

**No Recourse to**

**Public Funds**

Name of Author: Amy Lawes

Name of Senior Manager Approving:

Penny Ademuyiwa

Date of Issue: July 2024

Date to be Reviewed: July 2025

#

|  |  |
| --- | --- |
| **Contents** | **Page** |
| [**Introduction**](#_Introduction) | [**2**](#_Introduction) |
| [**What is No Recourse to Public Funds?**](#_What_is_No) | [**3**](#_What_is_No_1) |
| [**What services can a person with no recourse to public funds access?**](#_What_services_can) | [**3**](#_What_services_can) |
| [**Visa vs Status: Understanding the Differences in Immigration Terms**](#_Visa_vs_Status:) | [**4**](#_Visa_vs_Status:_1) |
| [**A person ‘Seeking Asylum’**](#_A_person_‘Seeking) | [**5**](#_A_person_‘Seeking_1) |
| [**Refugee status**](#_Refugee_status) | [**5**](#_Refugee_status) |
| [**Migrants and immigrants**](#_Migrants_and_immigrants) | [**5**](#_Migrants_and_immigrants) |
| [**A person without lawful status**](#_A_person_without) | [**6**](#_A_person_without) |
| [**Common issues faced by families with NRPF**](#_Common_issues_faced) | [**6**](#_Common_issues_faced_1) |
| [**Domestic abuse**](#_Domestic_abuse) | [**6**](#_Domestic_abuse) |
| [**The role of the Local Authority**](#_The_role_of) | [**8**](#_The_role_of) |
| [**Initial response to referral**](#_Initial_response_to) | [**9**](#_Initial_response_to_1) |
| [**ARP - Access to Resource Panel**](#_ARP_-_Access) | [**10**](#_ARP_-_Access_1) |
| [**Subsistence**](#_Subsistence) | [**11**](#_Subsistence_1) |
| [**Fraud check**](#_Fraud_check) | [**12**](#_Fraud_check) |
| **[Human Rights Assessment](#_Human_Rights_Assessment)** | [**12**](#_Human_Rights_Assessment_1) |
| [**Ongoing duty to reassess need**](#_Ongoing_duty_to) | [**13**](#_Ongoing_duty_to) |
| [**Supporting a family with NRPF practice tasks**](#_Supporting_a_family) | [**14**](#_Supporting_a_family) |

# Introduction

This guidance has been written to assist practitioners to support children and families with no recourse to public funds.

Whenever a family, in any circumstances is presenting to Integrated Children’s Services it is imperative we take the time to consider their background, experiences and journey. This guidance explains the duties, how and when to support, and reinforces the need for recognising the person before seeing their immigration status.

This is an area which is subject to legal change, and legal advice should be sought when deemed necessary.

This practice guidance should be read in conjunction with Kent’s [Families with No Recourse to Public Funds Policy and Procedure](https://kentchildcare.proceduresonline.com/p_no_recourse_public.html?zoom_highlight=no+recourse+to+public+funds).

#

# What is No Recourse to Public Funds?

No Recourse to Public funds (NRPF) is an immigration restriction applied to many thousands of people living in the UK. NRPF is a condition attached to most temporary migrants’ permission to enter or stay in the UK. The purpose being to restrict access to a range of benefits, such as:

Those who don’t have any immigration permission to live in the UK will also have no recourse to public funds.

## What services can a person with no recourse to public funds access?

A person with NRPF is only excluded from claiming benefits classed as 'public funds' for immigration purposes. Therefore, a person with no recourse to public funds may be able to claim any other benefit if they meet the qualifying requirements.

Examples of services a person with NRPF can access:

|  |
| --- |
| Free education and childcare for 2-year-olds - [Check eligibility](https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds-claim-benefits) here  |
| 15 hours per week of free childcare to all children aged 3-4 - [Check eligibility here](https://www.childcarechoices.gov.uk/childcare-support-available) |
| Free education at a primary or secondary state-funded school from the age of 4-16 years old, and age 18 for sixth form. |
| Free school meals for children in reception, year 1 and year 2 at state schools. |
| Some NHS treatment, such as services delivered by a GP or A&E treatment at a hospital, are free of charge to everyone regardless of their immigration status – [Check eligibility and full list of free services here.](https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/nhs-treatment/free-nhs-treatment#guide-content) |

Some people will need to pay for hospital treatment and certain community healthcare services, and this must be paid upfront, unless deemed to be urgent or immediately necessary. Anyone, who is required to pay but is provided with treatment on this basis, will still accrue an NHS debt. Failure to pay an NHS debt of £500 or more could lead to an immigration application being refused.

