



City of Wolverhampton
**Health &
Wellbeing
Together**



Supporting People with No Recourse to Public Funds **A Multi-agency Protocol**



Acknowledgments

Wolverhampton NRPF Forum consists of members from the following organisations:

Wolverhampton Clinical Commissioning Group
The Royal Wolverhampton NHS Trust
City of Wolverhampton Council
Refugee and Migrant Centre
Wolverhampton Voluntary Sector Council
West Midlands Police
Wolverhampton Safeguarding
Wolverhampton Schools (Headteacher representative)

The NRPF Forum has been responsible for the development of this protocol

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The NRPF Forum is accountable to Health and Wellbeing Together and Safeguarding Board.

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Why have we developed a Multi-Agency NRPF protocol?

Wolverhampton Health and Wellbeing Together asked for a Forum to be established to look at how we as a city work with people who have 'No Recourse to Public Funds'. This was as a result of the recommendations made in the Serious Case Review of Child G. The aim was to bring a range of agencies together to strengthen our approach to safeguarding the welfare of children and families with No Recourse to Public Funds (NRPF) in our city.

The NRPF Forum consists of representatives from the voluntary sector, Housing, Education, Wolverhampton Clinical Commissioning Group, The Royal Wolverhampton NHS Trust, West Midlands Police, Safeguarding and Public Health. It aims to ensure that all partner agencies in Wolverhampton adopt a co-ordinated approach to working together to support people with NRPF.

The NRPF Forum highlighted the need to develop an easy to read protocol to support agencies across Wolverhampton to understand what information is needed from people with NRPF to support and signpost them to appropriate services. The Forum has overseen the development of this protocol.

It is important to remember that people with NRPF and their families can live highly precarious lives and can be subject to exploitation.

Where there are immediate child protection concerns, these take priority over NRPF issues.

By developing a protocol, creating online information resources on NRPF and arranging training for partners, the city is now better equipped to support people with No Recourse to Public Funds.



Councillor Jasbir Jaspal

*Cabinet Member for Public Health
and Wellbeing*

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Introduction

This Multi-Agency Protocol provides a framework for partners across the city to draw upon when supporting a child or an individual adult or family with No Recourse to Public Funds (NRPF).

The purpose of the Protocol is to:

- Support partners to ask the right questions of people who may have No Recourse to Public Funds
- Understand what support people with NRPF are able to access
- Know where to access further information, both for themselves as professionals and for the people they are serving

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Types and Definitions of NRPF



No Recourse to Public Funds (NRPF) applies to migrants who are 'subject to immigration control'. Most migrants with NRPF are not entitled to certain welfare benefits, Local Authority housing or homelessness assistance and do not have the right to work. Individuals and their dependent families with the following types of immigration status generally have NRPF:

Asylum Seeker

A person with **asylum seeker** status has access to asylum support money but cannot claim public funds.

Refused Asylum Seeker

A **refused** or **failed** asylum seeker is someone whose claim for asylum or claim under Article 3 of the European Convention on Human Rights has been refused and any subsequent appeals have been unsuccessful. Unsuccessful asylum seekers are often referred to as 'appeals rights exhausted (ARE)'.

Visa overstay or illegal entrant

An **overstay** is someone who has remained beyond his or her leave to remain.

An **illegal entrant** is a person who:

- *unlawfully enters or seeks to enter in breach of a deportation order or the immigration laws; or*
- *enters or seeks to enter by means of deception.*

Leave to enter or remain in the UK with NRPF

Leave to enter or remain in the UK applies to those who have been admitted to the UK with a time limit on their stay and have been granted spouse visa, student visa, limited leave granted under family or private life rules.

If a person has **leave to enter or remain with the NRPF** condition then this will be specified on their residence permit, entry clearance vignette or biometric residence permit (BRP), as it will say 'no public funds'.

EU/EEA Nationals

Settled status - a new provision for **EEA Nationals** who have lived in the UK for 5 years or more to acquire Indefinite Leave to Remain which allows them to continue to live and work in the UK and access welfare benefits and housing assistance.

Pre-settled status - a new provision for EEA Nationals who have lived in the UK for less than 5 years to acquire Limited Leave to Remain which allows them to continue to live and work in the UK for up to five years.

