

# Work and Pensions Committee

## Oral evidence: Children in Poverty: No recourse to public funds, HC 603

Wednesday 20 October 2021

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Members present: Stephen Timms (Chair); Debbie Abrahams; Shaun Bailey; Siobhan Baillie; Steve McCabe; Nigel Mills; Selaine Saxby; Dr Ben Spencer ; Chris Stephens; Sir Desmond Swayne.

Questions 1 - 44

### Witnesses

**I:** Azmina Siddique, Policy and Research Manager (Child Poverty and Inequality) at the Children's Society; Caz Hattam, Co-ordinator at the Unity Project; Morgan Wild, Head of Policy at Citizens Advice; and Catherine Houlcroft, Principal Projects Officer at the NRPF Network.

**II:** Susanne Miller, Chief Officer at Glasgow City Health and Social Care Partnership; Christianah Awodiji, Team Manager NRPF at Manchester Local Care Organisation; Councillor Jasmine Ali, Deputy Leader and Cabinet Member for Children, Young People and Education at Southwark Council; Penny Ademuyiwa, Assistant Director at North Kent Integrated Children's Services, Kent County Council; and Leah Arnold, Service Manager, Strengthening Families, at City of Wolverhampton Council.

Written evidence from witnesses:

[The Association of Directors of Children's Services, the Local Government Association and No Recourse to Public Funds \(NRPF\) Network \(CPN0015\)](#)

[Project 17, The Unity Project and The Children's Society \(CPN0019\)](#)



## Examination of witnesses

Witnesses: Azmina Siddique, Caz Hattam, Morgan Wild and Catherine Houlcroft.

**Q1 Chair:** Welcome, everybody, to this meeting of the Work and Pensions Select Committee, and particularly welcome to our witnesses who have joined us this morning. Thank you for being willing to help us with our inquiry on the impact of the no recourse to public funds condition on children in poverty. What I would like to do at the start is ask each of you very briefly to tell us who you are and then I will put the first question to you. First of all, Azmina.

**Azmina Siddique:** I am policy and research manager at the Children's Society for our child poverty and inequality work.

**Chair:** Thank you. Secondly, and virtually, Catherine Houlcroft.

**Catherine Houlcroft:** I am principal projects officer at the No Recourse to Public Funds Network.

**Morgan Wild:** I am head of policy at Citizens Advice.

**Caz Hattam:** I am co-ordinator at The Unity Project, which I helped to set up a few years ago. We make change of conditions applications to help people remove the no recourse to public funds restriction from their leave to remain.

**Q2 Chair:** Thank you all very much. Can I put the first question to you? You will all know that the Oxford Migration Observatory estimates some 1.4 million people in the UK have no recourse to public funds, including 176,000 under-18s. Do you accept the Home Office statement that it is not practical for it to make an estimate of how many people there are in the UK with no recourse to public funds? Does the uncertainty about numbers really matter, do you think? Starting with Azmina.

**Azmina Siddique:** It does matter. It matters greatly because unless we know the extent of the problem, it is very hard for us to propose any solutions. In particular, it is very difficult because we do not know how many British children are affected by this. I think we appreciate that it is a huge task for the Home Office to aggregate the total number of those affected by NRPF but could we not find a snapshot of one year, for example?

Although the estimates from the Oxford Migration Observatory are very useful, they are likely to be the very lowest of that sort of number. They do not include, for example, those who have in-country visas, so those who have made asylum applications. That estimate does not necessarily include those who have come here through irregular routes. Therefore, we are talking about a very low estimate and it would be useful for the Home Office to try to give us a snapshot, even if it were for just about a year.



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**Catherine Houlcroft:** From a local authority perspective, it is always a bit frustrating because councils want to be able to plan their services and, of course, if they do not know how many people are potentially subject to the NRPF condition in their area, they cannot necessarily do that effectively.

At the network we have data from 67 councils that show that, at the end of March this year, just over 1,600 families were being supported by those local authorities. Within the last financial year over 3,000 families had approached those local authorities for assistance, requesting support from social services. We know that there is need there.

From our experience, we also know that people who approach local authorities usually do that after they have exhausted support networks in their area, so we would suggest that our data is the tip of the iceberg in terms of need. Therefore, I think that is something that is indicative that there is greater need out there.

I think what would be useful from the Home Office is perhaps more of a breakdown of the different types of visas that people have been issued with, because there will be people on particular routes who perhaps might be more vulnerable to experiencing destitution and homelessness.

**Morgan Wild:** I echo a lot of what has been said. We would not say it is just about finding out the number of children who have the NRPF condition attached. I think the Home Office can do a lot more to understand the demographics, the composition, the extent to which families have children with disabilities and to basically have a much better understanding of the nature of the harm that we and others believe that NRPF is causing to families with children. The Home Office does not have a good robust picture of that.

One thing we have tried to do is to commission a representative study of people with the NRPF condition attached to them. We would urge the Home Office to consider what else it could do to either commission independent research or understand more operationally both the number of children with this condition attached but, also, the extent to which they are facing destitution, facing significant poverty or facing other forms of harm.

Q3 **Chair:** Did you say you are commissioning a survey or—

**Morgan Wild:** As part of our submission we submitted evidence from what we think is the first representative study of people on NRPF, which we will be publishing next month. It is one way of doing that and it would be great to see the Home Office commission its own independent research to find out the true nature of the harm here.

