

Children and Families with No Recourse to Public Funds and EU Settlement Scheme

Relevant Legislation, Procedures and Guidance

Unaccompanied Migrant Children and Child Victims of Trafficking and Modern Slavery Procedure

Up to date information, guidance on when to apply, and training materials can be found at www.nrpfnetwork.org.uk.

S17 Children Act 1989 [Children Act 1989 \(legislation.gov.uk\)](http://legislation.gov.uk)

S23A Children Act 1989 [Children Act 1989 \(legislation.gov.uk\)](http://legislation.gov.uk)

S23C Children Act 1989 [Children Act 1989 \(legislation.gov.uk\)](http://legislation.gov.uk)

S24B Children Act 1989 [Children Act 1989 \(legislation.gov.uk\)](http://legislation.gov.uk)

S21 National Assistance Act 1948

Children (Leaving Care) Act 2000

Immigration and Asylum Act 1999

Immigration Act 2014

Local Government Act 2000

S117 Mental Health Act 1983

Department of Health, Code of Practice: Mental Health Act 1983

NHS and Community Care Act 1990

Schedule 3 of the Immigration, Asylum and Nationality Act 2006

Article 3 and Article 8 of the European Convention of Human Rights

Community Treaty Rights

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

Human Rights Act 1998

Chronically Sick and Disabled Persons Act 1970

1. Purpose of this document

The purpose of the document is to provide guidance to BCP Children's Services in assessing whether there is a duty to support the child/ren and family subject to immigration controls meaning that they have no recourse to public funds (NRPF).

It aims to ensure that:

- Individuals are treated equitably and with respect.
- A consistent approach to assessing eligibility is applied.
- Child/ren and families can access support, if any child is deemed 'in need of services' as set out under Section 17 of the Children Act 1989
- The needs of each child are met.

2. What is No Recourse to Public Funds?

No Recourse to Public Funds (NRPF) is an immigration control restricting access to public funds, including many mainstream benefits. A person who is subject to immigration control cannot claim public funds (benefits, Universal Credit, tax credits and housing assistance paid by central government), unless an exception applies. It includes Non-UK nationals granted permission to: visit; study. It applies to non-EEA nationals.

This status can also impact on the child and family's ability to access other services that are not publicly funded.

Whilst it is possible to apply to the Home Office to remove the NRPF condition from a Leave to Remain (LtR) status and it is free to do so, there is no legal aid available for such applications, making it difficult to find a solicitor.

Despite the NRPF condition, children and families may have a right to financial support (accommodation and subsistence) through social care to avoid destitution or because of

complex health needs. In such cases, the local authority has a duty to support the accommodation and subsistence costs under section 17, Section 23C, Section 24A and Section 24B of the Children Act 1989. These cases are often complex to identify, assess and resolve. They can be unpredictable in terms of how much they will cost and how long the support will be required for.

Local authorities can seek detailed advice and guidance on NRPF at: www.nrpfnetwork.org.uk

Further advice can be sought from International Care Network [Home – ICN](#)

A family who is funded from the NRPF budget will be supported by BCP Council under Section 17 of the Children's Act 1989 until such a time as the needs of the child/ren and family can be met through other means e.g. change in legal status, or support from other sources [wider family/ friends network].

There may be good reason for the local authority to seek legal advice to expedite the family's NRPF status being resolved through the immigration system- this needs to be considered on a case-by-case basis.

3. Who are children and Families with No Recourse to Public Funds?

Section 115 of the Immigration and Asylum Act 1999 indicates that a person has NRPF if they are 'subject to immigration control'. Children's Social Care are likely to be approached by families with children or by children or young people who are unaccompanied or separated from their care giver. Those with NRPF may present due to the following status:

Immigration control in place:	Examples:
Leave to enter or remain in the UK with the condition 'no recourse to public funds'	Spousal visa, student visa, Limited Leave o Remain granted under family or private life rules
Leave to enter of remain in the UK that is subject to a maintenance undertaking	Indefinite Leave to Remain as an adult dependant relative of a person with settled status [there is a 5-year prohibition on claiming public funds]
No leave to enter or remain in the UK	Visa overstayers, illegal immigrants, UASC

It may include:

- a. 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 an EEA country other than the UK.
- b. People who are citizens of an EEA country other than the UK or are the dependents of people who are citizens of an EEA country other than the UK.
- c. Failed asylum seekers who have exhausted their appeal rights and who have failed to co-operate with removal directions.