The link below gives more information about 'settled status' and 'pre-settled status' and the deadlines for applications: www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means

Currently, **pre-settled EU/EEA nationals** can live and work in the UK however, in order to access means-tested benefits and housing assistance they would need to be exercising their Treaty rights i.e. they are working or self-employed. Some people who cease working or self-employment may be able to keep their worker or self-employed status and access means-tested benefits, but only for up to 6 months.

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

Derivative Rights of residence

A person from the European Economic Area (EEA) may have NRPf but is eligible for a **derivative rights residence card** if he or she is living in the UK and is 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.*

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).

Spouse visa and has separated from partner

A person on a spouse visa does not have recourse to public funds as he or she has only been granted a visa as a dependent of their spouse.

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 a student 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.

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.

For further information on definitions of NRPf please visit: nrpfnetwork.org.uk/information/pages/default.aspx

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Policy, Practice and Partnership in Wolverhampton

Regardless of immigration status or entitlement to public funds, the safeguarding of children and vulnerable adults remains of paramount importance. The Multi-Agency Safeguarding Hub (MASH) is the single point of contact for all safeguarding and early intervention concerns/requests for support regarding children and young people and the single point of contact for triaging and assessing all safeguarding concerns regarding adults in Wolverhampton. Outside of safeguarding issues, social care are prevented from supporting adults by law, unless there is a potential breach of human rights.

4.1 Wolverhampton's Thresholds to Support Guidance

Thresholds of Need and Support in Wolverhampton is published by Wolverhampton Safeguarding Children's Board in line with national statutory guidance.



Its purpose is to assist everyone involved in making decisions about the most appropriate support to provide to children, young people and their families in relation to different levels of need. It also clarifies how various levels of support can be accessed as a new threshold of need is reached.

The guidance is in place to ensure:

- more effective support to all children, young people and their families across the entire range of need at the earliest opportunity
- equitable and consistent delivery of appropriate support
- compliance with statutory requirements.

This document must be read alongside Wolverhampton Safeguarding Children's Board (WSCB) procedures that reflect the legal framework, underpinning work with children to promote their welfare and prevent abuse.

Wolverhampton's Thresholds to Support Guidance and accompanying procedures are available at:

www.wolverhampton-safeguarding.org.uk

4.2 NRPF National Practice Guidance for Local Authorities

NRPF Network provides general guidance for Local Authorities.

Children and Families

Assessing and Supporting Children and Families with No Recourse to Public Funds provides a reference for Local Authorities to use when applying statutory duties and powers. This is in

relation to safeguarding the welfare of children in households where parents have NRPF and require accommodation and/or financial assistance to avoid destitution.

Such assistance can only be provided to families under s17 of the Children Act 1989, where there is a Child in Need. It addresses the additional considerations that need to be made when determining whether assistance under s17 can be provided to a family with NRPF, as the parents' immigration status will affect what support options may be available.

Adults

Assessing and Supporting Adults with NRPF provides a reference for Local Authorities when applying statutory duties and powers in relation to providing housing and financial support to vulnerable adults with NRPF.

NRPF Network Practice Guidance for Local Authorities can be found here:

<http://www.nrpfnetwork.org.uk/guidance/Pages/default.aspx>

The guidance outlines some of the specific considerations that must be made when assessing and meeting needs of people with NRPF under the Care Act 2014, applying discretionary powers and implementing exclusions to support that affect people with certain nationalities and immigration status types.

4.3 City of Wolverhampton Council's NRPF Policy

The City of Wolverhampton Council (CWC) NRPF Policy outlines the statutory duties and powers that the Local Authority has in relation to keeping children and vulnerable adults safe.



This policy outlines the application of these duties and powers to children whose parents have NRPF status and single adults with NRPF status and require accommodation and/or financial assistance.

The NRPF Policy is aligned with national NRPF Network Local Authority Practice Guidance (as outlined in 4.2).

The NRPF Policy and its accompanying procedures are in place to assist practitioners working with adults, children, young people and their families to assess the appropriate support and necessary actions they must take where they have no recourse to public funds in Wolverhampton, to ensure that interventions are legally robust, fair and consistent.