**Caz Hattam:** With all of the evidence that already exists, the CAB's research, this research that is due to be published that is a cost-benefit analysis of the policy, we have a lot of evidence. The impact is huge: 1.4



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million people is obviously a huge number of people. The policy, as far as we can see on the basis of that evidence, is not achieving its policy aims and the Home Office is not presenting any evidence to counter that. That is what I would say about the lack of data. In absence of that data, we can only rely on the evidence we have, which shows that the impact is huge.

I would also say that the Home Office often relies on the change of conditions data, so the data about the number of people planning to remove the condition, but just to flag that that is only people who are at crisis point. Therefore, those numbers are not representative of the total number of people who are suffering as a result of having no recourse to public funds as well.

**Q4 Dr Spencer :** Thank you for the evidence presented and what you have already said.

I am a bit sceptical that the Government are in the best position to get this data because it strikes me that what we need, as you were saying, Morgan, is more than just numbers. We need characteristics of people and families and so on. What the Home Office can do—and please do tell me if I am talking nonsense—is provide incidence data, so people coming into the system but not really prevalence data.

Certainly, when you are looking at people who are under the radar, the Home Office cannot capture that either, so surely it is local authorities that are best placed to get this data because they are the ones who are coming into contact with people in need. Or it is a solid prevalence study that we need. I have not looked at what you are proposing, but it is a proper study to look at this in more detail. Or it is other means, like going to schools. I appreciate there are all sorts of problems with that approach. Come on, prove me wrong.

**Morgan Wild:** I will have a first stab. I think there is a lot to that and there is a huge role for local councils to play in gathering and understanding this data. The problem is that you often end up with quite a patchwork, quite inconsistent data sets if you are relying on consistency from local councils. That is on a par with the nature of local government. I think there is a lot to be said for the Home Office commissioning proper research into the prevalence characteristics and harm that people on NRPF are experiencing. I would echo what Caz said about the picture being fairly clear—even if we do not have the comprehensive evidence base—that this policy is already driving considerable harm for families and children.

**Catherine Houlcroft:** There are probably lots of points of access where this data could be collated. For example, families applying for free school meals or to Early Years for child care funding, so councils can potentially capture that data in that context. We have the data on those approaching social services for support but, ultimately, going out and searching for this information has massive resource implications. I think that is going



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to be the real challenge if we are talking about local government playing a role in this. That is why I suppose we would feel that central Government should play a bigger role, but definitely there are certainly points of access where we can look at maybe better collation of data in the local government context.

**Q5 Dr Spencer :** Would you agree that perhaps the central government's role should be to mandate local government to collect this data, so that we get rid of that patchwork?

**Catherine Houlcroft:** I guess there are going to be issues around funding for that. It would have to be backed up with the funding to enable local authorities to put resources into gathering that data.

**Q6 Dr Spencer :** Putting that aside, from a methodological point of view, who is best placed to get the data? We are talking about data. We want to get good data. There is no point in having nonsense data. If we are going to get data that is meaningful, so that we can have these discussions and we can talk about the harms or not of NRPF, getting good data surely is coming from local authorities and collating it that way, not collating it from the Home Office?

**Catherine Houlcroft:** Again, it is about how do you go out and find people who are subject to this condition if they are not accessing services, which many of them are not.

**Q7 Dr Spencer :** Sorry, but that is the same problem the Home Office has.

**Catherine Houlcroft:** Yes, I see that, but perhaps there are other access points outside the local authority's remit such as health services, places like that, where they would not have as much control in terms of being able to collate data from.

**Azmina Siddique:** May I come in on the point around where central Government is already collecting the data? I think there are certain areas where it is unclear how that is being done and, actually, the data is being collected but there could be more transparency around it. Just two examples: one is, Catherine, you mentioned free school meals data. We know that children who are affected by NRPF have been able to access free school meals since April 2020, which has been hugely welcome, but we have been speaking to the Department for Education about whether we could see the numbers of children with NRPF who have been accessing this because that would be very indicative of how many children are affected by this. We have been told quite consistently, "No, we don't ask schools to disaggregate between children affected by NRPF and children who are not".

We have a bit of an inclination that that is not necessarily the case because there has been some litigation around the fact that children with NRPF were to be excluded from pupil premium data, so there are datasets out there that could capture this.



Similarly, we recently did an FOI to the Home Office to get further breakdowns around the change of conditions numbers—around age, nationality, gender—again, to get a figure of how many British children are affected by change of conditions. That FOI yielded a very low result. It said around eight children had been affected in 2018-19. The Home Office’s own policy equality statement, which it brought out in 2020, which was a random case analysis of 250 files, said that 46% of those families had British children. Therefore, there is central Government data there but there are just some discrepancies on how that is being captured. I would recommend that we go back to Departments and say, “Do you have this data and can we make it more transparent?” because a lot of it is being collected already.

**Chair:** Presumably we can pick that up. Caz?

**Caz Hattam:** Yes, I do agree that the question of the scale and the number of people who are affected is one thing, but I agree, I think, with what you are saying that another important thing to monitor is the characteristics of people who have no recourse to public funds. Obviously, we have been saying that to the Home Office for years now. The only data that it publishes on that is in relation to people making a change of conditions application, which is a tiny subset of the total number.

