- a person with refugee status granted by an EEA country and dependents of such a person;
- European Economic Area (EEA) nationals and dependents of EEA nationals;
- refused asylum seekers who have failed to comply with removal directions and dependants of such a person;
- a person unlawfully present in the UK (including visa over stayers, illegal entrants and refused asylum seekers who claimed asylum once in the country, rather than at port of entry);
- a refused asylum seeking family that the Home Office has issued with certification confirming that they have failed to take steps to leave the UK voluntarily.

These exclusions only apply to assistance provided under the legislation listed in the table under 4.1.

Note that any other social services assistance must be provided to people who are eligible, regardless of their nationality, immigration status or whether they have NRPF.

4.2.1 Exceptions to the Exclusions

- British Citizens;
- a person with leave to enter or remain with the NRPF condition;
- children of any nationality, however the exclusion will apply to families when parents are in an excluded group;
- non-EEA nationals with a right to reside on account of being a sole carer of a British/EEA national child. See Zambrano carers factsheet;
- when the provision of support is necessary to avoid a breach of a person’s human rights, or European Community treaty rights;
• asylum seekers with a pending asylum application/appeal
• refused port of entry asylum seekers, unless they have failed to cooperate with removal directions or are a family certified as not having taken steps to leave the UK voluntarily.

4.3 What do the Exclusions Mean in Practice?

The exclusions only apply to people who belong to one of the five excluded groups. The exclusions do not apply to people who are lawfully present.

When people with NRPF approach Social Services for assistance, the local authority will check their immigration status with the Home Office in order to establish whether the exclusion applies.

Additionally, local authorities are obliged to inform the Home Office of anyone presenting who is unlawfully present, a refused asylum seeker who has failed to cooperate with removal directions, and a refused asylum seeking family certified by the Home Office as having not taken steps to leave the UK.

If a person requesting assistance from a local authority is in an excluded group, the local authority will consider whether the person/family can freely return to their country of origin.

Free return to a country of origin can be prevented should there be:

• pending human rights applications made to the Home Office;
• inability to travel due to illness or medical condition;
• lack of travel or identity documents.

If there is such a barrier in place preventing the person from returning to their country of origin, then the local authority will be required to provide assistance if the person meets the relevant eligibility criteria, but will regularly review the situation.

If it appears that there is nothing preventing the person from returning to their country of origin, then the local authority will need to undertake a human rights assessment (It is best practice to use NRPF Human Rights Assessment Framework) to fully consider the person/family’s circumstances in the UK and their country of origin, to establish what assistance is necessary to prevent a breach of human rights or European Community treaty rights.

If the person/family can freely return to their country of origin without this being a breach of their human rights, then the local authority may only offer to provide assistance with travel to that country.

It will be unlawful for a local authority to refuse to assist a person who belongs to an excluded group without undertaking a human rights assessment.

5.0 EEA Nationals

EEA nationals do not have the no recourse to public funds (NRPF) condition imposed on them.

However, they may be prevented from claiming public funds when they do not satisfy the eligibility criteria attached to a specific welfare benefit, homelessness assistance or council housing allocation.
Establishing whether an EEA national has the right to reside in the UK can be complex, as is establishing benefit eligibility.

The Department for Work and Pensions (DWP) may consider applying the following in order to assess an EEA national's eligibility to welfare benefits:

- a habitual residence test;
- a three-month residence requirement;
- a minimum earnings threshold to determine whether a person is a 'worker' when claiming out-of-work benefits;

However, there are many instances where these requirements may not apply. Advice should be sought from the Department for Work and Pensions (DWP) regarding benefit eligibility from Universal Credit (0800 3285644) or Pension Credit (0800 991234). Appendix C provides details of other organisations who can also be contacted for advice.

**Social services assistance**

In some circumstances, EEA nationals and family members of EEA nationals, who are not eligible to access public funds, may be able to receive accommodation and financial assistance from social services.

This is limited to:

- Families where there is a child in need (if the family are destitute then the child will be in need)
- A young person who was formerly looked after by a local authority
- An adult requiring care and support due to a disability, illness or mental health condition.

EEA nationals and dependants of EEA nationals are subject to the exclusions for this type of social services assistance, and will only be entitled to receive such support if the local authority determines
that this is necessary in order to prevent a breach of a person/family's human rights or their European Community Treaty rights.