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Myth-busting NRPF and availability of financial support

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

Non-Public funds that a person with NRPF can claim

Adults who are subject to immigration control may be able to access below listed non-public funds if they meet the eligibility criteria:

Child Maintenance	Social services assistance
Concessionary travel passes	Work related Welfare Benefits: <ul style="list-style-type: none">• Contribution-based Jobseeker's Allowance• Contribution-based Employment and Support Allowance• Retirement Pension• Widow's Benefit*• Bereavement Benefit*• Maternity Allowance• Guardian's Allowance• Statutory Maternity Pay• Statutory Sick Pay
Education and student finance (Student loans and grants)	
Free school meals	
Government funded childcare	
Housing Association tenancy	
Legal aid	
NHS treatment: <ul style="list-style-type: none">• GP services• NHS Walk-in centres• Treatment for contagious diseases• A&E treatment at hospital	
<i>* As of 6 April 2017 these have been replaced by bereavement support payment</i>	

For further information please visit:

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

Public Funds that a person with NRPF cannot claim

In most cases, people with NRPF would not be eligible to claim the following, although some exceptions apply:

Welfare benefits		
<ul style="list-style-type: none">• Attendance allowance• Carer's Allowance• Child Benefit• Child Tax Credit• Council Tax Benefit• Council Tax Reduction• Disability Living Allowance• Discretionary welfare payment made by a Local Authority	<ul style="list-style-type: none">• Housing Benefit• Income-based Employment Support Allowance• Income-based Job seeker's Allowance• Income Support• Personal Independence Payment• Severe Disablement Allowance	<ul style="list-style-type: none">• Social Fund payment• State Pension Credit• Universal Credit• 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		

For further information please visit:

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

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Organisational Responsibilities

6.1 Children and Families with NRPF

Children and families with NRPF status can live happily and well in the community without needing any support from statutory agencies.

Responsibilities of All Partners

Partner agencies **should only** notify City of Wolverhampton Council (CWC) if they consider the child or family with NRPF requires support in the following areas:

- accommodation and subsistence (as per NRPF Network Practice Guidance - see Chapter 4)
- Early Intervention Services
- support associated with 'Child in Need'
- an intervention where there are immediate safeguarding concerns (as per Wolverhampton Threshold of Need and Support – see Chapter 4).

When a partner agency identifies a family with NRPF who has a Social Worker in another Local Authority, a notification, with consent from the family, should be sent by the partner agency to the Wolverhampton Multi Agency Safeguarding Hub (MASH) **for information only**.

Online Multi-Agency Referral Form (MARF) can be downloaded here
<https://marf.wolverhampton.gov.uk>

Where possible, the name of the responsible Local Authority and contact details of the Social Worker should be provided.

If partner agencies are in direct communication with the responsible Local Authority, the responsible Authority should be reminded to

contact CWC as per the NRPF Network good practice guidance - *Assessing and Supporting Children and Families with NRPF*.

NRPF Network Good Practice Guidance can be found here:
<http://guidance.nrpfnetwork.org.uk/reader/practice-guidance-families/>

If partner agencies believe the responsible Authority is not fulfilling its duties, partner agencies can escalate their concerns through their local Safeguarding Lead and the relevant Local Authority.

If the family moves out of Wolverhampton, partner agencies should inform the MASH.

Responsibilities of Specific Partners

For specific partners, there are some key actions that can be taken:

Health

- Enable GP registration to take place
- Enable receipt of emergency treatment (e.g. A&E)
- Provide Health Visitor support for families with children under 5 years of age



- Undertake a health assessment for all children in families with NRPF who are considered 'Children in Need'
- Provide details of relevant voluntary sector organisations (see Chapter 8).

Social Care

- Undertake financial and accommodation needs assessment in line with eligibility criteria e.g. where CWC is the responsible authority
- Undertake a Child in Need assessment if appropriate
- Liaise with Housing for support with families eligible for accommodation assistance.

Housing

- Provide support to Children's Services to identify suitable accommodation in line with the assessed needs of the family. Support can

include identification of suitable landlords or a review of property standards.

Voluntary Sector

- Provide advice (including legal, immigration)
- Provide food, clothes, emotional support
- Provide refuge for families fleeing domestic violence.