- d. 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.
- e. 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, who have been granted a two-year probationary period on condition of no recourse to public funds.
- f. 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 12 months leave to remain or until their 18th birthday, whichever is shorter.
- g. People on student visas who are unable to work and have no recourse to public funds.
- h. Young persons who do not have settled status but are awaiting an outcome from the Home Office.

This list is by no means exhaustive, but it provides an indication of those with NRPF.

If a person has Leave to Remain (LtR) with NRPF condition attached, this will be specified on their residence permit, entry clearance vignette, or biometric residence permit (BRP), eVisa. If a person has valid leave to enter or remain in the UK, then there is no reference to NRPF on their immigration documents. The conditions do not prevent individuals from accessing all public funds e.g. social care assistance, however it restricts them from accessing certain funds, as set out under Section 115 of the Immigration and Asylum Act 1999, paragraph 6.

Prohibition applies to:

Housing:		
Allocation of local authority housing provided under the Housing Act 1996	Allocation of a housing association property provided via a local authority rehousing list	Local authority homelessness assistance provided under the Housing Act 1996

Welfare Benefits:		
Attendance Allowance	Disability Living Allowance	Personal Independence Payment
Carers allowance	Working tax credit	Severe Disablement Allowance
Child benefit *	Housing Benefit	Social Fund Payment
Child Tax Credit *	Income based Employment and Support Allowance	State Pension Credit

Council Tax Support	Income-based Jobseeker's Allowance	Universal Credit
Council Tax Reduction	Income Support	

* 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 this. However, the rules around claiming child benefit are complex, therefore specialist welfare benefit advice should be sought.

Exceptions to claiming public funds includes:

If the person is a national of a country with a reciprocal agreement with the UK, then despite having NRPF, they may be able to claim
If a person 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/ Universal Credit
If a person was granted Leave to stay in the UK as a spouse/ partner of a British citizen/ someone settled in the UK and has been granted Destitute Domestic Violence (DDV) concession. This concession grants domestic abuse victims, who would otherwise have NRPF, access to emergency refuge accommodation and/ or other eligible welfare benefits for 3 months to allow time for the person to submit an application to the UK Border Agency for indefinite Leave to Remain. Further information can be found on the government website Apply for the migrant victims of domestic abuse concession - GOV.UK (www.gov.uk)

Further information can be found in Home Office guidance on public funds.

[Public funds \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

4. Exclusions and Exceptions to Social Care assistance

[Nationality, Immigration and Asylum Act 2002 \(legislation.gov.uk\)](http://legislation.gov.uk) Schedule 3 excludes five groups of migrants from being able to access social care support or assistance. These are:

Exclusions:
A person with refugee status granted by a European Economic Area (EEA) country and dependents of such a person
EEA nationals and dependents of EEA nationals
Refused asylum seekers who have failed to comply with removal directions and dependents of such a person

A person unlawfully present in the UK, including visa overstayers, illegal entrants and refused asylum seekers who claimed asylum once in the country and not at the port of entry
A refused asylum-seeking family that the Home Office issued with certification confirming that they have failed to take steps to leave the UK voluntarily

Exceptions:
British citizens
A person with Leave to enter or remain in the UK with the NRPF condition
All children, however, the exclusion will apply to the family if the parents are in the exclusion group
Non-EEA nationals with a right to reside due to being a sole carer of a British/ EEA national child e.g. Zambrano carer see EU Settlement Scheme: Zambrano primary carers - GOV.UK (www.gov.uk)
When the provision of support is necessary to avoid a breach of the person's human rights [this should be assessed through a Human Rights Assessment]
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

If a person is within the exclusions, the local authority should consider whether that person/ family can freely return to their home country. Free return can be prevented should there be:

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

If any of these circumstances apply, then the local authority will be required to provide assistance, if the person meets the relevant eligibility criteria and regularly review the status to ensure progress. If there appears no reason why the person and family cannot return to their home country, the local authority will need to undertake a Human Rights Assessment* [see NRPF Human Rights Assessment framework [NRPF Network | Assessments when the exclusion applies](#)]. If the person and family can freely return to their home country without a breach of their human rights, then the local authority may only offer assistance with travel to their home country. In all such cases, staff must obtain internal legal advice.

