**No Recourse to Public Funds (NRPF) Policy and Procedure**

Purpose:

To outline how we assess and support children, young people and families and adults who have no recourse to public funds to ensure their safety and wellbeing

This document must be read in conjunction with the National NRPF Practice Guidance

[http://guidance.nrpfnetwork.org.uk/wp-content/uploads/2016/10/practice-](http://guidance.nrpfnetwork.org.uk/wp-content/uploads/2016/10/practice-guidance-families.pdf) [guidance-families.pdf](http://guidance.nrpfnetwork.org.uk/wp-content/uploads/2016/10/practice-guidance-families.pdf)

<http://www.nrpfnetwork.org.uk/Documents/Practice-Guidance-Adults-England.pdf>

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## INTRODUCTION

This policy and procedure have been produced to assist practitioners working with children, young people and families to assess the appropriate support and necessary actions they must take where they have no recourse to public funds in Sandwell, to ensure that interventions are legally robust, fair and consistent.

## Who has ‘no resource to public funds’ NRPF?

No recourse to public funds (NRPF) applies to migrants who are ‘subject to immigration control’ and because of this have no entitlement to certain welfare benefits, local authority housing and homelessness assistance.

The definition of ‘subject to immigration control’ is set out in section 115 (9) Immigration and Asylum Act 1999 and also includes EEA nationals who arrived on or after 1 January 2021 to visit, study or work in the UK:

* require leave to enter or remain in the UK but do not have it;
* have leave to enter or remain in the UK which is subject to a condition that they do not have recourse to public funds; or
* have leave to enter or remain in the UK given as a result of a maintenance undertaking (for example, adult dependent relatives of people with settled status).

## Who are people with No Recourse to Public Funds

People who have no recourse to public funds are those who have no legal entitlement to financial support or assistance from the state because of restrictions to their immigration status in the UK. They may self-refer for support or are referred from other agencies.

Children's Social Care are likely to be approached by families with children or by children or young people who are unaccompanied (see UASC procedure) or separated from their parent or legal/customary caregiver. These people may be:

1. People with refugee status from another European Economic Area (EEA) country other than the UK or are dependents of people in the UK who have refugee status from a EEA country other than the UK
2. EEA national who has pre-settled status (five years’ limited leave to remain) exercising a qualifying right to reside, such as the right to reside as a worker, self-employed person, or family member of a worker
3. EEA nationals who are unlawfully present in the UK excluded from claiming public funds (benefits and housing assistance).
4. Failed asylum seekers who have exhausted their appeal rights and who have failed to co-operate with removal directions;
5. Persons who are unlawfully present in the UK who are not asylum- seekers, for example, people who have overstayed their leave to remain, people who have been trafficked into the country, people who entered the country illegally;
6. People who have been granted limited leave to remain on the condition that they have no recourse to public funds, for example, people who are spouses/unmarried partners of persons with British citizenship or indefinite leave to remain, or people who have successfully applied to the Home Office under the Zambrano rule (see page 9 for definition);
7. People who have been granted discretionary leave to remain, for example, 'separated' children or young people from non-suspensive appeal countries whom the Home Office does not grant either refugee status or humanitarian protection, and are given 30 months’ leave to remain or until they turn 17.5 years old, whichever is shorter;
8. People on student visas who are unable to work and have no recourse to public funds.

(This list is by no means exhaustive and provides examples of the categories of people who may present to as destitute and have no recourse to public funds).

## What are ‘public funds’?

Section 115 Immigration and Asylum Act 1999 excludes “a person subject to immigration control” from being entitled to receive the following welfare benefits:

|  |  |
| --- | --- |
| Attendance allowance  Carer’s allowance  Child benefit  Child tax credit  Council tax benefit  Council tax reduction  Disability living allowance  Income support  Personal independence  payment  Severe disablement  Allowance | Discretionary welfare payment  made by a local authority  Domestic rate relief (Northern  Ireland)  Housing benefit  Income-based jobseeker’s  allowance  Income-related employment &  support allowance  Social fund payment  State pension credit  Universal credit  Working tax credit |

## Additional considerations for Children and Families with NRPF

Local authorities apply statutory duties and powers in relation to safeguarding the welfare of children in households where the parents have no recourse to public funds (NRPF) and require accommodation and/or financial assistance.