Things like disability, pregnancy, not just those things but also how they overlap is important. We have raised that with the Home Office and it is unclear how it is meeting its equalities duties without that data. Again, as Azmina was saying, 80% of parents we help with change of conditions applications have British children. That is a discrepancy with the Home Office’s data but we have not seen any reliable central Government data about that and that seems to be, for example, an important thing that the Home Office could and should monitor.

**Chair:** One point that puzzles me about this—and I can understand why the Home Office is saying it cannot say how many people there are in the country with NRPF—is that you would think the Home Office would be able to say how many it gives NRPF to each year; how many people it gives leave to remain to with no recourse to public funds, but it will not publish that information either, which I do think is a bit troubling. Steve McCabe.

Q8 **Steve McCabe:** I will start with Azmina if that is okay. Can you tell us how you think children who live in families with no recourse to public funds are affected?

**Azmina Siddique:** Of course, I would be happy to. We at the Children’s Society support families with children directly through our services. One of the overarching things that we see time and time again is families struggling with money and with debt. We hear from parents that they have often had to have their children or themselves skip meals. Sometimes they cannot afford school uniforms or children have to take a



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very long journey to school because parents cannot afford the transportation.

This can also have an impact on their housing. Nearly every single family that we have supported has faced insecure housing or homelessness. They often live in very cramped conditions or they might have to sofa surf, all of which has a huge impact on children: not having a safe, warm home or having enough to eat.

We also know that most of the families we support happen to be single-parent families headed up by mothers, so there is a huge implication on childcare. Especially during the pandemic, we saw that the parents of lots of children did not have the option of not going to work. They did not have those childcare options, which meant that children were being looked after in insecure situations. They were not sure about who could look after them here and there. This all paints a picture of a very unstable childhood for many children without access to the resources that they need. It has a huge impact on their emotional wellbeing.

Parents do try to shield their children from a lot of this reality. We know that they do. These parents are extremely hard-working and they want the best for their children, but it often means that these children are aware of the anxieties that their parents are facing. One mum told us that her child was very anxious because he felt as if immigration control were going to take him away. They are also missing out on a lot of things that their peers have. A father told us that on days when there were school trips he would find excuses not to take his child into school because he did not want his child to feel as if he was different from his peers, so there is a lot of additional pressure that falls on children when their families are living within this condition.

**Steve McCabe:** I have a couple of other questions but I don't know if anyone has anything they want to add to that.

**Morgan Wild:** I will just add a couple of things from our findings. This is from the survey we conducted with people on NRPF, who were parents with children living with them. We found that 11% of people within NRPF had experienced insecure housing or homelessness; 44% were in overcrowded accommodation and one in two households with children on NRPF were behind on rents compared with just 15% of the general population. We found this quite a stark picture of quite significant harm and all indicators that people are either at risk of destitution or facing destitution themselves.

One thing that came through strongly in our findings was the stigma for children who did not have access to the same support as their friends and classmates. We had one person tell us that their son was a registered British child, because you can be excluded from access to benefits if your parents are an NRPF but you are not. They said that their son felt like they were treated like a second-class citizen and that stigma was enduring every day of their life. They felt that they were always being



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reminded that, despite being British themselves, they were products of parents who had been given conditional stay to remain.

**Steve McCabe:** Thank you. Do you want to add anything to that?

**Caz Hattam:** I could, but in the interests of time maybe we should move on.

Q9 **Steve McCabe:** Thank you. Morgan just picked up on a point that I wanted to ask about: the issue of children who are born in this country whose families have no recourse to public funds and children who are born outside the UK. What is the difference in the kind of resources and funds that can be accessed by the two different groups? Should I start with Catherine?

**Catherine Houlcroft:** If we are talking about benefits, the basic principle is that entitlement depends on the parents' immigration status rather than the child's, in the majority of cases. Therefore, whether the child is British or has a different form of status, what really matters is the parents' status. If the parent has leave to remain with NRPf they will be restricted from claiming things such as child benefits for a British child or a child with another nationality. That goes on to affect entitlement to things like free school meals and some of the childcare schemes as well. Again, we are looking at parents' status, whether the parents are receiving benefits, at least until they opened up entitlement to some categories of people with no recourse to public funds. When we are looking at entitlements to services, the focus will be on the parents' status. A child's status will probably only come into question when they reach 16 and start to go to college. That may be where questions will arise and the child's particular status or lack of status might impact whether they are able to get funding for college courses.

Q10 **Steve McCabe:** Would I be right to go away from this hearing thinking that, if you are a child who is born outside the UK, you actually get a much poorer deal in terms of support and welfare assistance as a result? There are two groups who do not have recourse to public funds: there are those who were born here and those who are not born here, and those not born here get a much poorer deal. Would it be right to see it in those terms?

**Catherine Houlcroft:** It is about the parents' status. Our nationality law is quite complex, and some children born outside the UK can be British and some children born to parents who are not British might also have an entitlement to register as British citizens if they are born in the UK and have lived here for 10 years. It is quite difficult to distinguish groups of children in that particular way, but ultimately the status of the child could have some impact on what the parents' immigration rights might be as well and what they may be able to obtain in terms of leave to remain. It could well be that families with a British child might be able to succeed in applications under the immigration rules, whereas families that don't have a British child might struggle or find that a bit harder.



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**Steve McCabe:** It sounds very complicated to me. Have you come across it?

