

<p style="text-align: center;">London Borough of Hammersmith & Fulham</p> <p style="text-align: center;">ECONOMIC REGENERATION, HOUSING AND THE ARTS POLICY & ACCOUNTABILITY COMMITTEE</p> <p style="text-align: center;">5 JULY 2017</p>	
<p>Housing for Refugees and Asylum Seekers</p>	
<p>Report of the Cabinet Member for Housing</p>	
<p>Open Report</p>	
<p>Classification - For Information Key Decision: No</p>	
<p>Other services consulted: None</p>	
<p>Wards Affected: All</p>	
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1. EXECUTIVE SUMMARY

- 1.1. This report illustrates the support available to Refugees, Asylum Seekers and households with No Recourse to Public funds (NRPF) and demonstrates how the Council addresses requests for support from these groups within the context of statutory obligation and Government and Council policies.

2. RECOMMENDATIONS

- 2.1. The Committee is requested to review and comment on the contents of the report.

3. INTRODUCTION – LEGISLATIVE CONTEXT & PROVISION OF SUPPORT

Overview – Refugees, Asylum Seekers and those with No Recourse to Public Funds (NRPF)

- 3.1. Persons who have been granted Refugee status have rights to housing, benefits and work so are eligible to apply to the Council for housing if necessary and claim mainstream benefits. The Council records on its database whether those who approach for accommodation are eligible or ineligible for assistance with housing and does not specify the immigration status of eligible applicants in accordance with the Authority's Public Sector Equality Duty, to eliminate discrimination.
- 3.2. The Home Office's National Asylum Support Service (NASS) provides accommodation and subsistence for asylum seekers who are destitute, or likely to become destitute, while their application is being considered. As NASS retains this responsibility under the Immigration & Asylum Act 1999, there is no statutory obligation on Local Authorities to provide accommodation for asylum seekers, who are subject to immigration control. Asylum Seekers are offered accommodation across the UK in dispersal areas away from London and the South East, in accordance with agreed ratios.
- 3.3. Persons who have "No Recourse to Public Funds" (NRPF) are those who are subject to immigration control and are also subject to the condition that they have no legal entitlement to certain welfare benefits, social housing and homelessness assistance in accordance with s.115 of the Immigration & Asylum Act 1999.
- 3.4. This group has the right to remain in the UK and most persons with NRPF have the right to work in the UK but with the attached condition that they "maintain and accommodate themselves without recourse to public funds". Public funds are defined within the legislation and include access to social housing and homelessness assistance, and mainstream benefits e.g. Housing Benefit, Universal Credit, Tax Credits, Income Support and Child Benefit.
- 3.5. Assistance provided under Social Services legislation is not a public fund for immigration purposes so most people will be eligible to apply for support from Social Services.
- 3.6. An application to Social Services for support from families with children will be assessed under s.17 of the Children Act 1989. Children's Services have a duty to undertake a Child in Need assessment to safeguard and promote the welfare of a child in need and the assessment will determine eligibility for accommodation and subsistence payments. In cases where single adults or Care leavers with NRPF request support, Adult Social Care (ASC) will conduct an assessment under the Care Act 2014 to assess eligibility for care and support.

3.7. Housing Solutions - managing the provision of accommodation and subsistence to persons with NRPF

- 3.8. Housing Solutions manages the accommodation and subsistence budgets for both Children's Services and Adults Social Care to ensure the provision of suitable accommodation and subsistence payments to NRPF households who have been assessed as eligible for the service. Children's Services budget for 2017/18 is £247,300 and the Adult Social Care budget is £80,700.
- 3.9. Following a request for support, the relevant Social Services team will conduct an assessment and authorise placement if appropriate. The assessment to provide accommodation and/or subsistence is based on the relevant legislation and particular circumstances of each case. Duties arise from safeguarding responsibilities to children and vulnerable adults.
- 3.10. Housing Solutions will liaise with housing providers to procure a suitable placement for the household and make arrangements for subsistence payments to destitute households with NRPF
- 3.11. Housing Solutions procure accommodation from private sector providers so will always seek to ensure value for money in sourcing suitable accommodation for families and single adults. All the relevant checks are conducted to ensure accommodation meets statutory requirements in accordance with Health & Safety regulations and meets the standards outlined in the Council's Temporary Accommodation Standards policy.