Such assistance can only be provided to families under section 17 of the Children Act (CA) 1989, where there is a child in need and the local authority determines that it must use its power to provide accommodation and/or financial support.

When assessing the needs of a child, practitioners must refer to and follow the Department for Education’s statutory guidance, [Working Together To](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2) [Safeguard Children, 2015](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)*.*

This practice guidance addresses the additional considerations that need to be made when determining whether assistance under section 17 can be provided to a NRPF family, as the parent’s immigration status will affect what support options may be available:

* Parents with NRPF cannot access welfare benefits, homelessness assistance, social housing and, in some cases, employment.
* Exclusions to section 17 support apply to some parents, which mean that the local authority may only provide accommodation and financial support to such families when this is necessary to prevent a breach of the family’s human rights or European Treaty rights, usually when there is a legal or practical reason why the family cannot return to the parent’s country of origin.

Assistance provided by local authorities under section 17 has been recognised by the government and courts as being essential safety net support to protect the most vulnerable people from destitution. It is therefore necessary for thorough assessments to be undertaken so that support is provided to eligible families under section 17, and that proactive steps are taken to resolve supported cases.

Accessing and supporting children, young people & families who have NRPF should be assessed and supported in accordance with the latest version of the following: <http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-families/> in addition to this localised procedure.

## REFERRAL/ACCESS TO SUPPORT

Where children, young people and families feel they need or require support they can self-refer to our Multi Agency Safeguarding Hub (MASH).

Professionals can also refer in via the Multi Agency Referral Form to this route.

Services provided will be dependent on an assessment and any needs identified**.** Once a referral has been accepted a Team Manager within the MASH, in consultation with the NRPF lead, will need to consider if there is evidence to suggest that the child is in need or in need of protection under the Children Act (CA) 1989.

If an adult has care and support needs in their own right then Adult Services should review the referral and an assessment should be undertaken for them in their own right.

Support will be provided at either an Early Help or Social Care level based on the relevant assessment.

Where the referral meets an Early Intervention threshold an Early Help Assessment will be undertaken

Where the Early Help Assessment highlights that a family potentially has NRPF and it is felt the child of the family is in need and those needs cannot be supported under an Early Help Assessment, the case will be referred to Children’s Social Care. This decision will be made by the Early Help Service Manager.

Where the Early Help Assessment concludes that the family can be managed without the need to refer to Social Care, support for the family can be provided via the Family Support Budget.

## Where the referral meets a Social Care threshold a Social Work Assessment will be undertaken.

The Social Assessment should establish the following; is the child in need and what support networks are available as an alternative to s17 CA. The Social Worker must establish whether the family’s needs can be met by any other means, whether that is access to public funds, for European Economic Area (EEA) national families granted asylum by another EEA state, support under the Children Act (CA) 1989 to such families can only be provided if it is assessed, and so a Human Rights Assessment must be completed.

Where the Social Work Assessment highlights the family has NRPF the following fundamental steps will be undertaken in assessing whether Sandwell has a duty to support a family:

* + 1. Conduct an eligibility test;
    2. Carry out an assessment(s) of need, and
    3. Undertake a Human Rights Assessment

Depending on the outcome of the initial Assessment we may decide to provide accommodation/support the family whilst the full assessment is being undertaken. This decision will be made by the Service Manager as a temporary decision pending the outcome of the full Social Work assessment.

Some cases may identify NRPF later on in the assessment process e.g. where referrals have come in for other reasons e.g. domestic violence. Regardless of how the Local Authority is informed of a potential NRPF the family will be assessed in the same way as indicated above.

Families with NRPF presenting as destitute will commonly seek provision of accommodation costs and subsistence under s17 of the Children Act (CA) 1989.