**Caz Hattam:** It is very complicated. One thing to say is I think everyone on this panel agrees that every child should have what they need, not just British children obviously, but I think a lot of people don't realise how much NRPF affects British children as well. Obviously, as we have said, we do not know the exact numbers, but a British child in a family with no recourse to public funds has the same barriers as a child who is not British who is in a family with no recourse to public funds.

There are certain very specific tiny, technical exemptions, such as DLA, but often families do not realise or the DWP might not administer that or might not understand those entitlements. Essentially, the situation is the same for a British child in a family with no recourse, as for a non-British child, if that is the question.

Q11 **Steve McCabe:** Yes. I was under the impression that there was some variation in entitlement, but you are saying it is actually miniscule so we should not consider it.

**Caz Hattam:** Yes. Children used to be able to access child benefit if they were British, according to certain exemptions. That has now ended. The only thing that I can think of is a disability living allowance, but we have never seen a family who has been receiving that.

Q12 **Steve McCabe:** What impact does NRPF have on looked-after children and care leavers in particular?

**Caz Hattam:** We do not see that very often. We are at the moment helping somebody make a change of conditions application, who is in full-time education, so her care is extended, but the local authority has said that it cannot give her the move-on support that she needs unless she has recourse to public funds, so that is an example. I don't know if Catherine or others have more to add.

**Azmina Siddique:** I have not spoken specifically to someone who has worked with looked-after children with NRPF, but we know from a broader perspective with the looked-after children we support at the Children's Society that if you are a care leaver in particular you are likely to have greater struggles with managing your own finances and knowing where to turn, having that independence and that safety net. That is further compounded if you have NRPF. While we have been working really hard on certain exemptions for care leavers, like council tax exemptions and changes to housing rates, the fact is that is just one additional barrier that a looked-after child will have if they then have no recourse to public funds as well.

**Steve McCabe:** Thank you. I think we will leave it there.

Q13 **Sir Desmond Swayne:** I was interested in getting at the proportion of people with no recourse who have been living in poverty but, given what



you have already said about the inability to get at the absolute number and the paucity of data available, unless you have any other insight into what the proportions might be I will move on. Have you?

**Caz Hattam:** I don't, but my response is I guess I am wondering where that question leads us, because either you have no recourse to public funds and you are living in poverty and you need recourse to public funds and you should have it, if your children are growing up in the kinds of situations we have described, or you have no recourse to public funds, you are not living in poverty, you don't need recourse to public funds and you won't apply. We could spend hours and months and years—and we already have—debating that point and we would never know. I cannot think of a way where we would ever be able to do that, because it is also about how we quantify poverty. It is incredibly complicated. I wonder whether that is a useful—

**Sir Desmond Swayne:** Let's leave it there then.

**Morgan Wild:** I have one thing to add. I completely agree that it is a point that should be informed by how many people need support, rather than our precise ability to estimate them. We have not been able to come up with any kind of rigorous estimates, but our survey suggests that it is around three in five parents with children have a household income of less than £20,000.

Q14 **Sir Desmond Swayne:** How well is the ability to have the condition lifted communicated to people who are without recourse, and then how straightforward is it for them to have it done?

**Caz Hattam:** I could literally speak for hours about this so I will try to be brief. How well is it communicated? Not well at all. We might come to it, but on Monday the Home Office published new policy guidance about no recourse, but you are welcome to read that and make whatever sense of that you can.

In terms of how straightforward it is, the whole reason that we exist as a project is to help people with those applications. We would not need to exist otherwise. We have been doing this, and I have been doing this as well on a weekly basis for the past four years: seeing the barriers that people face, making these applications so it is based on that evidence. To try to sum it up, we have written a long submission about all of that—

**Sir Desmond Swayne:** I have read it.

**Caz Hattam:** Just to sum that up, the main points that are that only a fraction of people with no recourse to public funds can make the application. You have to have a certain type of immigration status. If you are on what is called the five-year route to settlement, if you make the application you risk being moved onto the 10-year route, which is double the amount of time, double the amount of fees. It is very burdensome. There is a link to an example of the application form on a website, which spans literally dozens of pages, asks ridiculous questions. You can also



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have a look at that. It asks if you have evidence. That is difficult for people who are in precarious situations, have exploitative landlords or employers, or are in abusive relationships; providing those documents is often impossible. It is very slow. The Home Office publishes decision times that are often over a month, but you have to factor in the time before the decision and also after the decision and bear in mind the situations that people are living in.

I also think it is important to look at the refusal rate for applications, which at the moment is around 30%. We have 100% success rate with the applications we submit and we assist everybody who comes to us for support. We often see people who have submitted their own application and been refused. Whenever we intervene those decisions are overturned, so it suggests that decision making is often poor. The 30% refusal rate means that hundreds or potentially thousands of people whose applications have been unlawfully refused continue to live in the situations we have described.

**Q15 Sir Desmond Swayne:** If I came to you to help me with my application, how long is the waiting list? How long would it take before I have your undivided attention and assistance?

**Caz Hattam:** We would do it as quickly as we could. We always have a waiting list. I guess in the first instance we would try to encourage you to make your own application with support, but lots of families are unable to do that for various reasons. Once we start to help you with the application it usually takes us a month to put together all of the evidence and information that we need, so that is the kind of waiting time even once we have supporting with the application as well.

**Q16 Sir Desmond Swayne:** Do you know how long it is from the decision point at which someone is in desperate need to the point where they come to you and start processing an application?

