

POLICY BRIEFING

Section 17 support for families with ‘no recourse to public funds’ (NRPF) in London

By Eve Dickson and Rachel Rosen, University College London

INTRODUCTION

Around 1.376 million people with time-limited ‘leave to remain’ are subject to the ‘no recourse to public funds’ (NRPF) condition in the UK¹, while a further 674,000 undocumented people have NRPF by default.² Single-parent families, mainly headed by mothers, have been shown to be most negatively impacted by the policy.³ In theory, destitute families with NRPF should be able to access local authority support under section 17 of the Children Act 1989. Under this legislation, local authorities can provide accommodation and financial support to some families with NRPF. Data from the NRPF Network shows that at least 1650 families (comprising 2903 dependants) were supported by 72 local authorities across the UK as of 31 March 2022.⁴ Of these, 61% (1000 families, 1711 dependants) were supported by London local authorities.

However, the overall number of destitute families with NRPF is likely to be much higher. As well as legal restrictions in the Nationality, Immigration and Asylum Act 2002 excluding some families from section 17 support, frontline workers’ conceptions of ‘deservingness’ are a key determinant of who is able to access support.⁵ Many families who try to access local authority support are turned away and those who do manage to access support are often provided with exceptionally low levels (Dexter et al., 2016) – an issue we focus on in this briefing. For cash-strapped local authorities, lack of funding to cover the costs of supporting families with NRPF is a key issue. With families’ needs being produced by punitive immigration restrictions, section 17 support is often seen by local government bodies as a form of ‘cost-shunting’.⁶



METHODOLOGY

In this briefing, we draw on research from two distinct projects:

- 1 A study of negotiations between advocates, local authority workers, and families with NRPF over entitlement to children-in-need support under section 17 of the *Children Act 1989* (part of the larger '**Solidarities: Negotiating migrant deservingness**' project). This project involved 24 interviews with advocates; 10 interviews with 11 relevant local authority staff; desk-based research; and ethnographic field work with 5 families in London, as well as Freedom of Information Act (FOI) requests to all London boroughs; and,
- 2 A two-year study examining the ways that migrant mothers and their children sustain themselves when they have been denied access to mainstream welfare support, which involved creative ethnographic methods with 10 families in London ('Social reproduction in the shadows: Migrant mothers and children with no recourse to public funds (NRPF)').

A SNAPSHOT OF S17 SUPPORT: LONDON

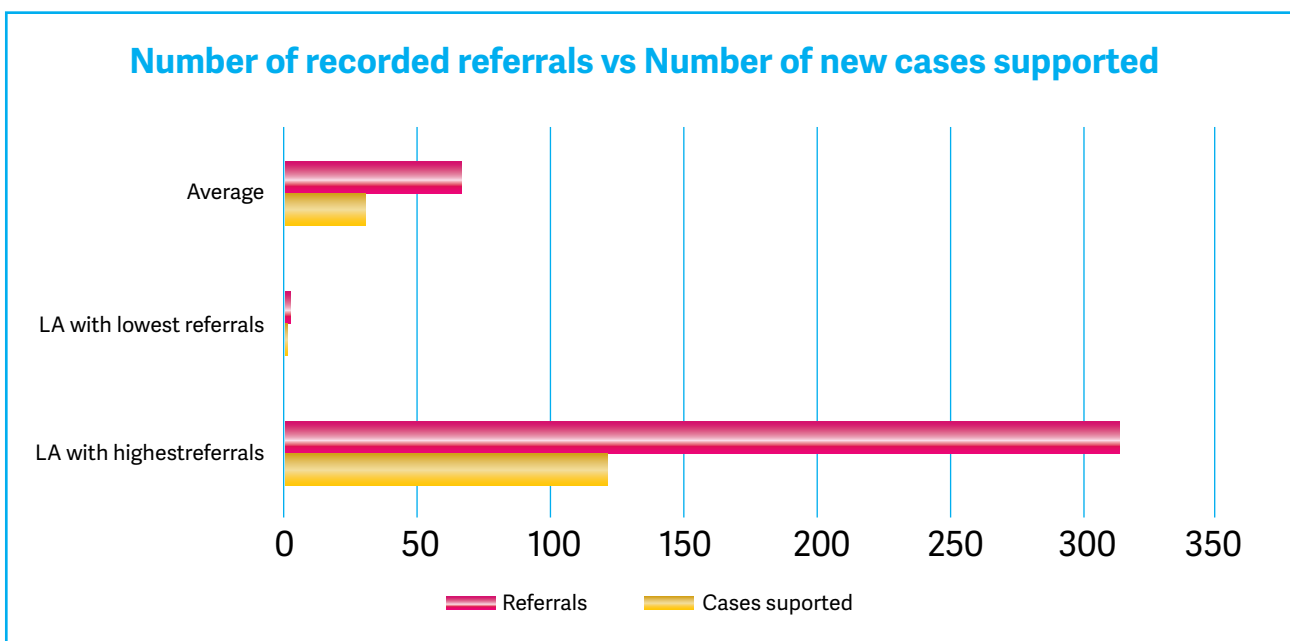
The majority of families with NRPF supported under section 17 (s17) of the *Children Act 1989* are in London, with the highest numbers concentrated in six London boroughs.