Where required the assessment should include the Human Rights and Eligibility Assessment to ensure they influence the overall outcome.

## ELIGIBILITY TEST

In order to be eligible for support it is necessary for the family to establish:

* + 1. That their need arose in Sandwell (Territorial Responsibility) (*please note that if a child is in need and in our area there is a requirement to conduct an assessment of their needs. We can’t assume that a family previously living in another Authority with NRPF but perhaps having some alternative means of support but never having been assessed by that Authority for NRPF grounds should be sent back for assessment).* See appendix C for Local Connection.
    2. That they are destitute;
    3. The parents and child’s nationality;
    4. Their immigration status;
    5. If they are asylum seekers eligible for section 95 support under the Immigration and Asylum Act 1999 (we should identify this via Migrant Help) This must be done in tandem with Social Work Assessment, and;
    6. If the family is excluded from support by Schedule 3 of the National Immigration and Asylum Act 2002.

Point 5 means that any family with an existing asylum seeking claim must be supported by the Home Office under Section 95 Immigration and Asylum Act 1999 and Sandwell cannot provide support to the family under s17 of the Children Act (CA) 1989, as the s95 assistance takes precedence over s17.

For accessing support under s95 of the Immigration and Asylum Act 1999 you should contact the Home Office on: Tel: 0808 800603 (Mon-Fri 8.30am -7pm; Multiple languages available)

Note: if a family with children have failed in their asylum claim then s17 Children Act (CA) 1989 support and subsistence may be given as set out below under the Assessment of Need section.

In establishing the immigration status of the family to determine whether the restrictions to providing s17 CA support applies, check with the UK Border Agency (Home Office), below or for a same day checking service, please contact:

Local Partnerships (West Midlands)

Interventions & Sanctions Directorate, Immigration Enforcement Mobile number: 07500 579 242

For non-emergency and subsequent checks use the official gateway to obtain an immigration status check by email to:

[EvidenceandEnquiry@homeoffice.gsi.gov.uk](mailto:EvidenceandEnquiry@homeoffice.gsi.gov.uk)

Ensure all emails include the applicant’s full name, date of birth, nationality and address. Also include the applicant’s passport number, biometric residence permit number, alias and/or address in their Country of origin. If a reference number is provided on documentation this must also be provided.

See guidance Appendix B on eligibility.

Once Eligibility is satisfied as part of the Social Work Assessment process a Human Rights Assessment may be undertaken.

Because of the ‘no recourse’ status of the parents, the allocated social worker will also have to check the following:

* Key documents
* Local Connection

These are all outlined in Appendix C.

## COMPLETION OF THE ASSESSMENT

If the family appears to be destitute, the local authority does in certain circumstances as described above, have the power to provide temporary accommodation and financial support pending completion of the Social Work Assessment and/or the human rights assessment. Any decision to provide urgent temporary accommodation or financial subsistence pending assessment must be agreed by the Head of Service.

Social workers must write to the applicant informing them that accommodation/subsistence is being provided on a temporary basis only, and on a without prejudice basis, pending completion of assessments. The letter should also state that this support is subject to review and may be withdrawn at any time. Any accommodation provided should be sufficient to ensure the child/children’s safety.

The amount of any financial support will be determined on a case by case basis dependent on the presenting financial circumstances of each family.

Where the family are not entitled to support and have friends or family willing to support them, they should be advised, accordingly, to seek their support. At the point that it is established that accommodation is required for the family the social worker arrange this.

When the assessment is completed, the social worker should discuss the outcome of the assessment with their line manager. The potential outcomes could be:

* To accept the family’s application for support or agree to continue support pending a decision from the Home Office in relation to their immigration status, where support includes accommodation efforts should be made to avoid long term use of hotel type provision;
* To reject the family’s application for support or terminate any existing support;
* To request further evidence before making a decision.

## HUMAN RIGHTS ASSESSMENT

The Human Rights Assessment from the outset needs to consider whether there are any legal or practical obstacles to the family returning to their Country of origin.