This means that a local authority must undertake a human rights assessment (see NRPF Human Rights Assessment Framework), which will involve determining whether the EEA national has the right to reside in the UK, and whether the provision of support is necessary to prevent a breach of their European Community Treaty rights or human rights.

If the local authority identifies that there would be a breach of European Community Treaty rights or human rights, then assistance should be provided if the relevant eligibility criteria are satisfied. If the local authority concludes that assistance is not necessary to avoid such a breach, then it may offer assistance with travel back to the EEA national's country of origin.

6.0 Procedure
The procedure that follows provides guidance for BBC and BoP staff in assessing the advice or support that may be required by an individual who appears to:

- have no recourse to public funds (NRPF) or;
- not be eligible to claim public funds as an EEA National.

The document is intended as guidance when exercising our duties and powers and/or how to respond 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.

Bournemouth Borough Council and Borough of Poole Council ascribe to the practice principles of the NRPF Network for assessment of Adults, Carers, Children and Families.

6.1 Assessment and Support Resources
Bournemouth Borough Council Practitioners should follow the relevant guidance provided by the NRPF Network:

- Assessing and Supporting Adults who have No Recourse to Public Funds (NRPF)
- Assessing and Supporting Children & Families and Former Looked-after Children who have No Recourse to Public Funds (NRPF)
Referral Received
Sources may Include:
Police, Community Mental Health Teams, Housing, NHS or Charity.

Receiving Team Complete Screening Assessment
to determine whether referral appears to fit NRPF criteria and to establish primary need

Receiving Team to Determine if Provision of Immediate Accommodation Costs and/or Financial Support for Subsistence is/are Required to Meet Current Needs.

Receiving team to facilitate initial provision as above.

determination to be completed on a “no prejudice basis” – awaiting full assessment.

Subsistence Costs are based on Department of Work and Pensions Benefit Rates
(See Appendix)

Accommodation Costs are based on Local Fair Rent/Rates including B&B rates.
(See Appendix)

Appropriate Team Determined and Allocated

Allocated Team to Adhere to Relevant NRPF Network Procedural Guidance, Complete Necessary Assessment/s and Provide Relevant Support, as Appropriate.

If criteria is met follow the process for subsistence payments and other support as detailed below

If criteria not met Provide advice and signposting to other agency as detailed in appendix
Note: The initial referral receiving team to initiate the assessment and support process – final budgetary responsibility queries are NOT a reason to delay assessment and/or support.

6.2 Process for Subsistence Payments and Other Support

Making Subsistence Payments

- Present case to Line Manager
- Complete Form AC0026 ‘Application for Funds’ T:/Template/Adult/AC0026
- Forward form to Statutory Services Team (SST) and present case Practice Manager
- On completion of Human Rights and Care Act Assessment present case to the Statutory Services Practice Manager again within 6 weeks and then at agreed review intervals, for subsistence to continue
- Subsistence rates are held by SST and are linked to age related Income Support levels and local Fair Rent levels, i.e. adjusted annually
- Form A0026 can be completed to cover up to four weeks and must be submitted at least a week in advance

6.3 Refusing, Reviewing or Withdrawing Support

NRPF Network Guidance regarding refusing or withdrawing support states:

There are two circumstances in which care and support under the Care Act could be refused to adults with NRPF, when:

a) A human rights assessment concludes that the provision of support or assistance under Part 1 of the Care Act 2014 is not necessary to prevent a breach of human rights or European Community Treaty rights for those who are subject to the exclusions under Schedule 3 Nationality Immigration and Asylum Act 2002, (see section 2.3 Schedule 3 Nationality, Immigration and Asylum Act 2002: exclusions from support); or

b) The adult does not have eligible needs and the local authority has decided not to use its power to meet non-eligible needs. (See section 3 Assessing eligibility for care and support under the Care Act 2014).

The Care Act requires all assessment decisions to be recorded in writing and the outcome clearly communicated to the adult, so it may be necessary to use an interpreter.

NRPF recommend that the same is done when support will be refused or withdrawn following a human rights assessment.

