

<b>Report title</b>	City of Wolverhampton Partnership Response to People with No Recourse to Public Funds (NRPF)	
<b>Cabinet member with lead responsibility</b>	Councillor Paul Sweet Public Health	
<b>Wards affected</b>	All	
<b>Accountable director</b>	John Denley, Director of Public Health	
<b>Originating service</b>	Public Health	
<b>Accountable employee(s)</b>	Neeraj Malhotra	Consultant in Public Health
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<b>Report to be/has been considered by</b>	People Leadership Team 19 March 2018 Strategic Executive Board 27 March 2018	

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**Recommendations for action:**

The Health and Wellbeing Board is recommended to:

1. Note the establishment of a multi-agency forum which is accountable to the Health and Wellbeing Board
2. Provide feedback on the proposed content of the multi-agency protocol for working with people with no recourse to public funds

## 1.0 Purpose

- 1.1 To bring together four separate areas of work that are all concerned with improving the response to people who have no recourse to public funds (NRPF).
- 1.2 This paper describes how these areas of work are interconnected.

## 2.0 Background

- 2.1 NRPF applies to migrants who are 'subject to immigration control' and as a result 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 includes non-EEA nationals who:

- 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 dependant relatives of people with settled status).

- 2.2 The three criteria outlined above belie the complexities that can be faced because different types of migrants can have NRPF status. It does not necessarily mean they are in the UK unlawfully.
- 2.3 Despite the NRPF condition, families and individuals may have a right to financial assistance (accommodation and subsistence) from Social Services to avoid destitution.
- 2.4 The City of Wolverhampton Council has developed a No Recourse to Public Funds Policy and procedure document that is scheduled to be considered by the Cabinet in April 2018. This Policy focuses on social care and welfare rights.

## 3.0 Four distinct areas of work that are all related to NRPF

The four distinct areas that will be brought together are:

- The City of Wolverhampton Council's Policy on NRPF.
- The NRPF pilot.
- The multi-agency forum.
- The multi-agency protocol.

These are described in the following sections.

### 3.1 The City of Wolverhampton Council's Policy on NRPF

This Policy has been in development for some time and has been produced to assist practitioners to assess the appropriate support and necessary actions required when working with children, young people, adults and families who have NRPF. This Policy is scheduled to be presented to the Cabinet in April 2018.

### **3.2 The NRPF pilot**

The budget that the Council has to support people with NRPF status (see 2.3 above) needs to be used to best effect. One key way of achieving this is to minimise the time taken to receive an immigration decision. A six-month pilot initiative was set up to understand how this can be achieved. The findings from this pilot will be available in the foreseeable future and will be separately circulated to members of this Board.

### **3.3 The multi-agency forum**

A recently published Serious Case Review (SCR) raised a number of issues relating to the child's mother and her family who had NRPF status and their relocation to Wolverhampton from a London Borough and the problems that arose with communication.

One of the recommendations in the SCR was for the Wolverhampton Safeguarding Children's Board to ensure that any "No Recourse to Public Funds" protocols used by agencies in the area incorporate all the learning from this SCR, and to consider how best to ensure that:

- a. Practitioners (including staff in schools) acquire a better understanding of the needs and vulnerabilities of families who do not have leave to remain.
- b. Families with NRPF gain better access to universal services and targeted support, where appropriate, including that provided by the voluntary sector.

In order to meet the recommendation in the SCR report it was identified by both the Health and Wellbeing Board and the Safeguarding Children's Board that a city-wide NRPF Forum should be established. Public Health has been asked to chair this Forum.

### **3.4 The multi-agency protocol**

The Forum is responsible for the development of a multi-agency protocol to ensure there is a consistent and co-ordinated approach to working with people with NRPF status across services and organisations in the city. It is envisaged that the protocol will make reference to, but not duplicate, the Council Policy. A description of what is in scope for this protocol is described in section 5 of this report.

## **4.0 The establishment of the multi-agency NRPF Forum**

4.1 The inaugural meeting of the NRPF Forum was held on 17 January 2018, with good attendance from a range of agencies including: Public Health, Education, Housing, Health (Clinical Commissioning Group and Royal Wolverhampton NHS Trust), Safeguarding, Social Care, Commissioning and the voluntary sector. At the second meeting on 7 March 2018, West Midlands Police was represented and Wolverhampton Voluntary Sector Council represented the Interfaith Forum.

4.2 A key objective of the meetings held to date has been to understand the issues as they present to a range of services and organisations. This understanding is informing the development and agreement of a city-wide protocol.