Case Law has cited that if there are no legal or practical obstacles to return to the Country of origin, the denial of support by the Local Authority does not constitute a breach of human rights, although Article 3, 8 and 6 of the Human Rights Act will need to be considered:

* Article 3 *“No one shall be subjected to torture or inhumane or degrading treatment or punishment”*

If it has not already been done, an application should be made by the family to the Home Office under Article 3, to change their status to Asylum Seekers. They will then be entitled to support by the Home Office. Legal advice should be sought at this time by the Social Worker.

* Article 8: *‘Everyone has a right to respect for his private and family life, his home and his correspondence’*

Article 8 applications to the Court for leave to remain in the UK as the carer/parent of a British child may also be explored in some cases by individuals, again they need to obtain independent legal advice on this. Similarly the child in some cases may be eligible to apply for British Citizenship. Where domestic violence is evident legal advice must be sought.

* Article 6: *“Right to a fair and public hearing”*

Children/parents involved in Care Proceedings will likely remain in the UK until the conclusion of those proceedings.

The Human Rights Assessment provides an opportunity to explore all of the options of a family or an individual excluded from Children’s services support.

A Human Rights Assessment must ask all the relevant questions where, a family excluded by Schedule 3 National Immigration and Asylum Act 2002, is requesting s17 CA support. These are:

1. Has the family/individual failed to comply with removal directions
2. Whether there would be any Article 3, 8 or 6 HRA breaches of Community Treaty Rights if the family were to return to the parents’ country of origin.

A conclusion must be reached as to whether the child would cease to be a child in need on return to the parent’s country of origin. The assessment must also balance the views expressed by the parent and the information that is known to the Local Authority about the parent’s Country of origin. This information can be obtained from a number of sources, including the Home Office country of origin information reports.

The Human Rights Assessment must conclude with the options Sandwell will offer the family in order to prevent a breach of human rights/community treaty rights.

* 1. Provide temporary s17 1CA support in the UK and advise the family to seek independent legal advice from an Immigration Solicitor (which is not funded by the Local Authority); or
  2. Offer assistance to the family in returning to their Country of origin. Where the parent and child have different nationalities, and the factors which need to be taken into consideration if the child has lived all their life in the UK and perhaps are covered under the Zambrano rule or possible British Citizen route.

For more information on the Human Rights Assessment see NRPF network Practice Guidance for Local Authorities (England). Appendix A outlines the template for an Assessment within Sandwell.

Legal assistance should be sought when considering returning a family home or before any final decision is made. Supporting a family to return home or to make use of the Home Office returns programme may be an option for some cases.

A Child in Need Plan will follow if services are being provided and a Child in Need Review must be conducted every 3 months (or earlier should it become clear that the family’s immigration status has changed), to ensure there is continued eligibility to resources.

While resident, and whether receiving public funds or not, a reassessment must be carried out at least annually. Any changes in the circumstances of the individual must be notified to the allocated Social Worker.

## DOMESTIC VIOLENCE AND ACCESS TO PUBLIC FUNDS

If the family is fleeing domestic violence and the incident occurred before their leave to remain has expired there is an exemption allowing recourse to public funds, providing the following criteria are met:

* + - the person entered the UK or was given leave to remain in the UK as a spouse, civil partner, unmarried or same sex partner of a British Citizen or someone such as an EEA national being present and settled in the UK; and
    - their relationship has broken down due to domestic violence; and
    - they do not have the means to access accommodation or to support themselves and need financial help; and
    - they are going to make a claim to stay permanently in the UK under the Domestic Violence Immigration Rule (Settlement DV)

If all four criteria apply, an application should be made by the family to the UK Border Agency for a change in status. Individuals needs to be supported by a suitably qualified immigration adviser. Should the UKBA consider that the person is in a position to apply for assistance, they will be given 3 months limited leave to remain which will also allow access to women’s refuges and to apply for benefits.