Of the FOI requests submitted, only 16 of 32 were responded to in full, with a further 11 partial responses and 5 local authorities refusing or not responding to our requests entirely.

Our results reflect the difficulties of obtaining data about this kind of support from local authorities, which often claim that they do not collect information specifically on families with NRPF. The most difficult data to obtain was the total number of requests by families with NRPF that had been made to local authorities for s17 support, and the total number of assessments that had been carried out. Without this data, it is difficult to build an accurate picture of the number of requests vs the number of families supported after assessment. Academics, third sector organisations and grassroots groups have long reported widespread 'gatekeeping' and unlawful refusals of support amongst local authorities, with most families requiring a high level of advocacy to access support.⁷ Our research findings attested to these issues, highlighting the complex navigation of local authority bureaucracy and gatekeeping undertaken by families and their advocates.

While accurate data from local authorities is impossible to obtain, NRPF network data indicates that a high proportion of families who seek s17 support who are recorded by London local authorities do not receive support. For example, one London local authority supported just 16% of families who sought assistance in 2020-2021.⁸ Further, the data we were able to gather from our FOI requests showed that many families who seek support do not even receive an assessment. In another London local authority, for instance, 45% of families who were recorded as requesting assistance in 2021 were not assessed by the local authority.⁹ This is despite the fact that the legal threshold for a child in need assessment is low and should be undertaken if a child ‘may’ be ‘in need’.¹⁰ Based on data from the NRPF Network, the graph below illustrates the number of recorded ‘referrals’ (a category capturing both formal referrals and self-referrals) vs the number of new cases supported in London local authorities (LAs) who experienced the highest and lowest numbers of referrals, as well as the average in the dataset.¹¹ In general, local authorities with greater numbers of referrals had a higher rate of refusals. The graph gives a sense of the wide variation across London local authorities, both in terms of numbers of families needing support and rates of refusals. The significant discrepancy between the number of families seeking support and the number of families supported reflects the determining role played by discretion in local authority decision-making around s17 support, despite the fact that s17 is a statutory obligation.

The high costs of providing s17 support were a central focus of our interviews with local authority workers. In particular, they spoke about having to support increasing numbers of families due to the ‘cost of living crisis’ and Europeans being subject to NRPF post-Brexit. They also spoke about their own rising costs, for example for accommodation (including utilities), which they attributed to rising fuel costs resulting from the war in Ukraine and high inflation. Local authority staff highlighted their ‘creative strategies’ to meet statutory obligations in this climate. According to Abiola (Head of a NRPF team): ‘The longer the Home Office delays, the better for the families, but the worse for the local authority because we are financially impacted upon.’ The assumption here, that being on S17 support was beneficial for families, is certainly not borne out by the evidence or our interviews with families and their advocates, but this statement reflects a general feeling of frustration, and sometimes blame, that we heard expressed by many of the frontline workers we spoke to – having to provide support for families who they implied may not ‘deserve’ it or who are in some way ‘taking advantage’ in a context where they felt overworked and had to struggle with competing deadlines and limited funding.





