

Children First:
West Sussex County Council NRPF Subsistence Rates Guidance

Introduction

In West Sussex there are, and will always exist, a small number of people who have No Recourse to Public Funds (NRPF) who consider themselves “destitute”. No Recourse to Public Funds (NRPF) is an immigration condition which restricts families and individuals’ access to public funds which includes many mainstream benefits such as housing and welfare under Section 115 of the Immigration Act 1999.

As a result of these restrictions, individuals and families may have a right to financial support consisting of (accommodation and subsistence payments) from social services to meet the assessed needs of any child and or children (under section 17 of the Children Act 1989) or because of complex health needs (under the Care Act 2014). In these cases, the local authority has a duty to support the accommodation and subsistence costs of residents with NRPF in the County.

What this means to you or your family?

This document provides guidance on what West Sussex County Council will pay to meet the needs of NRPF individuals and families.

What are the basic NRPF subsistence rates?

	Weekly rates
Single Adult <25	£58.90
Single Adult >25	£74.35
Couple >18	£116.80
Child rate	£39.60
Expectant mother	£3.00
Baby under 1 year	£5.00
Baby 1-3 years	£3.00
Maternity Grant (if your baby is due in 8 weeks or less or up to six weeks after birth)	£300 one off payment
Winter clothing allowance	One off payment equivalent to one week’s subsistence
Housing Element	LHA rate for local authority area Paid direct to provider/landlord

¹ These are the standard rates which may be altered up or down based on your individual circumstances and assessed needs.

How and Why West Sussex County Council have set these rates?

West Sussex County Council provides weekly subsistence payments to individuals and families who have no recourse to public funds and are eligible for social services support.

In the delivering of rates, West Sussex County Council have adhered to several principles:

- West Sussex County Council have had regard to the Section 95 Asylum Support rates and levels of welfare benefits to help the council decide what is an appropriate and fair level of support for individuals and families across the County.
- In order to ensure the practice guidance is fair to expectant mothers, the council provides a similar maternity payment for a child as Asylum Support.
- Guidance on standard rates allows the council to ensure the setting of rates are fair for all, considers relevant case law, and allows social workers/ caseworkers to efficiently manage their caseload and the scarce resources of the local authority.
- Rates can be varied at the discretion of the Service Lead/ Accommodation Team Manager on a case by case basis on the request of the client or via assessment.
- All cases will be assessed under s.17 of the Children Act to ensure the individual needs of the child(ren) are met and the council continues to uphold its duty to safeguard and promote the welfare of Children across the County.
- Where a child may be placed outside of West Sussex and that county does not cover the cost of school meals, West Sussex Council will fund this cost.

Assessment

The Local Authority has a duty to assess the needs of your child and or children (under section 17 of the Children Act 1989) or because of complex health needs (under the Care Act 2014) where identified as destitute. Destitution is defined in section 95 Immigration and Asylum Act 1999 as person who either (a) does not have adequate accommodation or any means of obtaining it (whether or not his other essential living needs are met); or (b) has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs.

To assess destitution West Sussex will ask you to provide documentary evidence, this may include financial information, such as bank statements, proof of income, and or benefits. The onus is on you to provide evidence of destitution.

Local Authorities do have a duty to inform the Home Office of any such person(s) who they suspect or know is unlawfully present in the UK or a refused Asylum Seeker (para 14; NIA Act 2002).

In order to carry out its assessment West Sussex will obtain and share relevant information with other agencies to promote the welfare of any individual or child and or children to include periodic checks and updates to the Home Office.

What can subsistence payments be used for?

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Any subsistence is provided to cover essential living needs for yourself and for the assessed individual needs of any children. It is provided to individuals and families that have been assessed as destitute by West Sussex. You should not save or transfer the money to other people, and you should not set up contracts (e.g. for mobile phones) or take out loans from this money.

If you receive any additional income you must inform your social worker/caseworker of the change to your circumstances.

Failure to do this could result in a breach in the terms and conditions of support provided and result in services being withdrawn. If there is a change of your circumstances the subsistence payment will be recalculated and updated, and you will be asked to provide financial information for any re-assessment. It is your responsibility to update your social worker/caseworker of any change to your circumstances.

Variations to basic rates

The subsistence basic rates set out in this guidance can be reviewed on a case by case basis at the discretion of the Service Lead/ Accommodation Team Manager, when requested. Some variations to the guidance are outlined below and will be considered during assessment:

- If you or your dependents have significant additional needs
- Where a child has been assessed by a social worker to have additional needs and funds are necessary to promote their welfare and wellbeing
- Subsistence payments will be lower if you are living in a residential accommodation which provides the majority of essential living costs.
- Subsistence payments will be lower if you are in receipt of any other income. For example: earnings from employment, Child Benefit, Tax Credit or Child Maintenance and this will be deducted from the subsistence payments.
- If care needs are being met through an alternative method in accordance with the Care Act 2014

The guidance will be made available at the start of any work or upon request at any time.

How Clients are paid

Those who have bank accounts will be paid by bacs directly into the bank account every week by invoice plan. Those who do not have a bank account will receive a pre-paid payment card which can be used like a bank card to pay by card where accepted or to withdraw cash at a cash machine. The social worker/caseworker will provide details of how to use the card when it is issued.

Accommodation

Where accommodation is provided to individuals or families any payment for accommodation will be made directly to the provider or landlord. Where accommodation is provided in the private sector the rent will be considered based on the bedroom need and local housing allowance rates for the area.

Utilities

Usually bills are included with the accommodation provided and a small deduction will be made of £5.00 per householders above school age. Where this is not the case you will be assisted to set up

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utility bills. Council Tax will be included in your subsistence or on request paid directly to the local district or borough council where applicable. You will be required to fund all other utility bills from the subsistence provided to you. You will be periodically asked to provide evidence of utility bills or when it is necessary to re-calculate subsistence payments.

In order to save money on utility bills, individuals or families are encouraged to seek advice on saving fuel from the www.moneyadvice.service.org.uk.

Debts

The local authority will not cover any arrears built up due to non-payment of utilities and will not clear any other debts. If support is required free government approved debt advice services can be found at www.gov.uk/pay-off-debts.