

# No Recourse to Public Funds (NRPF): Multi-agency Protocol



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## 1. Why have we developed a multi-agency NRPF protocol?

The Health and Wellbeing Together Board asked for a No Recourse to Public Funds (NRPF) forum to be established, as a result of the recommendations made following the Serious Case Review of Child G.

The NRPF forum aims to ensure all agencies in Wolverhampton are following a systematic and coordinated approach to working with people with NRPF status. The forum has overseen the development of this protocol.

The NRPF forum has determined that there was a need to develop an easy to read protocol to support agencies across Wolverhampton to be able gather key information from people with NRPF status, be able to offer support, and signpost to appropriate services.

It is important to remember that people with NRPF and their families are more likely to be vulnerable, and therefore at higher risk of abuse or neglect, and more likely to require safeguarding. All agencies have a responsibility for safeguarding. With this in mind, the NRPF forum has agreed that as a city, we need to gather information on all NRPF children. This is to enable prompt action if any of them are identified as vulnerable and in need of support, either at initial identification, or in the future.

A key component of this protocol is to ensure that people with NRPF status and their families are aware of why we are collecting information about them. Reassurance needs to be given that this will be used to provide sufficient services and support wherever possible.

### Photo

Cllr Roger Lawrence

Leader of City of Wolverhampton Council and Chair of Health and Wellbeing Together

## 2. Myth-busting NRPF

NRPF is a term which can be easily misinterpreted. It implies people with this status have no access to public funds whatsoever, but this is not always the case.

Despite the NRPF status, families and individuals may have the right to financial support from social services to avoid destitution, or due to eligible care needs. In these cases, the Council has a duty to support the accommodation and subsistence costs. Regardless of immigration status or entitlement to public funds, the safeguarding of children and vulnerable adults remains of paramount importance.

See page 7 for further information.

## 3. Types and Definitions of NRPF

No Recourse to Public Funds (NRPF) applies to migrants who are 'subject to immigration control'. Most migrants with NRPF status have no entitlement to certain welfare benefits, local authority housing or homelessness assistance, and most do not have the right to work. People with any of the following immigration statuses, and their dependent families, generally have no recourse to public funds:

### 1) Leave to Remain with No Recourse to Public Funds

"Leave to Remain" is the immigration status granted to a person who does not hold the right of abode in the UK, but who has been admitted to the UK with a time limit on his or her stay and who is free to take up employment or study.

### 2) Derivative Rights

A person may have No Recourse to Public Funds but is eligible for a 'derivative rights residence card' if they are living in the UK and are one of the following:

- The primary carer of someone who has the right to live in the UK
- The child of a primary carer of someone who has the right to live in the UK
- The child of a former worker from the EEA and who is at school, college or university in the UK.

### 3) Overstayer

An "overstayer" is someone who has remained beyond his or her leave to enter/remain.

#### 4) Spouse Visa (UK marriage visa)

A spouse visa allows married partners of UK citizens to immigrate to the UK because they are married to someone who is “settled in the UK,” i.e. a person who is originally resident in the UK and has no immigration restrictions on how long they can stay in the UK (a British Citizen or a person who has obtained an “Indefinite Leave to Remain”)

#### 5) Spouse visa and has separated from partner

As this person remains on a spouse visa, they do not have their own right to public funds as they have been granted their visa as a dependent of their spouse only.

#### 6) Student Visa

A person can apply for a Tier 4 (General) student visa to study in the UK if they are 16 years old or over. Individuals or families on a student visa do not qualify for welfare benefits, and they do not have the right to work. To be eligible for this visa, the student must have an unconditional offer on a course, and have sufficient funds to cover this period of study, prior to starting the course.

#### 7) Work Permit Visa

A person with a work permit visa has the right to work in the UK, but does not have recourse to public funds.

#### 8) Refused Asylum Seeker

A person whose asylum application has been unsuccessful and who has no other claim for protection, and is awaiting a decision through the appeal process.

#### 9) EU Nationals and their non-EU family members

EU/ EEA nationals will have no access to public funds if they stop exercising treaty rights such as employment or self-employment. They will keep their worker status only for up to 6 months and, unless they start exercising treaty rights again, they will not be able to access public funds.

Family members of EU/ EEA nationals can only have access to public funds if they are associated with EU/ EEA nationals who are exercising treaty rights or have access to public funds through their own status (e.g. British married to EU/ EEA national).

#### 10) Asylum Seeker

A person who has “asylum” status with access to asylum support money but not to public funds or benefits.