*** It is unlawful for the local authority to refuse to assist a person or family within the excluded group without undertaking a Human Rights Assessment.**

5. EEA Nationals

EEA nationals do not have the NRPF condition imposed on them. However, they may be prevented from claiming public funds if they do not satisfy the eligibility criteria attached to specific welfare benefits, homelessness assistance or Council housing allocation.

EU countries	Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.
Non-EU countries	Algeria , Argentina , Australia , Brazil , Canada , Chile , Columbia , Egypt , Iceland , India , Iran , Iraq , Israel , Japan , Jordan , Kazakhstan , Korea Republic , Kuwait , Lebanon , Morocco , New Zealand , Oman , Qatar , Russia , Saudi Arabia , South Africa , Syria , Tunisia , Republic of Türkiye , United Arab Emirates , United Kingdom , United States of America and Uruguay .
Non-EEA member, but has the same free movement rights	Switzerland; Liechtenstein and Norway

Eligibility for welfare benefits and housing for EEA nationals and their family generally relates to the basis on which the EEA national is residing in the UK, for example, as a worker or job seeker. This is known as having the 'right to reside' or being a 'qualified person'.

Advice should be sought from the Department of Work and Pensions (DWP) in relation to eligibility for welfare benefits, including Universal Credit: 0800 32865644, Pension Credit: 0800 991234.

As with those with NRPF, EEA nationals not eligible to access welfare benefits may seek assistance from social care. Such assistance is limited to families where there is a child in need (Section 17), a young person who was formerly *looked after*, or an adult who needs support due to their own disability, illness of mental health.

Where the local authority conclude that the child is not a child in need and therefore no assistance will be provided, a Human Rights Assessment must occur prior to ending support to ensure no breach of the child and family's human rights.

6. Role of the Local Authority

The local authority is restricted by legislation in what it can provide in terms of assistance and support for those with NRPF. Practitioners should refer to the NRPF network practice guidance when dealing with NRPF cases: [NRPF Network | Assessing and Supporting children and families who have no recourse to public funds \(NRPF\)](#). If approached in relation to a child and family with NRPF, the local authority must check their immigration status with the Home Office. Local authorities must inform the Home Office of anyone presenting who is unlawfully present in the UK, including refused asylum seekers.

Under Section 54 of the Nationality, Immigration and Asylum Act 2002, families who fall under categories a. to d. are not eligible for support from the local authority under Sections 17, 23C, 23CA, 23CZB, 24A or 24B of the Children Act 1989. They are also not eligible for adult social care support under the Care Act 2014 or accommodation under homelessness legislation.

The Home Office allows for limited forms of assistance to be given by local authorities to some families and this could be in the form of:

- Travel assistance to leave the UK to people with dependents under 18 years.
- Temporary accommodation to people with dependents under 18 years awaiting the implementation of their travel arrangements.
- Temporary accommodation to people in category d. with dependents under 18 who are awaiting instructions for removal.

However, the local authority still has the following duties towards all children, young people and families regardless of their status:

- To carry out a Section 17 or Section 47 Assessment for all children under 18 years old who are in families, where there may be concerns about a child/children's welfare and/or safety under the Children Act 1989 (including any issues that may indicate that the child is or has been trafficked or a victim of compulsory labour, servitude, and slavery).
- To carry out a Section 17 or Section 47 Assessment for all 'separated' children under the age of 18 and to provide them with services in line with their identified needs.
- To carry out an assessment of an adult for community care services under the Care Act 2014 where the adult's need for such services have not arisen solely due to destitution and/or to avoid a breach of the adult's human rights which would otherwise occur if no services were provided.

In practice this means that where a referral has been made with NRPF as the sole reason for referral, Children's Services need to:

- Assess the child/ren's welfare and needs, and to keep the children open ad 'children in need, or in need of protection' and review their needs in line with policies and procedures for such children, even **where the family is housed out of area**.
- Support accommodation and subsistence costs for families and their dependents until a resolution is achieved.
- In an emergency, or in the case of an out of hours referral where a child is destitute, provide accommodation on the day and until their needs are established and assessed
- Liaise with the Home Office.
- Provide families with up-to-date information and signposting to registered local practitioners / legal representatives who can give advice regarding their status. Practitioners should provide these details accessed via:

<https://portal.oisc.gov.uk/s/adviser-finder>

<https://solicitors.lawsociety.org.uk/>

7. Procedures for Working with Families with No Recourse to Public Funds

Families with NRPF usually present in one of two different ways:

- Self-referral without an appointment; or,
- Referral through/ by an external agency.