Third sector advocates we spoke to felt that how ‘deserving’ a family was perceived to be by local authority caseworkers and social workers determined how they were treated and what supported they were offered by the local authority, with those who were undocumented generally seen as the least ‘deserving’. For example, Nadia (an Advisor at a charity supporting families) told us:

‘Often it’s linked to kind of blaming people for their own situations. I’ve heard of people being asked things like why did you have another child? [...] as if there’s a kind of intentionality around destitution.’

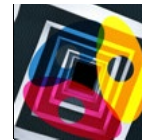
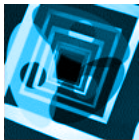
Nadia’s colleague, Amira, informed us of an NRPF Team manager ‘being so convinced that somebody wasn’t genuine, that she sort of opened [the mother’s] handbag and like tipped it out’. Our interviews with other advocates suggested that such experiences were indicative of a wider culture of mistrust and suspicion in London local authorities towards those seeking support under s17. Previous research has found systemic ‘gatekeeping’ practices in local authority teams responsible for s17 support for families with NRPF, including misinformation, maltreatment, threats to take children into care, and attacks on credibility, with families left street homeless or without enough to eat as a result.¹² This body of evidence has highlighted that many families who try to access support are wrongly told that no support is available and are often met with aggressive or intimidating behaviour from local authority staff.

Local authority interviewees from our research also described undertaking assessments of families in ways that aimed to minimise costs. For instance, families’ economic situations featured heavily in the ‘Child in Need’ assessments carried out by local authorities. Local authority staff described their efforts to work out if people were ‘really destitute’, citing complex processes for annotating bank statements and searching for other sources of income and unexplained spending. Other sources of suspicion were lack of appropriate ID, unstated partners, and seeking support from the ‘wrong’ local authority. Some interviewees expressed frustration about data protection legislation, which they felt limited the possibility of ‘joined up working’ to identify fraud or ‘catch’ fathers collecting child benefit and not sharing with destitute mothers and children. Pansy (Assessment Officer) took pride in this process, describing how she ‘stands her ground’ and doesn’t back down from decisions based on the ‘facts’, even in the face of ‘fake’ crying, in order to prevent people from ‘fraudulently’ taking from the local authority. With one exception, for these workers, there was little doubt that ‘real’ children in need were always supported by the local authority. They claimed that support was not forthcoming only in situations where applicants were ‘dishonest’, and therefore children were not ‘really’ in need, or families themselves refused the accommodation offered.

These local authority narratives around the provision of support contrasted with the accounts of families and advocates we spoke to, who described significant and unlawful barriers to accessing support, with many families who were urgently in need being refused timely support by 'hostile' local authorities for spurious reasons. Michelle, a NRPf specialist caseworker working with women experiencing domestic abuse, told us that a common scenario she encountered when referring families for s17 support was:

'if the perpetrator [of domestic abuse] has fled the house or is on bail and has bail conditions, or just is not currently in the house at the moment, [the social worker will] often be like, "Oh, she's fine, he's not there" – even if he's got a key, there's been a threat, or you know... just because at that exact moment he's not in the house abusing her people will sometimes just say that she's completely fine.'

Another strategy used by local authorities to manage their costs was what two local authority workers described as 'moving people on' (e.g., off s17 support). To achieve this, local authority workers described focusing on resolving families' immigration status so that they could qualify for other forms of support from central government or support themselves through work. This involved helping families with applications for access to public funds ('Change of Conditions') or for the Destitution Domestic Violence Concession, as well as communicating with the Home Office through the NRPf Connect database or having an onsite Home Office worker, and employing in-house immigration advisors as an 'investment to save'. This latter practice was particularly welcomed by advocates in the third sector, who described a serious shortage of good-quality free immigration advice for families.¹³ Little attention was paid to how this might be experienced by families with NRPf – including whether the close connections between Local Authorities and the Home Office might be off-putting for destitute families with precarious immigration status.