- 4.3 It was clear from the feedback that organisations external to the Council can feel they are working in isolation. Case studies were provided, for example from both schools and health, which indicated that working with NRPF issues can take up considerable time and energy often at very little notice. Services have also struggled to identify leads within the Council for NRPF issues resulting in delays in resolving issues. There has been a clear call for support when organisations are faced with NRPF issues from both the Council and other voluntary sector partners. It is envisaged that the Council NRPF Policy, when implemented, will help to achieve an improved response.
- 4.4 There was a consistent call for training on NRPF issues. A request will be made that NRPF training is part of Safeguarding Children's Board training schedule for the year ahead.
- 4.5 The Forum identified the need to make connections with the Interfaith Forum. As a result of that dialogue, Public Health had a meeting with the 'Oasis of Love' Church. In the course of that meeting it became apparent that this church provides approximately £5,000 a month from congregation donations to support to people with NRPF status.
- 4.6 Alongside the case studies from Forum members, it has been identified that it may be helpful to get an idea of the size of the impact NRPF issues are having on different sectors, particularly given the findings from Oasis of Love. Surveys will be drafted and circulated for the voluntary sector, schools and the health visiting service.
- 4.7 The Forum has identified the need to engage with the modern slavery group and the headteachers' safeguarding group on the NRPF agenda. These meetings are scheduled to take place in March and April 2018.
- 4.8 The issue of free school meals for children with NRPF status has been flagged by members of the Forum. This requires further investigation.
- 4.9 It has been identified that there could be stronger working relationships between social care working with NRPF families and housing, particularly the private rented sector team. This dialogue will commence in the weeks ahead.
- 4.10 There is appreciation about being part of a network and achieving an improved city-wide response. However, there remains the issue of inter-Council dialogue about NRPF families. This has been escalated to the Association of Directors of Children's Services.
- 4.11 Once the protocol has been developed and ratified, it is envisaged that the Forum will continue to meet quarterly to have oversight of its implementation and continue to be a space for sharing learning and good practice.

## **5.0 The multi-agency protocol**

- 5.1 The development and implementation of a multi-agency protocol has been identified by the NRPF Forum as a key deliverable of the group. The aim of such a document is to

establish consistent ways of working across partners as well as fostering a more co-ordinated approach to supporting and safeguarding families who have NRPF. It will be developed over the next few months by a sub-group of the Forum and the wider Forum will provide feedback, especially on the sections most relevant to them.

5.2 It is envisaged that the rollout of NRPF training to partners (section 4.4) will be a useful channel through which to promote the protocol once ratified.

5.3 Key principles underpinning the protocol that have been identified by the Forum include:

- To be written in a style that is as accessible as possible given the wide variety of audiences that may want to make use of it.
- To address the recommendations from the SCR.
- To not duplicate what is in the Council's Policy but ensure there is a good 'fit' between the two documents. In particular, a link is made to the Council's Policy document so it is clear what can be expected of the Council.
- The protocol should set out what is expected of partners, such as notification of people with NRPF status – with a full description of what this process is (N.B this process is still to be developed and agreed).

5.4 The suggested framework for the protocol is as follows:

- A background section including what NRPF means, which funds are not available but very importantly, what is available to people with NRPF status. This is to dispel the myth that people with NRPF status cannot access anything.
- A 'step-by-step' guide of what to do when faced with people with NRPF status including a checklist of questions to help identify what type of migrant this is, what has already been achieved as part of their journey into England. This will also include flowcharts to help services and organisations navigate their way ahead. It is envisaged that there will be sections that are service specific such as education, primary care, secondary care, police, voluntary sector.
- A section on how to contact the Council in the event of a query or submission of a notification. In such an event, it has been identified that there needs to be a very clear case put forward for why information is being captured, particularly given the understandable suspicion that people with NRPF status may have about sharing such data. The protocol needs to include statements about the positive reasons for gaining such information as well as how it is done in a way that is compliant with the law.
- A link to the Wolverhampton Information Network and how to find relevant resources on this platform both to support services and the people with NRPF status.

## **6.0 Next steps**

6.1 Once the multi-agency protocol has been drafted and agreed by its members, it will need to come to the Health and Wellbeing Board for ratification. The intention is to bring the protocol to the Health and Wellbeing Board in October 2018.

## **7.0 Financial implications**

7.1 There are no direct financial implications arising from this report.  
[NM/15032018/A]

## **8.0 Legal implications**

8.1 There are legal implications for the development of a multi-agency protocol. These implications apply mainly to the Council but it is possible they extend to other key partners. Specifically, this is about clearly stating why information is being captured on people with NRPF status, how this information will be used and how the methods of data capture are compliant with the General Data Protection Regulation 2018.  
[TS/14032018/T]

## **9.0 Equalities implications**

9.1 Migrant status is not a protected characteristic under the Equalities Act; however, it could be argued that people with NRPF status are at increased risk of being disadvantaged or discriminated against due to their circumstances. This is not just on the grounds of ethnicity (although that is the most visible protected characteristic) but the other characteristics also apply to this population. As part of the surveys that have been proposed, to be distributed to the voluntary sector, education and health visiting, information related to gaining a better understanding of our NRPF population and the issues they face will be sought.

## **10.0 Environmental implications**

10.1 There are no direct environmental implications arising from this report.

## **11.0 Human resources implications**

11.1 There are no direct human resources implications arising from this report.

## **12.0 Corporate landlord implications**

12.1 There are no direct corporate landlord implications arising from this report.

## **13.0 Schedule of background papers**

13.1 There are no background papers in relation to this report.