#### 4. City of Wolverhampton Council's NRPF policy and partnership working

The overarching aim of the City of Wolverhampton Council's NRPF policy is to assist practitioners working with children, young people, families and adults to assess the appropriate support and necessary actions they must take. This is essential to ensure the interventions are legally robust, fair and consistent.

Local authorities apply statutory duties and powers in relation to safeguarding the welfare of children in households where the parents have NRPF status and require accommodation and/or financial support. When assessing the needs of a child, practitioners must refer to and follow the Department for Education's statutory guidance, "Working Together to Safeguard Children, 2018."

All local authorities in the UK have a duty to offer advice to people with NRPF status. Councils can provide care services including accommodation and financial support if the eligibility criteria are met.

For the Council policy to be effective, it requires good partnership working with agencies across the city. Please inform the Council of any child in an NRPF status family that you become aware of. The Council will undertake a financial assessment of the family and an assessment of the child's needs. All relevant services/organisations will need to ensure they are able to support and contribute to this process.

It is important for service providers to be aware of any vulnerabilities, for example, domestic violence, which could lead to a change in immigration status, and therefore access to public funds. This must be reported to Social Services.

### 5. Resources that those with NRPF status could be entitled to

The following are not classed as Public Funds, and as a result, adults who are subject to immigration control may be able to access these, as long as they can fulfil the relevant eligibility criteria:

Child maintenance	Social services assistance
Concessionary travel passes	Work related welfare benefits:
Education and student finance (Student loans and grants)	<ul style="list-style-type: none"> <li>• Contribution-based Jobseeker's Allowance</li> <li>• Contribution-based employment and support allowance</li> <li>• Incapacity benefit</li> <li>• Retirement pension</li> <li>• Widow's benefit</li> <li>• Bereavement benefit</li> <li>• Maternity allowance</li> <li>• Guardian's allowance</li> <li>• Statutory maternity pay</li> <li>• Statutory sickness pay</li> </ul>
Free school meals	
Government funded childcare	
Housing association tenancy	
Legal aid	
NHS treatment: <ul style="list-style-type: none"> <li>• GP services</li> <li>• NHS Walk-in centres</li> <li>• Treatment for contagious diseases</li> <li>• A&amp;E treatment at hospital</li> </ul>	

Source: <http://www.nrpfnetwork.org.uk/information/Pages/not-public-funds.aspx>

### 6. Public funds that those with NRPF are not entitled to

In most cases, people with NRPF would not be eligible to claim the following, however, in some cases, there may be an exception to this rule.

Welfare benefits		
Attendance allowance	Disability living allowance	Personal independence payment
Carer's allowance	Discretionary welfare payment made by a local authority	Severe disablement allowance
Child benefit	Housing benefit	Social fund payment
Child tax credit	Income-based employment and support allowance	State pension credit
Council tax benefit	Income-based jobseeker's allowance	Universal credit
Council tax reduction	Income support	Working tax credit
Housing		
An allocation of local authority housing provided under the Housing Act 1996		
An allocation of a housing association property provided via the local authority rehousing list		
Local authority homelessness assistance provided under the Housing Act 1996		

Source: <http://www.nrpfnetwork.org.uk/information/Pages/public-funds.aspx>

## 7. Organisational responsibilities

### 7.1 Children and Families with NRPF

All agencies who come into contact with a family with children who have No Recourse to Public Funds are required to complete the [online Multi-Agency Referral Form \(e-MARF\)](#).

The Council will undertake a financial assessment of the family and an assessment of the child's needs.

For the different agencies listed below, there are some key actions that can be taken:

#### Police

- Provide details of Voluntary Sector organisations as necessary (see Chapter 9)

#### Health

- Enable GP registration to take place
- Enable A&E treatment to be undertaken
- Health Visitors to support families with children aged less than 5 years
- Health assessment to be carried out for all children categorised as Child in Need (CIN)
- Provide details of Voluntary Sector organisations as necessary (see Chapter 9)

#### Voluntary Sector

- Provide advice (including legal, immigration)
- Provide food, clothes, emotional support

#### Housing

- Assess families and provide accommodation, if eligibility criteria is met

#### Education

- Enrolment team to collect NRPF status to inform Social Care and assigned school(s)
- Schools and nurseries to engage with parents and children to identify needs

#### Social Care

- If child is coming to the City of Wolverhampton from another English council, information from social care in the original council must be obtained – we are currently working on improving this
- Undertake financial and housing needs assessment, and assess as CIN if appropriate

#### Safeguarding children

If you are concerned that a child aged under the age of 18 may be at risk of being abused or neglected, or the child or family need help, please call: 01902 555392 during office hours and 01902 552999 outside of office hours

In an emergency, call 999. If a crime is being committed that is not an emergency, please call 101.