Please regularly review [rights and entitlements](https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements#:~:text=Benefits%20and%20housing%20%28public%20funds%29%20Education%20Services%20for,for%20people%20with%20no%20recourse%20to%20public%20funds) on the NRPF network for up to date and more in depth information.

# Visa vs Status: Understanding the Differences in Immigration Terms

A good way to think of a visa is as a Ticket to Travel. It is an endorsement on a passport and the visa indicates that request to enter, for specific purposes and a set period, has been reviewed and approved.

Certain types of visas allowing people to live in the UK (such as spousal visas, student visas and visitor visas) have the ‘no recourse to public funds’ rule attached. The rule could be stamped in a passport or written on the back of a residence permit.

Once someone has entered the UK with a valid visa, they are given a ‘status’ and this is their legal identity. Their ‘Immigration status’ outlines the kind of permission they have to be in the UK; this is often called ‘leave’ or ‘leave to remain’. The type of permission changes how long someone can stay in the UK and what they can do. Permission is given by the Home Office. Your immigration status is linked to the purpose of your visit or reason to be in the UK and the type of visa (if any) you held when you entered the UK.



###

### **A person ‘Seeking Asylum’**

The definition of an asylum seeker is someone who has arrived in a country and asked for asylum. Asylum is when a government accepts your home country is unable or unwilling to ensure your protection and allows you to remain in their country to stay safe. The right to seek asylum is a legal right we all share.

While the Home Office is deciding and if the case goes to the Tribunal (court), you are an asylum seeker.

The Immigration and Asylum Act 1999 placed a general statutory bar on temporary, unauthorised, and asylum-seeking migrants claiming benefits, meaning people claiming asylum in the UK are not eligible for mainstream welfare benefits and are generally not allowed to work.

The Act stipulates a parallel welfare system of ‘asylum support’ for people seeking asylum instead. This is provided by the Home Office and, depending on circumstances, can include housing and basic living expenses. Although people who have asylum seeking status do hold the NRPF restriction, the Local Authority does not have a duty to provide financial support as this is provided by the Home Office.

## Refugee status

If a claim for asylum is accepted, the person will hold Refugee Status. They will be allowed to stay in the UK for 5 years and can then apply to stay permanently in the UK, after those 5 years. A person who holds refugee status is always allowed to claim public funds and go to work.

## Migrants and immigrants

Migrants are people looking for jobs or an education. Immigrants are people who want to live permanently in another country. You may have permission to stay in the UK on different types of visas.

A NRPF condition is usually imposed when a person has been issued with leave to enter or leave to remain for a temporary purpose. For example, if you’ve come to the UK to study, you will likely hold a student visa.

Some people with limited leave to remain will have access to public funds. Additionally, some people who would normally be subject to a NRPF condition may not have this imposed or can apply to the Home Office for [a change of conditions](https://nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-for-people-with-nrpf/immigration-options/leave-to-remain-with-nrpf-change-of-conditions) to have their NRPF condition lifted. This could be for reasons such as if they are destitute or at risk of imminent destitution.

It is important to recognise many holding visas with NRPF will be financially secure and have no need to access public funds. Each family’s circumstances will be different. For example, some temporary visa holders may have the NRPF condition but would be eligible for certain benefits. For instance, some work and family visa holders have relatively low wages that could make a person with the NRPF conditions eligible for in-work benefits, if they had children.

## A person without lawful status

Anyone who is required to obtain leave to enter or remain in the UK but does not have this will be subject to immigration control. This includes people who are without lawful status in the UK if they:

* Entered the UK illegally
* Overstayed their visa
* Are Appeal Rights Exhausted (ARE) following an unsuccessful asylum or immigration claim

Some people who have lived in the UK for a long time may be lawfully present but cannot prove their immigration status. Such a person may be able to apply to the Home Office to confirm their status for example through the [Windrush Scheme](https://www.gov.uk/apply-windrush-compensation-scheme).