**Caz Hattam:** We ask everybody who comes to us when they would have made a change of conditions application if they had known about that and people generally say they would have done that years ago.

**Q17 Siobhan Baillie:** Is there an appeals process for rejected decisions particularly where you get involved and can see that it was a problematic application through no fault of the person?

**Caz Hattam:** The Home Office has introduced new policy guidance and there is a section on refusal which was not there initially. We need to digest that and look at what it means. About 18 months ago, the Home Office also started a pilot for requesting an administrative review if an application had been refused. Prior to that there was no appeal process. We have asked for information about how they are evaluating the pilot, and whether it is going to continue, and they have not been able to say.

**Q18 Siobhan Baillie:** The new policy is off the back of the pilot?



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**Caz Hattam:** I don't know, but I can look at that when I have a minute.

**Siobhan Baillie:** You don't need to answer that now.

**Caz Hattam:** You can only apply for an administrative review within 14 days of having the decision and the families that we have helped with that process would not have been able to do that without our support.

Q19 **Selaine Saxby:** Obviously the pandemic has had an impact on everyone, but are there any specifics where children in families with no recourse to public funds that have not already been touched on and you feel should be highlighted? In particular I am keen to hear about the free school meals element and where that has been extended what impact that has had on families?

**Azmina Siddique:** As I mentioned briefly, one common characteristic among the families we support at the Children's Society is that they are often single-parent families headed up by mothers, and something that we kept seeing throughout the pandemic was these parents often had no choice but to go to work either because they did not have the security of the social security system or they were in the types of jobs where they had no job security. There was a real impact on children in terms of childcare, they were often staying in very cramped conditions being looked after by friends and neighbours that probably had a huge public health element to it as well, and a heightened risk to vulnerable family members in intergenerational families.

There was also a lack of awareness and fear about getting help; so with certain entitlements changing, such as free school meals, we had lots of families affected who just weren't sure if they were eligible. They weren't quite sure if their children were allowed to go to school at certain points. I should say that the majority of families that we support tend to be in key worker roles—frontline roles—delivery drivers, NHS workers, lab technicians, cleaners, food preparation, roles that are very much on the frontline, and whose children may have been eligible to go to school but they just weren't sure.

The free school meals provisions have been hugely welcome. One parent said to us that it meant that she was able to spend that money on her gas bill instead. Another said that her son felt really happy because it meant he was eating the same meals as his friends which normally doesn't happen, and he felt part of his year for the first time. It has been hugely helpful but the lack of a permanent announcement around it has caused uncertainty. We had certain schools turning away parents saying they were no longer eligible. We had certain parents not sure if they could keep asking for it, and through our services and partner organisations we are still advising parents that children affected by NRPF can still access free school meals. That is hugely welcome, but a permanent announcement would be really welcome for families so there is clarity around it.



**Morgan Wild:** During the pandemic in general we saw a 95% increase in the number of people coming to us for advice on issues to do with NRPF, and that was despite the Government extending some of the crucial Covid protection schemes to people with NRPF, the job retention scheme, self-employed income support scheme, the Everyone In policy from local councils but we still saw a huge number of people falling through the cracks, more people than we normally do. That was partly because of the cracks in the systems support that was put in place, and because the backstop for most people is being able to apply for universal credit, which nobody on no recourse to public funds can do.

One thing we are particularly worried about is that we are still seeing advice on NRPF above our pre-pandemic levels—quite a bit above—and now the schemes have wound down we are facing a really difficult autumn and winter for families up and down the country, whether they are on NRPF or not. Those families on NRPF are going to be facing rising energy bills, rising inflation, with the schemes that were previously in place and they were able to access being phased out. We are very worried that we are going to see a significant surge in demand from people with NRPF attached to their visa who are not able to access any form of safety net in what is going to be an incredibly difficult autumn and winter for everyone.

Q20 **Debbie Abrahams:** I was hearing yesterday about some of the barriers for people who have no recourse to public funds including, for example, the fact that they do not have a national insurance number. You have mentioned language barriers. What are the other reasons why they may struggle in their applications, and also why they may be inaccurately refused?

**Caz Hattam:** Lots of people don't know about it in the first place. The application form is now online, so in some sense it is more difficult for people now than it was before. I know the NRPF action group submitted a lot about the digital divide. The amount of evidence that the Home Office requires is huge and overwhelming. The process is very intrusive, and also there are other factors—people are scared of the application process.

There are a lot of immaterial barriers that people face when making applications. To give you an example, we have submitted some letters from someone's children—I can call her Alice. She submitted her own change of conditions application and these letters along with over 250 pages of evidence, a seven-page cover letter, a 21-page application form. You can read these letters backed up by tenancy agreements and bank statements. The Home Office still refused that application. It was submitted in May 2020; it was the middle of the pandemic. She came to us and we helped her to write to the Home Office to overturn the decision, but from application to final decision was a period of five months. You can see her children are literate and articulate explaining her situation; her cover letter was as well. We see a lot of spurious



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reasons for refusal of applications and if people don't have legal advice to challenge the decision, then there is not anything else that they can do.

**Debbie Abrahams:** Does anybody want to answer that?

**Azmina Siddique:** To back up what Caz said around immaterial barriers, we have heard from families we support that there is often a fear of the repercussions of going for a change of conditions application. There is certainly a fear that it will have an impact on immigration decisions later. There is no basis to these rumours as far we know, but that fear is real and it does prevent people from coming to seek that support until beyond the point where they are extremely in need.