I NADEQUACY OF SUPPORT

Support provided to families with NRPf under s17 tends to comprise accommodation and/or financial assistance. Best practice guidelines on the provision of support have been issued by the NRPf Network, but there is no statutory guidance detailing what support should be provided and how. This has led to ad-hoc local arrangements and significant geographical discrepancies in levels of support provided to families with NRPf.¹⁴ Families who deem the support they are given to be inadequate have little means to redress as there is no appeals process. Instead, they can either make a formal complaint – which is often unsuitable due to the lengthy process – or judicially review the local authority's decision, an often-drawn-out mechanism requiring legal advice. As such, families and organisations supporting them rely heavily on existing caselaw to advocate for adequate support to be provided.

Below we focus on issues around the provision of accommodation and financial support as they emerged in our research.

ACCOMMODATION

For the families we worked with, accommodation issues were felt acutely by both parents and children. Typically, families had been initially accommodated in emergency accommodation due to street homelessness. This generally took the form of hotels booked at short notice by the NRPF team or the equivalent team dealing with requests (e.g., Children’s Services). Families resided in these kinds of initial accommodation until less costly housing could be identified by the local authority, a process often carried out in conjunction with or by the Housing team. For some, this meant a few nights, but others were left living in hotels for months. When families were accommodated somewhere, they were often just given the address and were not supported with moving their belongings or finding the new property. In most cases, longer-term accommodation was a single room in a House of Multiple Occupancy (HMOs). Such arrangements were particularly difficult for mixed-gender families (e.g., a mother with one or more sons) and families with more than one child, though lack of privacy and space were felt by almost all of our participants. Abiola, who was sharing a bed-sit with her 10-year-old son in East London, told us:

‘It’s really hard. I can’t do anything privately. If he had his own room, I could say you go to your room, and I’m in my room [...] Honestly, it’s hard. It makes me feel really sad.’

In the case of families with young children, mothers expressed concerns about lack of space negatively affecting their children’s development. In some instances, housing conditions were dangerous, leaving children vulnerable to accidents and harm. Jennifer, a single mother accommodated by social services in an HMO, described her 9-month-old son suffering repeated falls because she did not have enough space in her room for a cot.



Children and young people had little space to play or do homework, and many struggled with sharing single rooms with their mothers, or living out of hotels for extended periods – both of which were sources of embarrassment and shame, particularly for older children. Shanice, a 16-year-old living in a room in an HMO with her mother, described some of these difficulties:

‘There’s times that I just wish that I would just be, like, by myself in my own room, you know, just doing me [...] Sometimes, there’s certain stuff that I can’t do when my mum is in the room with me.’

In one of our research projects, we worked with three families who had been housed in the same HMO in a London area. The dilapidated house, which was managed by a property agent for a private landlord, consisted of five bedrooms, a toilet, a bathroom, and a kitchen. Families were housed in single rooms and were expected to share other facilities. Although families who had been housed in the HMO had been moved across London – away from their friends, networks, and schools – no efforts had been made to help them settle into the new area. They were often unaware of where they could go for support, shops where they could access cultural foods, and local places they could worship or take their children to play. For example, two families were particularly appreciative when the researcher introduced them to a local park that was less than 15 minutes walk away. One family travelled over 1.5 hours every two weeks to get to their church, which was on the other side of London.

Many local authority workers we interviewed attributed the use of out-of-borough housing to limited housing stock within councils. They also pointed out that if and when families were able to regularise their immigration status and apply for

social housing, they often had difficulty proving that their ‘local connection’ was to the original borough – indicating one of the long-term consequences of families being moved out of the area. The rooms in which families were living had often been bare upon arrival – sometimes lacking basic furniture such as beds and mattresses. For example, when Risquat and her three children were moved to the HMO, they had been given just one single bed in a dirty room. The sheets were covered in bed bugs and they were forced to sleep on the bare floor. Despite telling the local authority providing the accommodation about the issue immediately, they were not provided with beds for a whole week.