## 7.2 Adults with NRPF

If you are concerned about an adult, please use the [Safeguarding Adult Concern and Notification form \(SA1\)](#) to make a referral to the MASH.

For the different agencies listed below, there are some key actions that can be taken:

### Police

- Provide details of Voluntary Sector organisations as necessary

### Health

- Enable GP registration to take place
- Enable A&E treatment to be undertaken
- Provide details of Voluntary Sector organisations as necessary

### Voluntary Sector

- Provide advice (including legal, immigration)
- Provide food, clothes, emotional support

### Housing

- Assess and provide accommodation, if eligibility criteria are met

### Social Care

- If person is coming to the City of Wolverhampton from another English council, information from social care in the original council must be obtained
- Assess for eligibility for Community Financial Support, taking into account complex care needs

### Safeguarding adults

If you are concerned about an adult with care and support needs, aged 18 years or older, please call: 01902 551199 during office hours and 01902 552999 outside of office hours.

In an emergency, call 999.

## 8. Checklist

The aim of this checklist is to provide a simple set of questions that any agency can use to find out more about the person/family. This information can then be collated to form a useful profile to refer for support as necessary. If the family would like to know why this information is needed or is reluctant to provide it, Appendix 1 contains some information that may help.

1. Which country are you a national of?
2. What is your immigration status?
3. When did you arrive in this country?
4. When did you arrive in Wolverhampton?
5. How did you get to Wolverhampton?
6. Have you already spoken to anyone at the Council for support?
7. Do you have a social worker? Do you have their name and contact details.
8. What's your family situation? Single? Married? Co-habiting? Who lives with you? Children? Do they live with you?
9. Do your children go to school? Which one(s)?
10. Do you/your family have a GP? Which one?
11. What do you/your family need help with?

## 9. Other sources of support

### Food:

<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/results.page?qt=foodbank&term=&sorttype=relevance>

### Mental health support:

<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/results.page?qt=mental+health&term=&sorttype=relevance>

### Emotional support:

<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/results.page?qt=emotional&term=&sorttype=relevance>

### Asylum

<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/results.page?qt=asylum+&term=&sorttype=relevance>

### Sexual health:

<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/results.page?qt=sexual+health&term=&sorttype=relevance>

### Housing and Migrant:

<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/results.page?qt=housing+migrant&term=&sorttype=relevance>

### Migrants:

<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/results.page?qt=migrant&term=&sorttype=relevance>

## Appendix 1: Information to provide to NRPF families when collecting information from them to help identify their NRPF status

This has been adapted from the City of Wolverhampton Council's "Customer Service procedure for No Recourse to Public Funds (NRPF) status for Children and their Families."

### **What does it mean to have No Recourse to Public Funds?**

When an adult has NRPF this means they have no entitlements to welfare benefits or social housing, no ability to hold a driving license, open a bank account, go to college or university or gain employment. Where these adults have children, Local Authorities have a duty to provide financial support and provide accommodation via s.17 of the Children Act 1989 and s.11 of the Children Act 2004. Children whose parents are NRPF are classed as Children in Need.

### **Why is it important to identify if a family have NRPF?**

Following a Serious Case Review, commissioned by Wolverhampton Safeguarding Children Board, where NRPF was a feature, all agencies are charged with helping families to identify that they have NRPF so that appropriate support can be provided to minimise the impact of this on any children in the family.

### **Why is this important for schools and members of the NRPF forum to know?**

The lives of children living in NRPF households are significantly impacted due to the following issues:

- Accommodation (sometimes of poor standard)
- Limited finances
- Support Networks (families are reluctant to access support from established agencies through fear of criticism due to their NRPF status so may seek support from adults who may pose a risk to their children)
- The length of time it can take the Home Office to make decisions about immigration (and hence NRPF) status, the longer a family is classed as having NRPF, and therefore the more vulnerable they are.

It is important for us to identify a family's status so that the allocated school(s) can work with the family and other services (including health and council services) to consider all of the above and provide appropriate support to the family as a whole.

**Remember, if you feel a child, family, or adult with additional care and support needs are in immediate danger, call 999.**

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