- The assessment outcome should clearly state why the adult is not eligible, or no longer eligible for support.
- Any adverse findings must be put to the adult so that they may have a chance to respond.
- Any new information provided by the adult after the decision, or any alternative explanations must be considered by the local authority.
- If adult has been receiving support and this is to be withdrawn, reasonable notice must be given to allow the adult to make alternative arrangements. What constitutes reasonable notice will depend on the adult’s circumstances. Usually 21 days would constitute reasonable notice.
The local procedure incorporates **Refusing or Withdrawing Support** above and further directs:

- subsistence payment levels must be reviewed each April and on an ad hoc basis if the person’s needs change i.e. if it appears they have additional ‘Disability Related Expenditure’;
- needs should be reviewed initially at 6 weeks and then at least yearly;
- if it appears that a person is not entitled to subsistence payments, the case details must be presented to the SST Manager or Practice Manager, who will advise if Legal Services need to be consulted;
- if payments are going to cease, at least 21 days’ notice must be given to the client in writing and advice and signposting must be given regarding alternative options – see **appendix C**;
- when a person has ‘Leave to Remain’ Reviewing and Stopping Payments will usually apply, as they will generally have recourse to public funds and are no longer entitled to subsistence payments under NRPF *(see below for exceptions)*;
- there are occasions when the Home Office will rule that a person has ‘Leave to Remain’ and still have No Recourse to Public Funds. In this case, any eligible care and support needs will prompt eligibility to subsistence. Such situations will need to be dealt with on a case by case basis and legal advice may be required.

### 6.4 Health Needs

The NRPF Network has produced a factsheet entitled **‘NHS healthcare for migrants with NRPF’**

The factsheet summarises what NHS healthcare migrants with NRPF can access in England, whether this will be chargeable, and the new Immigration Health Charge.

For full details please refer to the legislation that is referenced and the Department of Health’s [Guidance on overseas visitors hospital charging regulations](#).

NHS treatment is not a ‘public fund’ for immigration purposes, so migrants subject to the ‘no recourse to public funds condition’ are not prohibited from accessing NHS services.

### 7.0 References and Related Information

**Key Legislation and Statutory Guidance**

- Asylum and Immigration (Treatment of Claimants, etc) Act 2004
- Care Act 2014
- The Care and Support (Disputes between Local Authorities) Regulations 2014
- The Care and Support (Ordinary Residence) (Specified Accommodation) Regs. 2014
- The Care and Support (Assessment) Regulations 2014 The Care and Support (Eligibility Criteria) Regulations 2014
- The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014
- S17 Children Act 1989
- Children (Leaving Care) Act 2000
- Community Treaty Rights
- Articles 3 and 8 of the [European Convention on Human Rights (ECHR)](#).
• Human Rights Act 1998
• Immigration Act 1971
• The Immigration Act 2014
• Immigration and Asylum Act 1999
• Schedule 3 of the Immigration, Asylum and Nationality Act 2006
• Immigration (European Economic Area) Regulations 2006
• Local Government Act 2000
• S117 Mental Health Act (1983)
• The Department of Health, Code of Practice: Mental Health Act 1983
• NHS and Community Care Act 1990

8.0 Appendices

Appendix A Assessment and Support Resource: Adults NRPF Network Guidance
Content for Information – Please follow link for detail

1. Introduction
2. Pre-assessment screening
3. Assessing eligibility for care and support under the Care Act 2014 care and support
4. Assessing adults who are owed duties under section 117 Mental Health Act 1983
5. Assessing adults to whom Schedule 3 Nationality Immigration and Asylum Act 2002 restrictions apply
6. EEA nationals and welfare benefits
7. Asylum seekers and Home Office support
8. Adults fleeing domestic violence
9. Carers
10. Refusing or withdrawing support
11. Glossary
12. Reference material

Appendix B Assessment and Support Resource: Children & Families and Former Looked-after Children
NRPF Network Guidance Content for Information – Please follow link for detail