Children's Services need to consider whether the child is a *child in need* and holistically consider their individual needs e.g. health needs impacting the parent/s or children, physical disabilities, learning disabilities, child protection concerns, and access to food, clothing, housing etc. The family's existing sources of help and support within their family network and community must also be assessed, alongside support they may be able to access through Early Help egg local toddler groups, voluntary services, the Red Cross etc.

Because of the NRPF status of the parents, Children's Services will need to check for the following during assessment:

- **Key Documents;**
- **Local Connection;**
- **Immigration Status of the Client;**
- **Destitution.**

Key Documents

- a. The person seeking a service must have sufficient identification, where possible, to help clarify and confirm who they are and their legal status. If not immediately available, evidence should be established as soon as possible via the assistance of a solicitor or the police. If they have a bank account, then a minimum of 3 months of statements should be viewed to confirm whether they have other means of financial assistance.
- b. If they do not bring the necessary documentation on first presentation, the assessment can still go ahead but the social worker must inform them that any decisions regarding provision of support will only be made when they have provided the appropriate documents, and they should have all the required documents before another interview is arranged;
- c. If an interpreter is required, arrangements must be made with the interpreter to inform the person concerned of the documentation required;
 - Those seeking a service must be asked to verify their identity and immigration status with the production of the following forms of identification:
 - Passports and birth certificates for all members of the family.
 - If available, travel documents e.g. return air tickets.
 - Home Officer papers (Application Registration Card (ARC), application letters or refusal letters) and solicitors' letters; and
 - If available, bank account statements (from the last 3 months).
- d. All identification documents supplied must be original documents, wherever possible, which the local authority should photocopy or scan to retain on the child's file;
- e. If the applicant or any dependents have health needs, they must provide any documented evidence of ill health or disability for any relevant member of the family, e.g. Occupational Therapy reports, mental health/psychiatric reports etc. Where necessary, the local authority may have to seek to have documents translated into English.

Local Connection/Ordinary Resident

Someone is described as 'ordinarily resident' when they reside in a certain area for a set period of time or reside in that area to work e.g. where a person resides in the ordinary course of their day-to-day life. Ordinary residence can be acquired as soon as a person moves to an area if their move is voluntary and for settled purposes, regardless of whether they own, or have an interest in, a property in another local authority area.

In terms of a local connection, this relates to whether the person has close family who reside in the area, therefore connecting them to the area. Close family is usually limited to a mother, father, sibling or children. A **local connection** can include reasons that link and individual to the council area, such as having lived or currently living in the area or working in the area. Care leavers support from the local authority may also gain that individual a local connection, as would living in asylum support accommodation within the area.

If the family does not have a local connection, as outlined above, then it is important to establish where they have a local connection to another local authority's area. It is the responsibility of where the person first presents as NRPF to provide the services required for the children, even if the family later move elsewhere.

Exceptions would include a family fleeing violence/ domestic abuse, or where returning to the responsible local authority's area would place them at risk of harm.

Allocated workers must follow up on contact details and connections for any child and family presenting with NRPF to fully understand their circumstances and what support should be provided and by which LA.

If it is established that the person presented to another local authority prior to presenting at BCP Council, the family should be referred to the responsible local authority and a conversation should be held with that local authority about their responsibility and how they are supporting the family.

Immigration status of the child and their family

- a. Children's Services will ensure contact is made with the Home Office to check if the person concerned has a 'live' asylum application, has been refused asylum, or has some other application pending;
- b. The Key Documents to establish the status and identity of the applicant and his/her dependents should be cross-referenced with the Home Office as fully as possible;
- c. Children's Services must inform any over-stayers that we have a duty to inform the Home Office of their presentation to the local authority.

Destitution

- a. It is important to build up a clear picture of the family's circumstances. The allocated worker must assess whether the child/ren and family have any means of supporting themselves, including support from wider family and/ or friends,
- b. Allocated workers must consider if the information given both verbally and in documents is credible. If it is not believed that they are credible, legal advice must be sought and the family informed of the reasons why the local authority is not satisfied with the family's status, and why services under Section 17 will therefore not be provided.

8. Completion of Assessment

When the Section 17/ Section 47 assessment is completed, the team manager must add their management oversight.