A form, entitled Protecting Victims of Domestic Violence (DDV) is available for this application at: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk/) and it can be returned to the UKBA via email to [Domestic.Violence@homeoffice.gsi.gov.uk](mailto:Domestic.Violence@homeoffice.gsi.gov.uk)

For more information on the domestic violence concession from the NRPF network:-

<http://www.nrpfnetwork.org.uk/guidance/Documents/DDV%20Concession>[%20Factsheet.pdf](http://www.nrpfnetwork.org.uk/guidance/Documents/DDV%20Concession%20Factsheet.pdf)

<https://www.gov.uk/government/publications/application-for-benefits-for-> [visa-holder-domestic-violence](https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence)

The parent should be assisted to make this application if one has not been made.

Where an individual is subject to domestic violence a safer lives risk assessment must be completed. In accordance with the domestic violence pathway a referral, where appropriate, should also be made to MARAC.

An application to remain permanently in the UK also needs to be made during this period via this link, whether or not financial support is required.

## 4.0 FINANCIAL SUPPORT

See appendix D.

## 5.0 SEEKING LEGAL ADVICE

It is advisable that the social worker seeks legal advice at the earliest opportunity to ensure action is in line with legal requirements.

In the event that the parents seek to challenge any decision made by the Local Authority, the Legal Department must be put on notice without delay and the Head of Service notified.

Where correspondence has been received from the parent’s representative or a legal representative indicating the parent’s intention to pursue Judicial Review against the Local Authority, the Legal Department must be notified immediately, and copies of any documentation received forwarded to them by way of e-mail for consideration. The Head of Service must be included in this e-mail.

We must ensure that individuals approaching us have legal representation working to resolve their immigration case/status if they have a case.

## 6.0 WHERE THE PARENT HAS CARE NEEDS THAT REQUIRE AN ASSESSMENT

Where the parent has care needs that require an assessment, a referral will be made to Adult Services and the Children’s allocated Social Worker will liaise with the worker undertaking the assessment to ensure a coordinated response.

## 7.0 DECISION MAKING

It is the responsibility of the Social Work Unit Manager to authorise the Human Rights Assessment and have oversight of the assessment process.

## PROCESS FOR PROVIDING ACCOMMODATION TO NRPF FAMILIES

* 1. **Accommodation Provision during the Assessment period**

If the family (with child(ren) under the of 18 years) have no immediate accommodation or are at risk of impending homelessness, it may be necessary to arrange for short term emergency bed and breakfast provision. The Social Worker must seek authorisation from the Service Manager and ensure that the assessment is completed speedily, and that the tenure of emergency accommodation is brief.

## Process to follow where accommodation is to be provided beyond the assessment period

* + 1. Assessment and Plan to outline accommodation needs and timescale/review. This must be agreed by the Service Manager and shared with the Council lead.
    2. Accommodation request to be made to the placements team clearly outlining the requirements and proposed timescale the accommodation is required for.
    3. Accommodation search and liaison to commence.
    4. Once a suitable accommodation has been identified, written authorisation from the Service Manager must be gained, and provided to the placements team prior to entering into any commitments. A Team Manager can authorise in an emergency situation.

## Process to be followed where financial support is required

* + 1. Assessment to clearly outline financial support that is required. Assessment to be reviewed and funding agreed by Service Manager.
    2. Where support is higher than the rates specified in Appendix D, approval must be sought from the Service Manager.

All cases where ongoing financial support and accommodation is provided will be reviewed as a minimum on a 3-month basis via Resource Panel.

## TERMINATING SUPPORT

The decision to terminate support for an ongoing case should be made by the Service Manager with Head of Service’s agreement. This needs to be informed by an up-to-date assessment and following consultation with Legal Services.

The social worker will need to inform the parents if their support is to be terminated. This should be done in an interview, with the use of interpreter if necessary.

The social worker should arrange for a letter to be sent to the individuals concerned setting out reasons for termination of support giving reasonable notice from when support will terminate. A 28-day notice period will be given from when support will terminate and to advise them to seek legal advice if they disagree with the decision.

If support is refused from the outset it should be in writing setting out the reasons why they are not eligible.