1. Introduction
2. Key points
3. Good practice
4. Summary of key steps
5. Establishing eligibility for assessment
6. Assessments of need where Schedule 3 Nationality Immigration and Asylum Act 2002 does not apply
7. Child in need and human rights assessments where Schedule 3 Nationality Immigration and Asylum Act 2002 applies
8. Children with UK citizenship
9. European Economic Area (EEA) nationals
10. Families fleeing domestic violence
11. Leaving care provisions
12. Children with needs over and above destitution
13. Families that are ineligible for support after assessment
14. Parents who refuse to return to their country of origin
15. Families who are granted Indefinite Leave to Remain in the UK
16. NRPF Connect
17. Access to health care
18. Access to education
19. Access to legal aid
20. Pathway for homeless people with NRPF
21. Glossary of terms
22. Abbreviations
23. Further information
24. Acknowledgements

Appendix C

Useful Links:

- Assessing and Supporting **Adults** who have No Recourse to Public Funds (NRPF) [http://www.nrpfnetwork.org.uk/Documents/Practice-Guidance-Adults-England.pdf](http://www.nrpfnetwork.org.uk/Documents/Practice-Guidance-Adults-England.pdf)
- Assessing and Supporting Children and Families who have no recourse to public funds (NRPF) [http://www.nrpfnetwork.org.uk/Documents/Practice-Guidance-Families.pdf](http://www.nrpfnetwork.org.uk/Documents/Practice-Guidance-Families.pdf)
- Assisted Voluntary Return advice and form [https://www.gov.uk/return-home-voluntarily](https://www.gov.uk/return-home-voluntarily)

Useful Contacts:

- Advice about the rights of EEA nationals under European law (AIRE Centre) [http://www.airecentre.org/](http://www.airecentre.org/)
- International Care Network (ICN) - local charity providing immigration advice, including for EEA nationals, and support for asylum seekers and refugees [https://www.icn.org.uk/](https://www.icn.org.uk/)
Appendix D . Human Rights Assessment

Human Rights Assessment Form

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

Introduction

This form is designed for use in relation to requests for a needs assessment or resources from service users who are subject to immigration control and have no recourse to public funds under s.115 Immigration and Asylum Act 1999 and who fall within the restricted categories in Schedule 3 of the Nationality, Immigration and Asylum Act 2002.¹

Specifically, this form has regard to the following Articles of the European Convention on Human Rights:

- Article 3, prohibition of torture or inhuman or degrading treatment or punishment; and
- Article 8, right to respect for private and family life.

Article 3 is an absolute right. There are 5 components to Article 3: inhuman treatment, degrading treatment; inhuman punishment, degrading punishment; torture. There are two key issues in relation to Article 3: (i) whether the facts of a service user’s claim fit into one of the 5 components of article 3 and (ii) the need to show a minimum level of severity for Article 3 to be engaged. More detailed guidance is available online here.

Article 8 grants a right to respect for private and family life, home and correspondence. The right to respect for private life can include medical issues and education. Article 8 is a qualified right. Public authorities are prohibited from interfering with the Article 8 right except where the grounds for interference are in accordance with law, they pursue a legitimate aim and they are necessary and proportionate. The following are legitimate aims: the interests of national security, public safety or the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. Detailed guidance is available online here.

¹ This document is only a template form. For information about the context, process and reasons for conducting a Human Rights Assessment, see our Adults or Children and Family’s Guidance.
This form is designed to supplement, not replace, national or local authority needs assessment formats. Where appropriate, the most recent statutory assessment should be appended to this ECHR assessment.

Section 1: Key Information

**Family Composition:** Include date of birth, other names and aliases under which individuals are known

**Confirmation of Identity:** Is there a certificate, nationality document etc?

**Background / Chronology:** Provide give a brief history of background and any social service support. In completing this section the following questions should be used as a checklist:

1. How long has the family/each applicant been in the country?

2. What is their immigration or asylum status, what is the date of any decision or appeal and what applications remain outstanding?

3. What are the medical, educational, social or other needs of each family member (include details of the GP and any person or organisation consulted or being consulted)?

4. What is the financial situation?
   What accommodation is available?
   What previous accommodation has the applicant/family had?
   How was that lost?
5. How has the applicant/family supported itself until now?

6. Are there any other people or organisations who have provided or could provide any support?

7. Is there any reason why the family cannot return to their country of origin (please set out in full)?

8. What other family or relatives do the family have in this country? What contact does the family have with them?

9. What difficulties, whether in terms of employment, schooling, medical provision or otherwise, would be caused were the family to return home?