If the family is in need of urgent/immediate support, the worker [whether in the MASH or other service] must seek legal advice and discuss their assessment with their line manager. Authorisation must be sought from the Service Manager before any immediate provision is provided- this may be through Section 17 provision e.g. accommodation, food, clothing, toiletries etc. The worker should fully consider other means to access the support required e.g. charities, food banks, etc.

9. Terminating Support

The decision to end support should be made by the Service Manager after consultation with the team manager. This decision must be informed by an up-to-date assessment of the child and family's needs.

The allocated worker must inform parents/ carers of the decision that S17 support will end and follow this up with the parents/ carers in writing to include the 28-day notice period from when support will end. The parent/ carer must be advised to seek legal advice if they disagree with the decision. This letter should be translated into the person's first language, as appropriate.

10. Arranging Support

The assessment must outline each family member's needs and the plan must set out how/ what services will be provided to meet these individual needs. This should include, but not be restricted to:

- Whether the family needs an interpreter.
- Special accommodation needs.
- Individual health needs.
- Length of proposed support/ when it will be reviewed.
- The legislation under which the family is being supported, e.g. Section 17 of the Children Act 1989.
- Whether legal advice has been sought by the family and any progress made.

11. Provision of Accommodation

For families with NRPF who require accommodation the following steps should be taken:

1. The allocated worker should identify the specific needs of the family and consider what accommodation can meet those needs.
2. The allocated worker should identify appropriate properties, and discuss with their line manager any possibilities and comparisons e.g. whether renting a caravan would meet the needs, or would a B&B be a better option etc.
3. Suitable property options, once discussed with the line manager, should be shared with the family including how it meets their needs- cost is a factor in identifying accommodation, but the worker must be satisfied that it meets the needs of the children.
4. Consider if the accommodation is fully furnished, and if not, how we ensure it has enough furniture to meet the family's basic needs e.g. white goods, beds, sofa etc.
5. Where accommodation is required, the allocated worker must refer to ART.
6. ART will make arrangements for payments of rent directly to the landlord and ensure that Council tax is paid.

7. The family will sign a contract with the local authority in relation to living in the accommodation; this arrangement is likely to end within 3 months of Leave to Remain (LtR) being granted.
8. The allocated worker will ensure that prior to and after the family move into the tenancy, the basic needs of the child/ family are met.
9. The landlord and family have a duty to notify the local authority that they are in receipt of benefits/housing benefit within 48 hours of being made aware. Any over payment of rent by the local authority due to failure of the family or landlord to inform the local authority will be reclaimed by the local authority from the landlord.

12. Independent Family Returns Panel

A family returns case is a case where a child who is living in the United Kingdom is to be removed from or required to leave the United Kingdom, together with their parent/carer.

+++See s. 54A Borders, Citizenship and Immigration Act 2009 (inserted by s.3 Immigration Act 2014) for further detail.

Under this Act, the Independent Family Returns Panel may request information in relation to a family in relation to safeguarding, welfare or child protection. Children's Services staff must provide such information, and the Service Manager must be made aware of this request.

13. How Should I Support a child and family with NRPF?

When a family first presents OR if a query in relation to immigration status comes to light, Children's Services, where there is reason to believe the child/ren is in need of services (Section 17), should undertake a Section 17 assessment and arrange to meet with the presenting family. The assessment needs to establish:

- Whether the child/ren is a child in need.
- Whether BCP Council is the responsible local authority, or whether the NRPF status was established in a different LA, in which case they are responsible for meeting the family's needs. In such cases, the allocated worker must make contact with that local authority to establish how they will meet the family's needs.
- Establish the immigration status of the family through a paper review of documentation and liaison with the Home Office.
- Seek to confirm whether the family is destitute through a review of bank statements and letters from family and friends regarding previous support, including assessing what alternative support networks are available to financially assist them.
- In the case of a partner on a spousal visa fleeing domestic Abuse, encourage the partner to seek legal advice and apply to the Home Office under a fast-track procedure.
- Assess if there are other potential concerns relating to the family, including:

- Child protection and safeguarding [Section 47].
- Private fostering arrangements.
- Risk of child trafficking/ exploitation.