# Common issues faced by families with NRPF

#

# Domestic abuse

Nobody should feel trapped into staying with someone who abuses them because of the ‘no recourse to public funds’ restriction.

Survivors of domestic abuse who are from abroad and have an NRPF status will usually have been granted limited leave to enter the UK on a spousal visa or as partner of a person present and settled in the UK (with citizenship or leave rights). This is often granted subject to the condition the individual will have NRPF status, although individuals granted leave as spouses or partners are permitted to take up employment.

Such immigration restrictions imposed on an individual in a relationship can create a power imbalance and could increase the risk of domestic abuse.

|  |
| --- |
| Being financially dependent on someone else could be used as a form of control. |
| Feeling trapped and powerless. |
| A person’s immigration status may be used against them, like threatening deportation or to have their visa taken away. |
| Isolation because of a language barrier. |
| Lack of friends and family support – new country away from family |
| Unaware of systems in the UK – evening knowing or having the means to call for help.  |

In February 2024, the Home Office introduced the [Migrant Victims of Domestic Abuse Concession](https://assets.publishing.service.gov.uk/media/660eb038a43d91001c3af176/Migrant%2BVictims%2Bof%2BDomestic%2BAbuse%2BConcession.pdf) (MVDAC), replacing the Destitution Domestic Violence Concession. The MVDAC provides the individual (and their children) temporary permission to stay in the UK and the ability to apply for benefits if their relationship broke down because of domestic abuse.

As most people with leave as a partner have no recourse to public funds, the concession provides an essential means of accessing benefits and local authority housing assistance when a victim of domestic abuse would otherwise be left without accommodation or funds to meet their basic living needs following separation from their partner. This access to mainstream provisions such as refuge also removes the requirement of financial support from Kent ICS.

The individual would need to make a further application to remain in the UK before

the MVDAC expires. Otherwise, they risk becoming an overstayer and will be

expected to leave the UK if the MVDAC expires and they have not submitted an

application to remain in the UK. Being granted the MVDAC does not mean an individual is necessarily eligible to apply for Indefinite Leave to Remain as a victim of

domestic abuse. Therefore, legal advice must be sought before applying for the MVDAC. Use the Office of the Immigration Services Commissioner (OISC) Adviser finder to [find a registered adviser.](https://portal.oisc.gov.uk/s/adviser-finder)

# The role of the Local Authority

Social Services’ support is not a ‘public fund’ for immigration purposes and therefore can be accessed by a person who has no recourse to public funds.

Under section 17 of the Children Act local authorities in England have a duty to protect the welfare of children in need in their area and a power to meet the needs of children by providing accommodation and financial support to their families. This is a target duty which gives the local authority discretion as to how it will meet a child’s assessed need. The power becomes a duty when support is needed to prevent a breach of human rights, such as when a family would otherwise be unable to meet their essential living needs, homeless or separated.

Section 17 requires local authorities to assist the family as a whole. Offering to accommodate the child alone, taking the child into care or separating the child from their parent will not be an appropriate response where there are no safeguarding concerns and the only risk to the child results from the parent’s homelessness or lack of funds.

|  |
| --- |
| The courts have established a child without accommodation will be a Child in Need as destitution is highly likely to impact on a child’s wellbeing and development.  |

When a family has NRPF and is reporting to be homeless/require financial support to meet their child’s needs a Child and Family assessment would need to be undertaken, in line with the statutory guidance, Working Together to Safeguard Children.

As well as establishing destitution, the child and family assessment for a child with NRPF should remain child focused and consider all aspects of the child’s welfare, to ensure that any needs that are unrelated to destitution are identified.

The local authority must take a **fair, rational, and lawful** approach to its enquiries and decision-making. The best interests of the child, safeguarding and promoting the child’s welfare, must be the primary consideration at all stages. Failure to fulfil statutory duties or follow statutory guidance, may lead to a complaint or legal challenge by way of Judicial Review.

|  |
| --- |
| A Judicial Review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. In other words, judicial reviews are a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. |

#

# Initial response to referral

Not every family who has NRPF restrictions will require financial support from the local authority. Instead, they may require support or there may be safeguarding concerns. The NRPF status may not be known initially.