## NRPF FAMILIES FROM OTHER LOCAL AUTHORITIES

On occasion other Local Authorities place NRPF families outside of their own authority due to the accessibility of housing stock; but when families move into Sandwell, the placing authority has no duty to inform anyone.

There is no statutory obligation for Other Local Authorities to advise Sandwell of children placed in the area but there are occasions when children do come to the attention of Children’s services as the placing authority may contact, advising of the need for Early Help support or access to parenting support groups. When the Multi- Agency Safeguarding Hub (MASH) is made aware of a child living in a NRPF household the worker receiving the information should, at a minimum:

* + - Contact the placing local authority and determine the name and contact details of the allocated social worker.
    - Confirm details of household members
    - Confirm the date of the family’s arrival in Sandwell
    - Confirm the school/s attended
    - Confirm the date of arrival in Sandwell
    - Confirm legal status and their stage in the immigration process
    - Confirm if there is a CIN plan in place.
    - Request a copy of any assessments relating to the child/ren
    - Provide the placing authority of details of the Refuge and Migrant Centre should the family require specialist immigration support
    - Contact the school and share details of the child’s status and the name of the allocated social worker within the placing authority
    - Record the information on LCS as information only.

Where support is being provided by Early Intervention, the information obtained from the placing authority must be added to the Early Intervention record.

## Appendix A

Human Rights Assessment Form

## Appendix B

**ELIGIBILITY GUIDANCE**

Eligibility is due to a child being in need and in our area. Please note some families due to their immigration status may not immediately have proof of address, utility bills etc.

* + Do the family have a link with another local authority currently providing them with assistance? If so the family should be referred to them. Can the family provide evidence of living in Sandwell? Possible evidence includes; a child in a Sandwell school; or their address on utility bills.
  + Do the family have income or savings? Ask to be shown bank statements for the last 6 months and discuss how they have financially supported themselves to date. Could others provide the family with help? Ask about their family, friends and acquaintances. Do the family have any items of value they could sell? Can the family be supported from other organisations? This must be underpinned by the Assessment undertaken and the needs identified.

## Appendix C

**Key Documents**

1. The person seeking a service must have sufficient identification although this may not be possible if, for example, the person is fleeing domestic abuse. In such cases evidence should be established at a later date via the assistance of a solicitor or the police.
2. If they do not bring the necessary documentation on first presentation, the assessment can still go ahead but the duty/social worker must inform them that any decisions regarding provision of support can only be made when they have provided the appropriate documents, and they should have wherever possible all the required documents before another interview is arranged.
3. If an interpreter is required, arrangements should be made with the interpreter to inform the person concerned of the documentation required.
4. Those seeking a service should be asked to verify their identity and immigration status with the production of the below forms of identification.
   * Passports and birth certificates for all members of the family;
   * If available, travel documents e.g. return air tickets
   * Home Office Papers (Application Registration Card (ARC), application letters or refusal letters) and solicitors’ letters and;
   * If available, bank account statements (from the last 3 months).
5. All identification documents supplied must be original documents, which should be photo-copied and scanned onto CareFirst.
6. If the applicant or any dependents have health needs, they must provide any documented evidence of ill health or disability for any member of the family, e.g. OT reports and mental health/psychiatric reports.

## Local Connection

1. It is important to establish where the person has a local connection as it may be another local authority which has responsibility for this person/family. Therefore, it would be expected that the primary care giver would be able to provide details of their previous accommodation, along with the length of tenure and evidence of personal possessions within the area. Links to relatives and family should also be established, in addition to proof that the care giver and child(ren) are registered with a local General Practitioner, Dentist, and attend a local school.
2. Local connection criteria need not always apply, for example, if the person is at risk of violence if they return to the local authority where they have a

local connection, or when the child(ren) are subject to a Child Protection Plan.

1. It should be stressed that social workers will follow up on the contact details given by those seeking a service to make enquiries to verify the local connection
2. If it is established that the person has a local connection with another local authority, social workers should formally refer the person/family to the relevant local authority.