10. Is there any other factor or factors which ought to be borne in mind?

Section 2: Immigration Status

2a. EU Nationals: Complete this section for individual EU nationals who have applied for financial or social work support from the Council. For other people subject to immigration control with no recourse to public funds, including failed asylum seekers, complete section 2b.

**Purpose of Assessment:** Please record and explain to the individual/family the purpose of this assessment.

---

2 Austria; Belgium; Bulgaria; Cyprus; the Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Latvia; Lithuania; Luxembourg; Malta; the Netherlands; Portugal; Romania; Slovakia; Slovenia; Spain; Sweden; UK. 
A2 Nationals: Bulgaria and Romania.
**Assessment of current situation:** Is the individual/family destitute? Have they any other available means of support? Are children attending school?

**Assessment of ability to work:** Is the individual or anyone in the household able to work? Are there health needs that affect the service user’s ability to work? Please record/obtain relevant medical proof where appropriate.

**Other Means of Support:** Does the individual think that they might be able to become self-supporting in the near future? Are they having support from friends, family, religious communities, charities etc? If yes, obtain details.
**Travel needs:** Establish whether or not it is possible for client to return home to their country of origin. Have they the means (finance, passport, travel documents)? If not, what help would the family need?

**EU Convention rights:** Is the client working or have they been working recently and a) are now seeking work or b) are temporarily unable to work due to illness? Is the client self-employed? Is the client studying?
2b Failed Asylum Seekers/Overstayers: Complete this section for failed asylum seekers who have been issued with removal directions or who did not claim asylum at port of entry (e.g. at an airport), and other people subject to immigration control who have no recourse to public funds.

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<th>Purpose of Assessment: Please record and explain to the individual/family the purpose of this assessment.</th>
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<th>Assessment of current situation: Does the family originate from a &quot;Safe State&quot; as defined by the Home Office? Is the individual/family destitute? Has the family any other available means of support? Are children attending school?</th>
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<th>Assessment of Health Needs: If the individual or anyone in the household was legally able to work, could they do so? Please record/obtain relevant medical proof where appropriate.</th>
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3 Albania; Bolivia; Bosnia Herzegovina; Brazil; Ecuador; India; Jamaica; Kosovo; Macedonia; Mauritius; Moldova; Mongolia; Montenegro; Peru; Serbia; South Africa; South Korea Ukraine; Ghana (men only); Gambia (men only); Kenya (men only); Liberia (men only); Malawi (men only); Mali (men only); Nigeria (men only); Sierra Leone (men only).
Other Means of Support: Does the individual think that they might be able to become self-supporting in the near future? Are they having support from friends, family, religious communities, charities etc? If yes obtain details

Travel needs: Establish whether or not it is possible for client to return home to their country of origin. Have they the means (finance, passport, travel documents)? If not, what help would the family need?
Section 3: Assessment and Recommendations

**Human Rights:** Consider whether there would be a breach of Article 3 or Article 8:

**Article 3:** If support were refused or withdrawn would the individual/family be subject to treatment amounting to torture or to inhuman or degrading treatment or punishment.

**Article 8:** If the family or individual returned to county of origin, would the right to respect for private and family life be compromised?

In the case of failed asylum seekers, should individual/family be applying for support under section 4 of the Immigration and Asylum Act 1999 or do they have other means of support?

In the case of clients from the EU, would returning to their country of origin interfere with their exercise of EU Convention rights?

**Recommendation:** Assessing officer should make recommendation as to the future of this case based on their assessment. Is there any other support to be considered? Provide a reasoned conclusion.

**Confirmation of recommendation/decision:**
Team manager should make a decision as to why this person should/should not receive continued support.

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Appendix E  Borough of Poole:

No Recourse to Public Funds (NRPF) and Domestic Abuse

A guide to addressing domestic abuse/violence with victims who are unable to access public funds due to immigration status

To access the full document please follow the link below:

http://www.proceduresonline.com/poole/childcare/user_controlled_lcms_area/uploaded_files/No%20Recourse%20to%20Public%20funds%20Document%20Revised%20Feb%202019.docx

Or browse here under section 4 ‘Children in Particular Circumstances’ – ‘Children from Abroad’ – ‘No Recourse to Public funds and Domestic Abuse’.

Contact: Community Safety Partnership Manager, Commissioning & Improvement – People Services