See below for an initial list of questions to consider when a family is reporting to have the NRPF restriction:

|  |
| --- |
| Are there any safeguarding concerns? If yes, child protection policy supersedes e.g., an immediate Strategy Discussion may be required. NOTE: NRPF steps should still be considered alongside the CP framework to consider what impact the family’s status may be causing.  |
| Are there any immediate health concerns? |
| Are the children open to another Local Authority or previously known to Kent? |
| What support did any other previous Local Authority give the family? Obtain copies of those assessment(s) and check if that LA is still responsible for providing support to the family.  |
| Establish proof of NRPF. This could be asking for a Letter from the Home Office, evidence from a solicitor, a pending application, or stamp in passport.  |
| Make enquires regarding the family’s identity, address history and financial documentation and make sure you see it, including taking copies for file. |
| Check the NRPF database by making a request by completing the [Management, Information and Intelligence Form](https://kentcountycouncil.sharepoint.com/sites/CYPEMII/SitePages/No-Recourse-to-Public-Funds.aspx?xsdata=MDV8MDJ8QW15Lkxhd2VzQGtlbnQuZ292LnVrfDczZDVmZjY2YWY1YjQ4MmNjYzc2MDhkYzZlOTBiZDgwfDMyNTNhMjBkYzczNTRiZmVhOGI3M2U2YWIzN2Y1ZjkwfDB8MHw2Mzg1MDY4MTUxNDQ5OTQ5NDJ8VW5rbm93bnxUV0ZwYkdac2IzZDhleUpXSWpvaU1DNHdMakF3TURBaUxDSlFJam9pVjJsdU16SWlMQ0pCVGlJNklrMWhhV3dpTENKWFZDSTZNbjA9fDB8fHw%3d&sdata=MHBaM2tnVXowNjlUZ05ZU0gxZUoyT1J2UzlSS0RtNWlEMFo4Rk0rdVpkdz0%3d&clickparams=eyAiWC1BcHBOYW1lIiA6ICJNaWNyb3NvZnQgT3V0bG9vayIsICJYLUFwcFZlcnNpb24iIDogIjE2LjAuMTczMjguMjAyODIiLCAiT1MiIDogIldpbmRvd3MiIH0%3D) on SharePoint[[1]](#footnote-1). |
| Establish if there is currently an Immigration Legal Advisor involved with the family. If so, what are their details, including permission to speak with them to clarify the current leave status in the UK or application(s) made to the Home Office.  |
| Establish if the family applied to the Home Office for access to public funds. If not, then this will need to be undertaken immediately.  **This may include an application under Migrant Victims of Domestic Abuse Concession.**  |
| Gain verbal consent from parent(s) and complete checks with key agencies such as Housing, Health, Education, Police etc.  |

Once the above steps are completed it may be emergency, temporary support is provided to the family such as temporary accommodation and subsistence payments. This will only be if all initial checks lead to the belief the family are destitute and financial support needs to be provided in the interim whilst ongoing assessments and checks are completed.

A full list of tasks to complete is on page 14.

# ARP - Access to Resource Panel

If emergency accommodation/financial support is provided you need to make a referral to panel retrospectivity to gain agreement. This should be completed immediately (ideally within 1 or 2 days of the support being provided).

If you believe financial support/accommodation may be required in the near/immediate future, you should also make a referral to panel to request agreement and gain further advice and support.

The purpose is to support decision making to ensure the best possible outcomes for children. ARP allows senior leadership to have oversight, offering practitioners with advice, support and share decision making.

Below are some of the questions you may be asked when attending panel:

|  |
| --- |
| If you are requesting a level of subsistence, how have you arrived at the figure? Is it based on an understanding of what the family would typically need to spend? |
| Has the fee waiver been applied for? And/or has an application been made to the Home Office to lift the NRPF conditions? |
| If the family’s immigrations status allows them to work, what is preventing parents from working and supporting their family? |
| Where have the family been previously? Why is support needed now? |
| Is there support from charities, can we make use of the food bank to supplement the subsistence that is provided? |
| Have we explored family networks? |
| Have we signposted to relevant support such as [the Unity Project](https://www.unity-project.org.uk/about-tup)? |

The link to your districts ARP firm step form can be found in [useful resources](https://kentcountycouncil.sharepoint.com/sites/ChildrenYoungPeopleandEducation#useful-resources%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B) on Knet.