## Appendix D

**Key points to note**

|  |  |
| --- | --- |
| **Weekly rates 1** | |
| Lone Parent | £43.94 |
| Couple | £72.52 |
| Per child | £52.96 |
| Nursing money | £5.00 (child under 1 year/ expectant mothers)  £3.00 (child 1-3) |
| Maternity Grant | £150 (first child) £100 (each subsequent child) |

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

## How and why have we set these rates?

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

In setting its rates, Sandwell Council has adhered to a number of principles:

* We have regard to Section 95 asylum support rates and levels of income support to help the Council to decide what is an appropriate and fair level of support for families and individuals
* In order to ensure the policy is fair, the Council provides higher standard levels of payment for single adults and parents with one child than is provided under Section 95
* Guidance on standard rates allows the Council to ensure that its rates are fair for all and to allow caseworkers to efficiently manage their caseload and the resources of the Council – however all rates can be varied at the discretion of the relevant manager on a case by case basis on the request of the customer or via social worker assessment
* All cases supported under Section 17 Children (CA) Act (1989) are assessed to ensure that the individual needs of the child are met and that the Council is upholding its duty to safeguard and promote the welfare of children.

## What should this money be used for?

This money is meant to cover essential living needs for yourself and for the assessed individual needs of children. It is provided to people who the Sandwell Council has assessed as being destitute. You should not save the money, or transfer it to other people. You should not set up direct debits or contracts (e.g. for a mobile phone) from this money.

**If you receive any additional income you must inform your caseworker of your change of circumstances.** Failure to do this could result in a breach of the terms and conditions of your service and could lead to your service being withdrawn.

## Variations to basic rates

The basic subsistence rates set out in this guidance can be reviewed on a case by case basis at the discretion of the Service Manager, when requested by the customer at a meeting with their caseworker. Some variations to the guidance are outlined below:

* + If you or your dependents have significant additional needs
  + Where a child has been assessed by a social worker to have additional individual needs necessary to promote their welfare and wellbeing
  + Subsistence payments may be lower than the amount above if you are in residential accommodation which provides for the majority of essential living needs
  + Subsistence payments will be lower if you are in receipt of any other income
    - for example if in receipt of Child Benefit or Child Tax Credit or Personal Independence Payment, this will be deducted from the subsistence payments.
  + If care needs are being met though an alternative method in accordance with the Care Act 2014

If there is any change in circumstances the subsistence payment will be recalculated and updated.

## How are customers paid?

Customers will receive a pre-paid card which can be used like a bank card to pay by card anywhere that accepts cards or to withdraw cash at a cash machine. Your case worker will provide information on how to use the card when it is issued.

**Utilities**

If utility costs are not included in the accommodation costs and you are responsible for them then an allowance will be paid to you, up to the capped rates below. You will need to pay any remaining balance above the capped rates and the Council will not cover any arrears due to non-payment.

|  |  |
| --- | --- |
| **Utility** | **Capped Weekly Rate** |
| Water | £10.60 |
| Gas | £13.40 |
| Electricity | £10.30 |
| Telephone/Broadband | £5.00 |

Where the family are not entitled to support and have friends or family willing to support them, they should be advised, accordingly, to seek their support. At the point that it is established that accommodation is required for the family, the Local Authority’s Housing Department will be contacted by the Social Worker to see if they can assist and/or advise in relation to suitable temporary accommodation.

Where the family is not eligible for support and wishes to return to their Country of origin; or where they are unlawfully present, the allocated Social Worker should refer them to the Refugee and Migrant Centre (RMC).

The Home Office now manage all returns including voluntary departure from the UK. See [https://www.gov.uk/return-home-voluntarily/who-can-](https://www.gov.uk/return-home-voluntarily/who-can-get-help) [get-help](https://www.gov.uk/return-home-voluntarily/who-can-get-help)

Cases where the Home Office grant leave to remain in the UK with NRPF as a condition – Individu­als Solicitor/Immigration adviser should take this up.

**Council Tax**

If support is being provided for accommodation and council tax is payable, the cost of this will be reimbursed to the family.