Safeguarding Children

If you are concerned that a child under the age of 18 years is in danger of neglect or abuse, or the child or family need help, please contact Wolverhampton MASH on:

01902 555392 (during office hours)

01902 552999 (out of office hours)

In an emergency, always dial 999.



6.2 Adults with NRPF

Many adults with NRPF live happily and well within the community without needing any support from statutory agencies.

Responsibilities of All Partners

Social care can only help in very limited circumstances. Initially, it is important to establish an individual's immigration status as quickly as possible.

If a person is coming to CWC from another Local Authority, information about social care support must be obtained from the originating Local Authority. It is important to note that adults who are under the care of another Local Authority continue to be the responsibility of the originating Local Authority. This original Local Authority must be contacted for any social care needs in the first instance.

Establishing immigration status

In the first instance, an adult with NRPF requiring support should be referred

to Wolverhampton Refugee and Migrant Centre (RMC) to receive advice regarding their immigration status.

If an adult with NRPF:

- has safeguarding needs, including where they have been trafficked into the country, he or she should be referred to MASH using the 'Safeguarding Adult Concern and Notification form' (SA1)

You can find the SA1 form via:

<https://wolverhamptonsafeguarding.org.uk/index.php/concerned-about-a-child-or-adult>

- has care and support needs, he or she should be referred to Adult Social Care by contacting the Service Information Officers on 01902 551199
- is in the country on a Spousal Visa and fleeing domestic violence he or she should be directed to apply for the Destitution Domestic Violence (DDV) Concession.



The Destitution Domestic Violence Concession form can be found here:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/737469/dv-notification-form-31-08-18.pdf

Responsibilities of Specific Partners

For specific partners, there are some key actions that can be taken:

Health

- Enable GP registration to take place
- Enable receipt of emergency treatment (e.g. A&E)
- Provide details of relevant voluntary sector organisations (see Chapter 8).

Social Care

Support from Adult Social Care will only be offered on an emergency basis whilst necessary assessments are undertaken. In most circumstances continued support from Adult Social Care is only available for those where there would be a potential breach of human rights if eligible care needs were not met.

Social Care will:

- Provide support to adults with NRPF who are in the UK on a Spousal Visa and fleeing domestic violence
- Establish whether the adult with NRPF is eligible for support and subsistence by undertaking a Care Act Assessment to establish eligible care needs and destitution.

The Local Authority is prevented from supporting adults who are failed asylum seekers, overstayers, unlawfully present and European Economic Area (EEA) nationals with

no right to reside. The only exception to this is when the adult has eligible care needs and a lack of support is likely to result in a breach of their human rights.

Please note: the restriction on supporting adults with NRPF does not apply to people with s117 status under the Mental Health Act.

Housing

- Provide support to Adult Social Care to identify suitable accommodation in line with the assessed needs of the individual. Support can include identification of emergency accommodation.

Voluntary Sector

- Provide advice (including legal, immigration)
- Provide food, clothes, emotional support
- Provide refuge for eligible adults fleeing domestic violence.

Safeguarding Adults

If you are concerned about an adult, aged 18 years or above, who has care and support needs, please call below:

01902 551199 (during office hours)

01902 552999 (out of office hours)

In an emergency, always dial 999.

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Checklist

The aim of this checklist is to provide a simple set of questions for professionals to find out more about those affected by NRPF and identifying appropriate support services to meet their needs.

1 What is your nationality?

2 What is your immigration status?

3 When did you arrive in the UK?

4 How and when did you arrive in Wolverhampton?

5 Are you being supported by another Local Authority? *If yes, which one.*

6 Have you spoken to anyone at the City of Wolverhampton Council?

7 Do you have a social worker? *If yes, please provide their details.*

8 What is your family status? Single? Married? Co-habiting?

9 Does anyone live with you?

10 Do you have any children? Do they live with you?

11 Do your children go to school? Which school/s do they go to?

12 Do you or your family have a GP? *If yes, please provide their details.*

13 What help do you or your family need?

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Other sources of support and information

The following link has been provided to help agencies signpost people with NRPF status to access additional support or service:

www.wolverhampton.gov.uk/win/nrpf



City of Wolverhampton





You can get this information in large print, braille, audio
or in another language by calling 01902 551155

wolverhampton.gov.uk 01902 551155

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