NRPF partnership working with Children's Services & Adult Social Care

- 3.12. The NRPF service is currently undergoing a review to explore ways to enhance partnership working with Children's Services and Adult Social Care and streamline service provision, to maximise value for money and ensure a comprehensive service is offered to eligible households.
- 3.13. The NRPF service is co-ordinated by one full-time NRPF Assessment Officer and overseen by the Reviews & Complex Cases Manager within Housing Solutions. The current review of procedures ensures that referrals and requests for the provision of accommodation and subsistence payments are administered efficiently. Processes have been enhanced so that Social Care conduct the appropriate assessment at an early stage in the process, to determine eligibility for the provision for accommodation. This is arranged on confirmation that the eligibility criteria for accommodation and subsistence have been met.
- 3.14. The NRPF service arranges fortnightly subsistence payments to eligible households and cash payments are made 145 King Street. Persons in receipt of case payments are obliged to inform the service if there has been a change in their financial circumstances so that payments can be reassessed. The current weekly subsistence rates are being reviewed and are likely to increase in accordance with policy recommendations. Requests for additional payments to cover costs beyond subsistence (e.g. school uniforms) are considered on a discretionary basis. The review will consider the option of introducing payment cards to increase efficient use of resources.

- 3.15. There has been a recent reduction in the number of households in NRPF accommodation following case reviews into individual circumstances of each household, which has reduced pressure on the budget. Regular case reviews expose changes in circumstances and households may cease to be eligible for the service (e.g. their income from employment enables them to afford their own accommodation costs), so accommodation and subsistence provision may be withdrawn.
- 3.16. Currently, the NRPF service accommodates 17 households with children and 8 single adults. The average yearly accommodation and subsistence cost to accommodate an adult is £15,000 pa while the average yearly accommodation and subsistence cost to accommodate a family is approximately £20,000 pa.

Household	Accommodated	Average cost p.a	Average total p.a.
Family	17	£20,000	£340,000
Single Adult	8	£15,000	£120,000

- 3.17. Once accommodated, Children's Services and ASC provide appropriate support in relation to any care and support elements that promote individual well-being. Housing issues and subsistence payments are addressed directly by the NRPF Assessment Officer who will assess a re-location request or resolve disrepair or landlord enquiries.
- 3.18. The NRPF Assessment Officer is responsible for managing the case-load and conducting periodic reviews to ensure that households remain eligible for the service. The officer ensures that households have legal representation to pursue an application for recourse to public funds with the Home Office which will allow the household to claim mainstream benefits and end reliance on the NRPF service. This is usually a slow process and has been known to take the Home Office several years to resolve cases. Two households in the H&F NRPF service are still being supported after several years as their applications for public funds remain unresolved. It is hoped that the Connect system will strengthen links with the Home Office to resolve these cases.
- 3.19. As part of the review, the NRPF has acquired Connect, a database which allows the Council to check the immigration status of applicants through direct interaction with a dedicated Home Office team to access immigration information when required. The aim is to manage and resolve cases more efficiently and achieve more cost-effective outcomes which result in overall budget savings.
- 3.20. Casework and outcomes are geared towards ensuring NRPF households gain access to public funds as quickly as possible so households are supported and referred to local legal advice agencies to assist with applications for public funds. The NRPF service will use Connect to liaise with the Home Office to fast-track outstanding claims for public funds, thus negating the need for reliance on the Service and reduce associated costs. The Home Office can also assist households to voluntarily return to their country of origin if this is recommended following Social Services assessment.