Local authority workers we spoke to mentioned there were sometimes issues of ‘rats and cockroaches’ in the accommodation they provided. For some workers, this was a source of frustration, but their efforts to improve the situation had made little difference. For example, Nicola, a social worker, had been told by the local authority housing manager that the presence of vermin was the fault of residents leaving out food and ‘because we live in London.’

The temporariness of the accommodation, which parents knew could change at any moment, produced feelings of anxiety and a sense of precariousness.

Risquat, for instance, explained that she had been told by her social worker that if she asked for bigger accommodation, she would be moved further away, most likely outside of London. She told us that her and her children had already had to move six times, that she had just changed the children’s schools, and that she felt another move would be too much upheaval for the children. The prospect of another move was especially anxiety-inducing given the traumatic experiences of domestic abuse her children had witnessed at a young age, which had significantly impacted their health and wellbeing.



FINANCIAL SUPPORT

Lack of adequate financial support was also a key concern for families. Levels of cash support were far below welfare benefit rates and, in most cases, had been supposedly set in line with Home Office rates of support provided to refused asylum seekers ('Section 4' support – currently £45 per person per week). The link to asylum support rates was often framed by local authority workers as an issue of equity. As Charlotte, Head of an Assessment Team, commented, one dimension of the role of social services/NRPF teams was to 'manage expectations' by not giving families more financial support or better accommodation than they would get through the Home Office or Universal Credit. However, as many advocates we interviewed highlighted, local authorities tended to stick to basic Section 4 rates, as opposed to including the additional payments that those on asylum support can receive in certain circumstances (e.g., £3 per week for having a child under three). Similarly, when asylum support rates marginally increased during our research or during the Covid-19 pandemic, section 17 support rates did not increase automatically.

In practice, therefore, families were worryingly receiving far less than actual Section 4 rates – often only £39 or £35 per person per week – despite increased costs as a result of inflation and the cost of living crisis.

Support was generally framed by local authority workers as only for the 'basics' or 'essentials', and was not just considered to be reasonable because it was in line with asylum support levels, but also adequate because 'families can go to food banks, you know', as Cherie, the Head of an NRPF team, put it. Here Cherie indicates a sense that the (local) state was not ultimately responsible and that civil society would fill any gaps – representing an acceptance of the shrinking or limited role of the welfare state in addressing destitution. Families, however, seemed unsure of what other support they were allowed to access while being on section 17 support. One

mother we interviewed said she thought that her local food bank would be unwilling to offer her support while she was receiving assistance from the local authority.

In our interviews with local authority workers, questions of sufficiency of support, across various forms of welfare provision, or dignity of life were rarely raised, but Nicola, a local authority social worker, did comment that financial support was 'an extremely low rate because the government doesn't give any funding to local authorities to support families with no recourse to public funds, and the local authorities are already financially strained'. A more specific issue with financial support was when families were provided with cash support or faulty pre-paid cards, they were required to travel into the council – often on costly transport because they had been placed out of borough and thus exhausting significant portions of their weekly support.

One local authority provided families with Tesco vouchers, as opposed to a cash card. In the case of the three families we worked with who were housed in the same HMO in East London, the voucher system was onerous as the only Tesco shop within easy reach was a Tesco Express, where items were more expensive than in bigger supermarkets. Some parents spoke of wishing they could shop at cheaper supermarkets such as Lidl or Aldi to make the support go further. All of the parents in our research struggled to cover their and their children's essential needs on the financial support they received.

Living on such little support, families were forced to forgo a range of essential needs, including clothing, haircuts, toys, school supplies and trips, and activities such as going to the cinema or meeting up with friends. In many cases, parents were skipping meals because of lack of funds.

Others described complex and careful decision-making around how to survive on the meagre support they received.

Jessica, for example, who had been placed in a hostel without a washing machine with her 16-year-old daughter, described the intense labour of hand-washing clothes in a shared bathroom:

'One thing I decided is to, if there's three or four things that are dirty, I will, I will use the bucket, I will use the bath. Soak it in, and in the afternoon, there's nobody at home to use the bath. Then, I wash it, to reduce the cost. Because whilst I'm not working and the government is supporting, the money is not enough for me to take some to the laundrette [...] let me plan it this way and do it that way so that we can have, we can save the money until the end of the month.'