#

# Subsistence

If a Family is destitute, as well as support with housing, a family may need to be assessed for subsistence payments to provide money for food, clothes, travel to school/health appointments etc.

Legislation and statutory guidance do not state exactly what type of accommodation and financial support should be provided when this is an assessed need. The courts have examined the lawfulness of how local authorities have determined what support is provided to a family, which has established some basic principles local authorities must adhere to and have been very clear that such provision is always a response to meeting the assessed needs of a child.

Some local authorities have policies regarding payments, some do not. In Kent, we don’t, however we have a No Recourse to Public Funds Financial Assessment Form, developed in 2023 which captures information about the child and their family to then be able to determine the level of financial assistant needed. The form explores areas for example family support, charity support, details about the child, any connected children.

The Court of Appeal is very clear that section 17 is a target duty and decisions regarding the provision of support must be made to meet a child’s assessed need.

|  |
| --- |
| A High Court appeal against Newham in 2014 found it was lawful to have a policy standardising rates, so long as there is flexibility to meet arising or additional needs. However, it did find the policy Newham had in place was unlawful. |

#

A case against the London borough of Southwark in 2016 specified specific principles local authorities must adhere to.

An assessment must be carried out to determine the needs of a particular child, in line with statutory guidance and with proper consideration of the best interests of the child.

Support for families with NRPF should not be fixed to set rates or other forms of statutory support without any scope for flexibility to ensure the needs of an individual child are met.

Local authorities must undertake a rational and consistent approach to decision making, which may involve cross-checking with internal guidance or other statutory support schemes so long as this does not constrain the local authority’s obligation to have regard to the impact of any decision on a child’s welfare.

Councils across the country, including Kent are under enormous financial pressure - partly fuelled by inflation, market conditions and overall extra demands on services.

This by no means takes away the ethical and legal responsibility we hold to children and their families with the NRPF restriction who are in true need of financial support. It does mean we have a serious responsibility to ensure financial support goes to families in true need of requiring financial support and assistance.

Increasing knowledge, skills and confidence, and having clear processes in place will make for informed assessments, informed decisions, and the right decision made in a timely manner.

You can find key principes, considerations and approaches on the [NRPF Network](https://www.nrpfnetwork.org.uk/news/subsistence) when considering subsistence rates.

# Fraud check

The [Financial Assessment Form](https://www.proceduresonline.com/trixcms2/media/20945/no-recourse-to-public-funds-financial-assessment-form-cype.docx) has been created by Kevin Holyoake, Counter Fraud Specialist within the KCC Internal Audit team. The form was designed to support practitioners to ensure fraud checks are being completed from the outset. In addition, it includes ensuring a full range of documentation from parent(s) is collated.

|  |
| --- |
| **The Financial Assessment Form should be completed and sent to the Internal Audit Team prior to any financial support being provided. If financial support is being considered, the financial assessment form should also be completed.** |

#

# Human Rights Assessment

In rare circumstances, you may need to consider completing a Human Rights Assessment (HRA). This provides an opportunity to identify and document what action may need to be taken to assist a person who is ‘in breach of immigration laws’ to achieve a sustainable outcome.

In most cases, a sustainable outcome will be achieved by the person obtaining leave to remain and transferring to mainstream benefits and/or employment. However, for those who have exhausted their immigration options and are unable to pursue further claims to remain in the UK, returning to their country of origin will need to be considered to avoid a breach of human rights that may arise from their destitution in the UK.

Whilst a HRA is carried out a family can still be entitled to emergency support and a child and family assessment can be completed alongside, or prior.

The family’s situation should be regularly reviewed, and the HRA may need to be revisited if the family’s circumstances change, such as following a negative Home Office decision.

When no barrier to return is identified, the Local Authority can withhold or withdraw support and the family would usually be offered assistance with return, including temporary support whilst a return is being arranged.

|  |
| --- |
| It is imperative that Legal Advice is sought by the local authority when Human Rights Assessments are completed. |

Please visit the NRPF network for more information including a [human rights assessment template](https://www.nrpfnetwork.org.uk/-/media/microsites/nrpf/documents/guidance/HRA-template.docx).

# Ongoing duty to reassess need

Section 17 is an ongoing duty, so when a family’s circumstances change, the Local Authority must decide whether this means the child’s needs must be reassessed.