**Catherine Houlcroft:** That is what we hear as well around the delays. I think the lack of legal aid and legal advice is a key problem because, as Caz has eloquently explained, it is a very complex application process. We find local authorities do sometimes have to step in and provide direct support under the Children Act while people are making these applications so that obviously has an impact on local government in that way.

The problem with the change of condition process is that it is not a tool to prevent homelessness and people experiencing destitution—because people really need to be destitute or on the brink of destitution in order for it to be granted so have already reached that point. It is almost like there is a step beforehand that is missing.

**Morgan Wild:** I would make the point that it is not just about the change of condition process. We should view it in the sense that these are families who are often on their five-year or 10-year route to indefinite leave to remain. They are making serious efforts to participate and build a life in our country and our society. There are many flaws with the change of condition process that mean people who are at risk of or are experiencing destitution are not getting the support that they need.

There is also the issue of lots of British children, people who are going to be citizens or have indefinite leave to remain later in their upbringing, being denied access to crucial parts of the welfare safety nets. We choose to invest in child benefits and child support for very good reasons, and we should make that choice across people who are building a life in this society rather than exclude a very large number of families.

Q21 **Nigel Mills:** What would be the practical changes you would like the Government to make? I know some written submissions said scrap NRPF completely, but that is not going to happen. What would be the key things that you could ask the Government to do that would not be incredibly expensive and therefore might have a chance of being taken up but could make a real difference to the children living in poverty?

**Azmina Siddique:** I think all of us would say scrap it in the first instance, but if we take a step down from that, we definitely call on Government to make the temporary extension of free school meals to



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children affected by NRPF permanent. While we appreciate that it is difficult to cost the additional children affected by it, to also include children who are undocumented within that as well, so not just children whose families have the NRPF condition on their leave to remain but also who have no recourse to public funds because they do not have a status. We would ask for that sooner rather than later, so this can be communicated to families and to have the associated pupil premium benefits.

We would also urge Government not to impose the NRPF condition on families with dependants under 18. We are here today because we acknowledge there is an issue around children living in poverty when they have this condition and in particular if a family has had the change of conditions application successfully made—if they have had an NRPF removed—not to reimpose that on that family if they have children because parents will have to reapply after two and a half years and go through the process again, which may cause unnecessary stress.

**Q22 Chair:** On that point, and it is quite an important point, when families who have been exempted from NRPF re-apply it is reimposed. Do they have to apply for exemption again?

**Azmina Siddique:** Yes, after two and a half years. So we would ask that if they have had it removed once that they don't have to keep reapplying to have it removed.

**Catherine Houlcroft:** There are a lot of small concessions like retaining the free school meals entitlement that could go some way towards assisting families, but we have to think about, as a state, who is best placed to provide financial support to families that are subject to the NRPF condition, given that the Home Office are imposing that. They say it is to promote integration through employment, and we have to ask is it cash-strapped local authorities and overstretched social services departments or is it the DWP who have specially trained staff to help people get back into work? Universal credit is used as a mechanism to support people into employment or to sustain employment, so although lifting the NRPF condition, not imposing it on families, might seem a big ask, you have to look at the impacts of that in a broader sense.

You have heard today about many of the impacts on children being in NRPF households, and a lot of these are not measurable or quantifiable. How do you measure the impact on a child's attainment at school if they have had to move school several times and are doing their homework in an overcrowded room? Ultimately, we have to look at a big policy change if we really want to make meaningful change for these families.

**Caz Hattam:** It is not the answer you want, but I really want to resist this assumption that no recourse to public funds policy has to be here; we have started taking it for granted. It is a deliberate policy choice and over the past four years—and with others for longer—how little change there has been. The policy has been ruled unlawful twice and the policy in



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relation to change of conditions applications has been slightly tweaked twice and there has been no difference. The families with no recourse to public funds face the same barriers as they did four years ago, so we question the benefit of piecemeal changes to procedure or slight changes to entitlements. None of those things solve the underlying issue, and we do need to get rid of the whole policy.

**Q23 Nigel Mills:** I accept that you do not like the assumption that the Government are not going to scrap this, but I would be extraordinarily surprised if the Government did come out and say that. Are there no practical changes that you would want us to recommend that would make a real difference, that could at least help some people even if it is not the perfect world that you would like?

**Caz Hattam:** The main things from our point of view is, as we have said for years, making the change of conditions process more straightforward and accessible, and at the very least collecting data to evaluate the efficacy of it. The Home Office will not be able to tell you why these applications are being refused; they do not collect data on that. The data that they collect is ultimately going to evidence the things that we already have evidence of.

**Catherine Houlcroft:** From a local authority perspective we would want funding for when we have to step in and provide direct support to people. Social services duties are engaged but there are also other things that could be looked at. I have mentioned legal aid before. Perhaps allowing families to access legal aid would speed up them being able to go through the immigration processes. We also need to look at the immigration fees, because people have to save up thousands of pounds every two and a half years when they need to reapply. That is an additional pressure on households with no recourse to public funds. On top of everything else they are excluded from they have to raise at least £2,500 each year depending on how many people in the household are applying.