Through Section 17 and whilst assessing, Children's Services must consider:

- Whether emergency accommodation and subsistence payments are required, and how much based on the individual needs and size of the family.
- Write to the family outlining the level of support being provided under Section 17.
- Complete a Section 17 assessment, or Section 47 if child protection concerns are present.
- Liaise with Legal Services in relation to legal status and duties.
- Allow the parent/ family to see and comment/ respond to any assessment undertaken, and to consider their views in decision making and planning.
- Determine if the family is caught by Schedule 3 exclusions to the Section 17 support in the Nationality, Immigration and Asylum Act.
- When appropriate, complete a Human Rights Assessment to ascertain if withdrawing or withholding services would be a breach of human or community treaty rights of the child and family.

14. How to determine financial support

By using the guide and having standard rates it supports our children and families with a transparent and fair approach to offering financial support. The table below is a guide to weekly costs; however, the individual needs of the family must be considered where there are needs that are likely to cost the family more per week. This table is therefore a starting point in determining a reasonable level of financial assistance:

Group Weekly subsistence rate	
Single parent	£43.94
Couple	£72.52
Each child	£52.96
Nursing money for expectant mothers and those with children under 1 year / 1-3 years.	£5 / £3

There may be reason to adjust payments based on exceptional circumstances, for instance where a child has a specific disability or need, or where enuresis is an issue, it may be a decision to pay slightly more to help cover an additional cost for the family.

Whilst financial support is offered under Section 17, the allocated worker must liaise with the Home Office and family to ensure the progression of the case towards a resolution.

In addition, the allocated worker must:

- Write to the family confirming the decision and why support has been agreed and at what level (under Section 17).
- Whilst the child and family are supported under Section 17, they must remain open to Children's Services. There may be reason in cases where the need is purely financial to consider less frequent visiting and reviews- the team manager must seek approval from the Service Manager in such instances. The visiting and reviews will be based on the identified needs of the family, as well as wanting to ensure progress with legal status.
- The baseline rates for financial support should be reviewed on an annual basis in line with any changes to government benefits.

Once NRPF status is resolved, Children's Services should:

- Review the child and family's circumstance in order to understand if there are any remaining Child in Need or child protection issues.
- If no longer deemed a 'child in need' carry out a Human Rights Assessment to ensure ending S. 17 support will not leave the family destitute.
- Hold a meeting with the family to inform them that our support will end, capturing the child's and family's voices and being clear when the support will end (giving a minimum of 28-day notice).
- Write to the family to confirm the decision made and discussion held with them, including the start of a 28-day notice period of when Section 17 support will cease.
- Where the family's change in legal status enables it, support the family to get documentation that will enable access to benefits and make referrals to the appropriate support (for housing, employment and any other services that they are now eligible for) - BCP Council must continue to support identified needs until such time that other agencies/ services/ networks begin to do so, supporting the family to access any such support expediently; and
- Close the children to Children's Services once the outcome of the Human Rights Assessment is received (if not destitute), and the end of the 28-day notice.

Children's Services will not end Section 17 involvement until such time that it is clear the child's need can be met with this support.

15. Timescales

Children's Services will complete a Section 17/ Section 47 assessment in line with BCP procedures, statutory duties and practice standards.

If required, a human rights assessment must be completed within **10 working days**. See [NRPF Network | When and how to undertake a human rights assessment](#)

Children's Services should ensure that information is up to date on MOSAIC for the child and family, as per BCP Practice Standards.

16. EU Settlement Scheme and what to do

As a result of BREXIT, the UK is no longer part of the EU which means individuals from the EU and some other countries need to make an application to remain in the UK and gain settled status under the EU Settlement Scheme (EUSS). Please see [Apply to the EU Settlement Scheme \(settled and pre-settled status\): Who can apply – GOV.UK \(www.gov.uk\)](#) for more information and to make an application. The EU Settlement Scheme enables individuals to continue to live, work and study in the UK and to be eligible for public services, public funds and pensions, and British citizenship.

Individuals must meet one of the eligibility criteria for the scheme to apply, which for most people is either:

- you're from the EU, Switzerland, Norway, Iceland or Liechtenstein and you started living in the UK by 31 December 2020; or,
- you're the family member of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein who started living in the UK by 31 December 2020 and has settled or pre-settled status.