Children receiving subsistence and/or accommodation (funded via section 17) should remain open as a Child in Need (unless there are safeguarding concerns).

There should be ongoing liaison with the Home Office and there should be regular attendance to Access to Resource Panel, as directed by the Panel.

You must reassess at any point if relevant change of circumstances/new information suggests a child may be in need or that will potentially affect the outcome of a previous assessment.

# Supporting a family with NRPF practice tasks

|  |
| --- |
| **When a family first presents...****OR if a query related to immigration status comes to light...** |
| **Are there any safeguarding concerns? If yes, child protection procedures supersede, e.g., an immediate strategy discussion may need to be held.** **NOTE: NRPF steps should still be followed alongside the CP framework to consider what impact the family’s status may be causing.** |
| Be aware of the kinds of families who could fall under the NRPF condition, including:* Visa overstayers
* People who have been refused asylum
* People on spousal or student visas People with Leave to Remain with NRPF stamped on their visa
* EEA nationals with pre-settled status
* EEA nationals who are applying under the EU Settlement Scheme (before 30 June 2021)
* EEA nationals who fail to apply under the EUSS by 30 June 2021
* EEA nationals with leave to enter as student, visitor, worker granted after 1 January 202
* Indefinite Leave to Remain as an adult dependant relative who is excluded from most benefits for five years

Relevant advice and guidance can be found at [www.nrpfnetwork.org.uk](http://www.nrpfnetwork.org.uk) |
| Ask the family for relevant documentation:* Related to immigration status (such as passport or other Home Office identification such as visa, biometric card or any document related to their current stay)
* To confirm homelessness (such as a letter confirming notice to quit existing accommodation)
* To provide evidence of destitution (such as bank statements)
* To provide evidence of their application to the Home Office or evidence of a fee waiver for the application (also useful to know under what grounds their application is being made)
 |
| Establish if there is currently an Immigration Legal Advisor involved with the family. If so, what are their details, including permission to speak with them to clarify the current leave status in the UK or application(s) made to the Home Office. |
| Gain verbal consent from parent(s) and complete checks with key agencies such as Housing, Health, Education, Police etc.Establish if they have sought immigration advice from CAB or a Charity. |
| Check the NRPF database by making a request by completing the [Management, Information and Intelligence Form](https://kentcountycouncil.sharepoint.com/sites/CYPEMII/SitePages/No-Recourse-to-Public-Funds.aspx?xsdata=MDV8MDJ8QW15Lkxhd2VzQGtlbnQuZ292LnVrfDczZDVmZjY2YWY1YjQ4MmNjYzc2MDhkYzZlOTBiZDgwfDMyNTNhMjBkYzczNTRiZmVhOGI3M2U2YWIzN2Y1ZjkwfDB8MHw2Mzg1MDY4MTUxNDQ5OTQ5NDJ8VW5rbm93bnxUV0ZwYkdac2IzZDhleUpXSWpvaU1DNHdMakF3TURBaUxDSlFJam9pVjJsdU16SWlMQ0pCVGlJNklrMWhhV3dpTENKWFZDSTZNbjA9fDB8fHw%3d&sdata=MHBaM2tnVXowNjlUZ05ZU0gxZUoyT1J2UzlSS0RtNWlEMFo4Rk0rdVpkdz0%3d&clickparams=eyAiWC1BcHBOYW1lIiA6ICJNaWNyb3NvZnQgT3V0bG9vayIsICJYLUFwcFZlcnNpb24iIDogIjE2LjAuMTczMjguMjAyODIiLCAiT1MiIDogIldpbmRvd3MiIH0%3D) on SharePoint. |
| Organise a meeting with the family to determine if the council has a duty to assess. Ask the family to bring along the documentation mentioned above and seek to establish the following:* Whether the child/ren is a child in need.
* ‘Territorial responsibility’ – are they the responsibility of Kent? Is the child/ren open to another Local Authority or previously known to Kent?
* Seek to confirm the immigration status of 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 and telephone calls from family and friends regarding previous support, including assessing what alternative support networks are available to financially assist. Consider contacting family members (with permission) to validate any claims of lack of support.
* Assess again if there are other potential concerns relating to the family, including Child protection and safeguarding, private fostering arrangements, risk of child trafficking.
* Complete KCC financial assessment form