Although handwashing the clothes required great physical effort and there was little space for them to dry, a trip to the laundrette required money for both the washing machine and the bus fare there and back – something beyond Jessica's means.

As Jessica's situation highlights, families were often met with a 'one-size-fits-all' approach by the local authority, with little consideration of the specific needs they might have, particularly where these necessitated additional payments. Levels of financial support were clearly insufficient to meet even basic needs, with families having to go without and expend large amounts of time and energy to survive (e.g., in order to have clean clothes ready for children to go to school).



C CONCLUSION AND RECOMMENDATIONS

The support local authorities provide to families with NRPF under section 17 comes out of their general budgets without additional funding from central government. Like existing research, our data suggests this places pressures on local authorities already managing significant budget cuts. This limits the extent to which they are able to meet their obligations to safeguard and promote the welfare of children in need as a result of the NRPF condition. At the same time, migrants with irregular status are generally framed as an 'undeserving' group in political and public discourse in the UK, thereby functioning as an easy target for the withdrawal or denial of (adequate) support or services.

Our research findings show that while families with NRPF may seek section 17 support to alleviate

extreme destitution, the minimal support they are often provided with produces new difficulties and hardships that place great strain on them. And while support is often framed as 'temporary' or 'short-term', it's clear that in practice families may be in receipt of local authority support for long periods of time while they regularise their immigration status. According to the NRPF Network, the average time a family spent in receipt of section 17 support was 598 days (1.6 years).¹⁵ Further, most families who access local authority support will have spent significant periods of time living in destitution prior to approaching the local authority – in some cases, the entirety of children's lives. It is therefore particularly pressing that families are provided with adequate support to sustain themselves and live dignified lives.

Recommendation 1:

We recommend that the NRPF rule be abolished for all, which would enable migrant families to access the mainstream welfare system where needed, thereby ensuring the best interests of children in these families and allowing them and their parents to meaningfully exercise their rights to family and private life.

Recommendation 2:

While the NRPF condition remains in place, local authorities should be adequately funded by central government to provide accommodation and financial support to families with NRPF.

Recommendation 3:

Minimum standards should be introduced at a central government level to ensure that support for families is never below the support a family would receive were they entitled to the mainstream welfare system, though discretion to provide additional or extra support should remain where children's needs require it.

Recommendation 4:

Financial support provided under section 17 should be sufficient for families to meet their needs, rather than forcing them to make difficult decisions about what needs must be forgone (e.g., skipping meals), or requiring them to rely heavily on support from the third sector (e.g., food parcels from food banks). Individual needs should be taken into consideration and families should be given regular opportunities to discuss and voice any issues with levels of support. Financial assistance provided to families should be in line with mainstream welfare benefit support (e.g., equal to Universal Credit rates), as well as allowing for additional discretionary payments to be made as needed. Where local authorities persist in setting section 17 rates in line with asylum support, they should ensure that their rates include the additional payments for pregnant mothers and families with young children, as well as introducing processes to make sure section 17 rates accurately reflect current Home Office rates for those seeking asylum (e.g., implementing procedures for automatic uplifts when asylum support rates are raised).

Recommendation 5:

Local authorities should make sure that checks have been carried out on accommodation before families are moved. Accommodation should be suitable for families and allow for all members to have privacy and space for any necessary activities (e.g., homework). The location of the accommodation should be thoroughly considered, including whether it is in the best interests of parents and children to move out of borough, what support may be necessary to facilitate re-location, and the wishes of the family members themselves.

Recommendation 6:

Significant work should be undertaken by local authorities in partnership with third sector organisations to change cultures of ‘gatekeeping’ and suspicion towards families with NRPF to ensure that children and their parents are able to access a timely assessment and the support that they need without invasive, onerous, or distressing processes.

ENDNOTES

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If you have any questions about this briefing or require further information, please contact:

Eve Dickson

Thomas Coram Research Unit, UCL Social Research Institute, 27-28 Woburn Square, WC1H 0AA

Email: eve.dickson@ucl.ac.uk / www.solidarities.net