**Q24 Nigel Mills:** I thought what I might get from the written submissions was things like child benefit or DLA from 16 should not caught by the restriction because they are given to the children based on need, not to the family, but none of you have said that yet. Is that not something you—

**Caz Hattam:** As we were saying, previously child benefit was available to some children who were British or had different status. Technically, DLA is available to children who are British, but they are not able to access that support and when children did have access to child benefit, we were still making change of conditions applications for those families. An extra £10 a week is going to be of huge benefit to these families and we are not going to stand in the way of that, but it is not going to solve the problem.

**Q25 Nigel Mills:** You are not making it easy for us to make our recommendations when we look for quotes from the Committee and it



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says, "Well we're not really bothered with that, can you scrap it completely, none of these things make much difference?" That is not going to be a compelling argument for us.

**Morgan Wild:** We all come at it from a principled perspective of believing that if people are building a life here, they should be able to access a safety net. Coming at it from the other perspective, any more support that people are able to access will alleviate the extent of child poverty, whether that is child benefit, childcare elements of universal credit or access to universal credit more broadly.

One of the things that really came through from our research is the importance of housing support for people on NRPF. If you think about it from the rational perspective of excluding it, it strikes me as quite poor. These are typically people who are building a life in the UK. Before the pandemic over three quarters of them were in work paying taxes and should be able to get support in exchange for that contribution that they are making. What we would all say is that the principle should be access for anybody who is building a life here. There are measures that could be taken that inject more much-needed support than is available at the moment.

**Azmina Siddique:** On the child benefit point, the Children's Society certainly would not turn their noses up at children getting child benefit, but I agree with what everyone else has said, that these are incremental changes and they don't necessarily look at the bigger picture.

To give a bit of context, we did a survey with parents, not necessarily affected by NRPF, in September when schools had started to go back after the lockdown to say how much are you spending on your children's food during the school day, because we knew that lots of parents who were not eligible for free school meals were still struggling. We had an average of about £21.54 per week the parents were saying that they spent on one child's food during the school day. That is just over what the child benefit amount would be for your eldest child, not for subsequent children. To put that into perspective, this is talking about a very small amount of money for families, and there are so many other pressures and costs that parents have, especially when they are having to pay the extortionate immigration fees and the NHS surcharges.

The only other recommendation I would probably make, and I am sure Catherine will have some thoughts on this, is around having more clarity around what constitutes a public fund in terms of local welfare assistance and hardship funding. There was a lot of injection into emergency financial provision during the pandemic, but there was a lot of uncertainty, especially from NRPF families around whether they were able to access this emergency support or whether they would be in breach of their immigration conditions. It is a tricky area; local authorities are unsure about whether they are allowed to give some of this funding to those with NRPF. Some clarity would be helpful, because we know from a lot of the work that we do in convening some of this support there has



been a real need for families accessing local welfare and emergency financial provisions.

**Siobhan Baillie:** I am interested to know from Azmina whether there has been an inconsistent approach across local authorities to the hardship funds for people with NRPF? To Caz, I do not want to add to your homework list, but once you have had an opportunity to digest the new policy that has come out it would be really helpful—I can see all of you get frustrated with our request for suggestions and recommendations but we genuinely want to help—to have some information. For example, for things like the 14-day turnaround for an appeal processing, if you can highlight some areas that could be changed, or that you saw in the pilot did not work, that would be really helpful if you could write to the Committee.

**Azmina Siddique:** On the local authorities, I would not say it is inconsistent so much. We know local authorities have been really hard-pressed during the pandemic, and often they have been at the frontline along with other voluntary sector organisations in delivering this sort of support. The funding from central Government has been really welcome but it has been patchy, it has been piecemeal, and often with conditions on how it should be spent. With the winter grant, 80% had to be spent on families and then 80% of that had to be spent on food, and it had to be spent within a certain time, and those rules were changing every few months.

Local authorities were trying very hard to give out that support, to spend that money and get it to the people who needed it the most within really difficult changing circumstances. On top of that there was uncertainty both on the part of local authorities and of families about whether or not you would be breaching your immigration conditions by getting that support if you had NRPF. It is a condition of people trying their best—and a lot of that support did get to those who needed it the most—but there needs to be clarity and there needs to be adequate funding that is sustainable and long term so that money can be spent in a more efficient way.

Q26 **Chris Stephens:** I have a number of names for the Bill but will call the Bill by its proper title, the Nationality and Borders Bill. It contains a provision that would apply the no recourse to public funds condition to refugees who do not come to the UK directly from a country or territory where their life or freedom was threatened. How may this materially affect, Catherine, the wellbeing of children arriving in the UK or where children are born in the UK to refugee parents?

**Catherine Houlcroft:** You are talking about the introduction of temporary protection leave which would replace the current refugee leave that people would get following a successful asylum claim. To explain the difference between the two, refugee leave is five years' leave to remain on a settlement route with full access to public funds. Temporary protection leave is granted for two and a half years, it is not on a route to



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settlement and the NRPF condition can be imposed unless the person or family is destitute.

There are quite different sets of entitlements there, and you have heard today about the impact on children being subject to the NRPF condition. Also, when they are on a much more insecure immigration journey where parents have to reapply every two and a half years they are at risk of dropping off their status if they can't get the legal advice to do that in time. That of course will have an adverse impact on the children when the parents' entitlements are affected.

We do not really know how the NRPF condition is going to be imposed because people will be going through the asylum system, being supported by the Home Office if they are destitute then entering the community out of asylum support. If the NRPF condition is imposed then that will bring with it all the impacts on children that you have heard about already, and perhaps there could be issues with it being reimposed after periods where they might have had recourse initially.