You may also be eligible if:

- you used to have a family member from the EU, Switzerland, Norway, Iceland or Liechtenstein who started living in the UK by 31 December 2020 (but you've separated, they've died, or the family relationship has broken down).
- you're the family member of a British citizen who also is a citizen of an EU country, Switzerland, Norway, Iceland or Liechtenstein, and they lived in the UK as a citizen of one of these countries before getting British citizenship.
- you have a family member who is an eligible person of Northern Ireland.
- you're the child of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein who used to live and work in the UK - you must be in education in the UK.
- you're the family member of a person who is exempt from immigration control.
- you're the [family member of a 'frontier worker'](#).

You and your child may also be eligible if, by 31 December 2020, you were the primary carer of a:

- child of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein who used to live and work in the UK - the child must be in education in the UK.
- self-sufficient child from the EU, Switzerland, Norway, Iceland or Liechtenstein.

You do not need to apply if you have:

- [indefinite leave to enter or remain in the UK](#).
- Irish citizenship (including British and Irish ‘dual citizenship’).
- a [Frontier Worker permit](#), or you’re eligible for one, as long as you continue living outside the UK while working here.

You cannot apply if you have British citizenship.

The deadline for most people to apply to the EU Settlement Scheme was 30 June 2021, however individuals can still apply if either:

- the deadline for that individual to apply is after 30 June 2021; or,
- the individual has ‘reasonable grounds’ for applying now, and not by the deadline or in the time since the deadline passed.

The parameters of reasonable grounds are set out on the government website.

Local authorities were asked to identify all children open to them applicable for the EUSS and to support these children to make an application to gain settlement status. This applies whether a child is CIN, CP, CIC or CEYP and therefore we, as a local authority, wish to ensure any child open to our services is identified as either an EU child national requiring settlement, has obtained settlement or needs our support to apply for settlement status.

How you’re eligible to apply for the EU Settlement Scheme	Your deadline to apply
<p>You’re applying as a family member of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein who was living here by 31 December 2020, and has settled or pre-settled status, and you joined them in the UK on or after 1 April 2021, and you did not enter the UK as a visitor</p>	<p>90 days from when you arrive in the UK or when your permission to be in the UK expires, whichever is later</p>
<p>You’re applying as a family member of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein who was living here by 31 December 2020, and has settled or pre-settled status, and you joined them in the UK on or after 1 April 2021, and you entered the UK as a visitor</p>	<p>90 days from when you arrive in the UK</p>
<p>You’re applying for your child who was born or adopted in the UK on or after 1 April 2021</p>	<p>90 days from when your child was born or adopted</p>

How you're eligible to apply for the EU Settlement Scheme	Your deadline to apply
<p>You're the family member of an eligible person of Northern Ireland, but they could not move back to the UK without you by 31 December 2020 - you must be from outside the EU, Switzerland, Norway, Iceland or Liechtenstein</p>	<p>90 days from when you arrive in the UK</p>
<p>You're exempt from immigration control, or you stopped being exempt from immigration control after 30 June 2021</p>	<p>If you're exempt from immigration control, you do not have to apply to the scheme. If you choose to do so, you can apply at any time. If you stop being exempt, you have 90 days to apply</p>
<p>You were living in the UK by 31 December 2020, and you got limited leave to enter or remain in the UK before 30 June 2021 and that leave expires after 30 June 2021</p>	<p>Before that leave expires</p>

What to do with every child open to you re EUSS

- Confirm whether the child is a British national- either check their passport, and/ or establish where they were born.
- If a British national, record on their records that they are a British citizen.
- If there is reason to believe that they are not a British citizen, establish when they entered the UK and whether they were here pre- 31 December 2020.
- Use the government's website [Apply to the EU Settlement Scheme \(settled and pre-settled status\): Who can apply – GOV.UK \(www.gov.uk\)](#) to establish what the child's legal status may be, and whether they need to apply for settlement.
- Discuss with your line manager if it is believed that the child needs to apply to the EUSS. Management Oversight to be added to the child's record to evidence this discussion.
- Support the child/ family to make an application for EU settlement status.
- Record on the child's record when the application has been made.

++Do not rely on ethnicity to identify if the child is applicable. Check their passport and ask where they were born, alongside where they lived pre-31 December 2020.

NPRF Two Page Summary

A. Initial Presentation

- Self-referral without appointment
- Referral through/by an external agency

B. Assessment

- Determine if the child is a Child in Need.
- Holistically consider individual needs (health, disabilities, child protection, access to essentials).
- Assess family's existing support (family network, community, Early Help).