*In the case of a partner on a spousal visa fleeing domestic violence, encourage the partner to seek legal advice and, where appropriate, to apply to the Home Office under a fast-track procedure.* |
| **If you decide to assess…** | **If the family is not eligible for support…** |
| If required, arrange, and provide temporary accommodation and subsistence payments whilst an assessment is undertaken (if emergency accommodation has not already been provided). *Please note: This may be local B&Bs whilst assessment is ongoing and awaiting agreement from panel*.  | Meet with the family to discuss the decision  |
| Complete and send off financial assessment form if not done so already. In urgent circumstances support can be provided for maximum 7 days but documents MUST be provided, or support will stop. | Write to the family explaining the decision – signed off by team manager. |
| Write to the family, with details of the level of support and the assessment. | Work with the family to support assisted voluntary return to their country of origin or signpost them to further advice and support if appropriate. |
| In an emergency, make a referral to Access to Resource Panel (ARP) within 1 / 2 days of support being provided. Where possible, make a referral to ARP prior to financial support commencing to gain agreement. |  |
| Complete C&F assessment (timescale set by team manager). |  |
| Confirm what support did any other previous Local Authority issue to the family? Obtain copies of those assessment(s) and check if that LA is still responsible for providing support to the family. |  |
| Determine if the family is caught by Schedule 3 exclusions to Section 17 support in the Nationality, Immigration and Asylum Act. If so and when appropriate, complete a Human Right’s Assessment to ascertain if withdrawing or withholding services would be a breach of human or community treaty rights.Ensure legal advice has been sought in these cases.  |  |
| **If the family is eligible for support…** |
| * Ensure the assessed needs of the child/ren are being met
* Procure accommodation, if not already in place and provide subsistence payments. The SW/SWA will need to complete finance request form and send to Service Manager for sign off (following approval at ARP).
* The child/ren should remain open as a Child in Need (unless there are safeguarding concerns) and CIN procedures should be followed with regards to visits and meetings.
* Liaise with the Home Office and legal representatives to resolve immigration issues and barriers
* Check the NRPF database via Management, information, and Intelligence Team quarterly and ahead of ARP.
* Regular attendance to Access to Resource Panel, as directed by the Panel.

***You must reassess at any point if relevant change of circumstances/ new info suggests a child may be in need or that will potentially affect outcome of previous assessment.*** |
| **Once a family’s circumstances are resolved**  |
| * Review the case to understand if there are any remaining Child in Need or child protection issues.
* Hold a final CIN meeting with the family
* Write to the family to confirm the decision including the start of a 28 day notice period until NRPF support will finish.
* Complete record closure for the NRPF database by making a request via completing the [Management, Information and Intelligence Form](https://kentcountycouncil.sharepoint.com/sites/CYPEMII/SitePages/No-Recourse-to-Public-Funds.aspx?xsdata=MDV8MDJ8QW15Lkxhd2VzQGtlbnQuZ292LnVrfDczZDVmZjY2YWY1YjQ4MmNjYzc2MDhkYzZlOTBiZDgwfDMyNTNhMjBkYzczNTRiZmVhOGI3M2U2YWIzN2Y1ZjkwfDB8MHw2Mzg1MDY4MTUxNDQ5OTQ5NDJ8VW5rbm93bnxUV0ZwYkdac2IzZDhleUpXSWpvaU1DNHdMakF3TURBaUxDSlFJam9pVjJsdU16SWlMQ0pCVGlJNklrMWhhV3dpTENKWFZDSTZNbjA9fDB8fHw%3d&sdata=MHBaM2tnVXowNjlUZ05ZU0gxZUoyT1J2UzlSS0RtNWlEMFo4Rk0rdVpkdz0%3d&clickparams=eyAiWC1BcHBOYW1lIiA6ICJNaWNyb3NvZnQgT3V0bG9vayIsICJYLUFwcFZlcnNpb24iIDogIjE2LjAuMTczMjguMjAyODIiLCAiT1MiIDogIldpbmRvd3MiIH0%3D) on SharePoint

**In the case of being granted status, 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).** |

1. Once a case is created ongoing requests can be made to review and check the individual’s immigration status via MII. Once checks are no longer need the social worker should compete a closure form via the same link. [↑](#footnote-ref-1)