3.21. In addition to managing provisions to NRPF households, the Council has committed to re-settle and support refugee households displaced by the Syrian conflict under the Government's Syrian Vulnerable Persons Resettlement Scheme. Currently, the Council has helped to arrange accommodation in H&F for two families under this scheme. The Council has also resettled a family recently in H&F under the Vulnerable Children's Relocation Scheme with another expected later in June 2017. The Council continues to work with housing providers and the local community to procure further accommodation to fulfil its commitment under these initiatives.

4. NRPF Case Studies

Case study 1:

Ms Smith was an Asylum Seeker from Jamaica with two dependent children aged nine and two.

While her Asylum application was being considered by the Home Office, Ms Smith was accommodated by the National Asylum Support Service (NASS) and provided with subsistence payments. She was granted Leave to Remain in the UK until September 2018, with the attached condition that she has NRPF. As she had been granted Leave to Remain, NASS withdrew housing support and subsistence payments.

Ms Smith then went to live with her sister in Hammersmith & Fulham but approached the Council for assistance in April 2016 when this arrangement broke down, rendering her destitute as she had no accommodation or support and had no income because she was not working or entitled to mainstream benefits.

Ms Smith requested support under s.17 of the Children Act and following an assessment by Children's Services, accommodation was made available to her and her children in Greenford in April 2016.

In December 2016, Ms Smith received confirmation from the Home Office that the NRPF condition had been lifted, thereby granting her access to public funds.

Ms Smith continued to receive accommodation and subsistence support from the NRPF service until she successfully applied for mainstream benefits in February 2017. As she was then eligible for homelessness services and in receipt of benefits, she was referred to H&F Advice who provided temporary accommodation under homeless legislation and accepted a statutory duty to accommodate her.

Ms Smith is currently resident in long-term temporary accommodation and her children attend local schools.

Case study 2:

Mrs Ali is a Somalian national with one dependant, aged 11, who is a British citizen. Ms Ali came to the UK in 2015 on a Spousal visa to join her British husband under family reunion provisions, on the condition that she had NRPF.

Mrs Ali, her husband and daughter were provided with temporary accommodation by the Council.

However, Mrs Ali approached the Council for assistance in January 2016, fleeing domestic violence from her husband. As she had NRPF and was in low-paid, part-time work, she was unable to support herself and her daughter.

Children's services assessed Mrs Ali's circumstances and the Council provided accommodation for her and her daughter under NRPF provisions.

In October 2016, Mrs Ali was granted Indefinite Leave to Remain in the UK with access to public funds.

Mrs Ali was then eligible to claim mainstream benefits and was referred to H&F advice to explore housing solutions. She was provided with long-term temporary accommodation for herself and her daughter.

NRPF – current and future considerations

- 4.1. The Immigration Act 2016 introduced legislative changes which came into effect in April 2017 and which further restricts access to accommodation and support for certain groups. The provision which enables asylum-seeking families with children to remain supported under section 95 of the Immigration and Asylum Act 1999 until they leave the UK has been removed.
- 4.2. These legislative changes are likely to increase demand on the service so a review into the existing budgets may be necessary to meet a potential increase in demand.
- 4.3. Under section 17 of the Children Act 1989, Councils retain the power to support families who do not qualify for support under the new framework. It is also intended that local authorities provide for any other needs of children additional to support and accommodation under section 17. Given the complexities of the different provisions for support and accommodation to families, there is a risk of families with children falling through the gaps between the various systems.
- 4.4. At the end of March 2017, 43 local authorities were supporting 2245 households with NRPF by providing accommodation and financial support at a combined annual cost of £36.4 million (NRPF Network)
- 4.5. To improve budget management and consider better value for money options, the current review of the NRPF service will evaluate the impact of introducing payment cards and assess the cost of offering accommodation outside London. These options could negate the requirement for households to come to Council buildings to collect subsistence cash payments every fortnight, while making the potential provision of accommodation in other parts of the country, where costs are cheaper, a more viable option for consideration.