C. Key Document Verification

- Check identification and legal status.
- Documents to verify:
 - Passports, birth certificates, travel documents, Home Office papers, bank statements.
- If documents are missing:
 - Inform about the necessity for documents.
 - Arrange for an interpreter if needed.
- Photocopy/scan originals and retain on file.

D. 4. Local Connection

- Establish local connection:
 - Close family in the area?
 - Previous or current residence, work, asylum support accommodation?
- If no local connection:
 - Identify responsible local authority.
 - Refer family to the appropriate local authority.

E. Immigration Status Check

- Contact Home Office to verify asylum application status.
- Cross-reference key documents with the Home Office.
- Inform over-stayers of duty to notify Home Office.

F. Assessing Destitution

- Evaluate family's means of support (family, friends, documents).
- If credibility of information is questionable:
 - Seek legal advice.
 - Inform family of reasons for service refusal under Section 17.

G. Completion of Assessment

- Team manager adds management oversight.
- For urgent/immediate support:
 - Seek legal advice.
 - Discuss with line manager.
 - Obtain Service Manager authorisation.
 - Consider alternative support (charities, food banks).

H. Provision of Accommodation

- Identify family needs and suitable accommodation.
- Discuss options with line manager.
- Ensure accommodation meets children's needs.
- Arrange for furniture if needed.
- ART arranges rent payments and Council tax.
- Family signs a contract with the local authority.

I. Independent Family Returns Panel

- Provide requested information related to safeguarding, welfare, or child protection.
- Service Manager to be informed of requests.

J. Ongoing Support and Financial Assistance

- Determine financial support needs using standard rates.
- Confirm decision in writing, detailing level and duration of support.
- Maintain open case status with Children's Services.
- Review financial support annually.

K. Ending Support

- Service Manager decides after consultation.
- Inform family of support termination and provide a 28-day notice.
- Translate notice as needed.
- Conduct Human Rights Assessment to ensure no destitution risk.
- Assist family in accessing other support as needed.

L. Timescales

- Complete Section 17/Section 47 assessment per statutory duties.
- Complete Human Rights Assessment within 10 working days if required.
- Keep information up to date on MOSAIC.

EU Settled Status Two Page Summary

A. Background

- UK is no longer part of the EU.
- EU Settlement Scheme (EUSS) allows eligible individuals to live, work, study, and access public services in the UK.

B. Eligibility Criteria

- General Eligibility:
 - From the EU, Switzerland, Norway, Iceland, or Liechtenstein and living in the UK by 31 Dec 2020.
 - Family member of someone from these countries living in the UK by 31 Dec 2020 with settled/pre-settled status.
- Other Eligibility Cases:
 - Former family members (separation, death, relationship breakdown).
 - Family member of a British citizen who also holds EU/EEA citizenship.
 - Family member of an eligible person of Northern Ireland.
 - Child of someone from these countries who used to live and work in the UK (must be in education).
 - Family member of a person exempt from immigration control or a frontier worker.
 - Primary carer of a child meeting the criteria above.

C. Exemptions from Application

- Indefinite leave to enter/remain in the UK.
- Irish citizenship (including British and Irish dual citizenship).
- Frontier Worker permit holders (living outside the UK but working in the UK).
- British citizens.

D. Application Deadlines

- General deadline: 30 June 2021.
- Exceptions:
 - Joined family member after 1 April 2021: Apply within 90 days of arrival or when permission expires.
 - Child born or adopted in the UK after 1 April 2021: Apply within 90 days of birth/adoption.
 - Exempt from immigration control and exemption ends: Apply within 90 days.
 - Limited leave to remain expiring after 30 June 2021: Apply before leave expires.

E. Local Authority Responsibilities

- Identify all children open to services who may be eligible for the EUSS.
- Includes children under CIN (Child in Need), CP (Child Protection), CIC (Children in Care), or CEYP (Care Experienced Young People) status.
- Support eligible children to apply for settled status.

F. Steps for Local Authorities

- Identification - review cases to identify eligible children.
- Support Application - assist eligible children and their families with the EUSS application.
- Confirmation - Ensure children have either obtained settled status or are in the process of applying.

G. Applying with Reasonable Grounds

- Individuals can apply past the deadline if they have reasonable grounds, as specified on the government website. <https://www.gov.uk/settled-status-eu-citizens-families>