Again, we do not know how it is going to play out but we have just had a conversation about policy recommendations to assist households with NRPF. Those might succeed to some extent, but then you have to question those impacts when the Government is essentially broadening the groups who can be subject to that condition and therefore at risk of destitution and homelessness. On top of that, this particular group is going to be living under the uncertainty of whether the Home Office will try to return them to what is deemed to be a safe country in Europe. They will always be under that risk as well.

We are moving from a position where refugee children had a certain future in the UK to a much more insecure immigration journey and a very unclear future. That is going to have impact on their development and integration, as you have already heard.

**Q27 Chris Stephens:** I know there are questions and difficulties about assessing what that would mean for the numbers, but what impact, or increased demand, would that have on your organisations in providing support to people?

**Morgan Wild:** We would expect to have an increase in demand. What impact precisely that has depends on what decision the Government make as a result of their consultation. Certainly, we would anticipate that more people with NRPF attached to their condition would end up seeking support from our services.

**Caz Hattam:** As far as we know, we are the only organisation in the UK that helps people specifically with this application. Until last year, we were entirely volunteers and we are mainly volunteers now, so we cannot be relied on to continue to help. We have a waiting list as it is.

**Q28 Chris Stephens:** You expect that waiting list to increase?



**Caz Hattam:** It is only going to get worse.

**Azmina Siddique:** It is quite hard to speculate, but I imagine it would go up. I know this is under consultation at the moment, but the Bill is also meant to implement provisions from the Immigration Act 2016 that will push appeals-rights-exhausted families into the NRPF category as well. We are not entirely sure about the numbers, but there will be people coming in who have NRPF and those who are already here who have appeal rights exhausted who will now have NRPF.

The data is patchy, but there was a PES—Policy Equality Statement—in March 2015 that estimated there were about 2,900 families who were appeals-exhausted by then. That is just a bit of a framing that there are additional families who may now have NRPF and we would certainly be expecting to see hundreds, if not more, turning to services such as ours for support.

Q29 **Chris Stephens:** One last question to you, Azmina. You will be aware that the UK Government recently won a case in the Supreme Court that aimed to stop the Scottish Government from enshrining in law the UN Convention on the Rights of the Child. What value does the UN Convention on the Rights of the Child have in tackling child poverty for those with no recourse to public funds if it became law?

**Azmina Siddique:** One of the main principles in the UNCRC is article 3, which concerns the best interests of the child, and I think we have to look at that—look at decisions being made and policies being implemented to see if these are being taken in the interests of the rights of the child. I can only speak for our services and the families we support, but we see families who have incredibly low incomes or zero incomes with children, outcomes, wellbeing, whose future prospects are affected by the fact that they are living within these conditions. If you asked me if that is in the best interests of the child, I would say no.

Q30 **Chair:** Thank you very much indeed. Caz, on the point about repeat applications, do you see a fair number of people who have been exempted, then have to reapply after two and a half years for their leave to remain? Do they come back to you for help with another exemption application?

**Caz Hattam:** Yes, we have seen that. We have seen where the conditions have been reimposed, but we are often approached by people who are approaching the point where they have to renew for our support at that point to submit what they need recourse to public funds.

Q31 **Chair:** Do they apply for exemption at the same time as they reapply for their need to remain?

**Caz Hattam:** They can do, yes. It does not have to be at that point through a change of conditions application, but essentially they have to submit the same evidence and information in their further need to remain application instead.



**Chair:** Thank you all very much indeed. That has been a very interesting and helpful session. Thank you for being willing to join us. That concludes our first panel. We are joined virtually by the second panel. You can depart or if you would like to sit in the public gallery you are welcome to stay on for our discussion with local authority representatives.

## Examination of witnesses

Witnesses: Susanne Miller, Christianah Awodiji, Councillor Jasmine Ali, Penny Ademuyiwa and Leah Arnold.

Q32 **Chair:** Welcome to our second panel this morning. Thank you all for joining us and everybody is joining us virtually, all representing local authorities around the UK. I will ask each of you to very briefly to tell the Committee who you are, starting with Councillor Jasmine Ali.

**Councillor Jasmine Ali:** Good morning. I am deputy leader at Southwark Council. I also have the portfolio responsibility for children, young people and education.

**Penny Ademuyiwa:** Good morning. I am the assistant director for North Kent integrated children's services working in Kent County Council.

**Leah Arnold:** Good morning, I am the service manager for the City of Wolverhampton Council based in the West Midlands.

**Christianah Awodiji:** Good morning. I manage the Manchester City Council response to no Recourse to public funds family households.

**Susanne Miller:** Good morning. I am the chief officer for Glasgow City Health and Social Care Partnership with responsibility for all community health and social care services here in the city.

Q33 **Chair:** Thank you all for being with us. I want to ask you the first question, partly picking up the discussion we had with our earlier panel. How clear is it to each of your authorities what support you are required to provide and what additional support you are permitted to provide to families with children who have no recourse to public funds? How clear is the position at the moment? Can we ask each of you in the same order, starting with Jasmine Ali?

**Councillor Jasmine Ali:** We support children under section 17 of the Children Act, and we know we have to provide accommodation and we also have to provide sustenance. We know we have to do that but there is no end to it because if the families need support and they need to put an application in to the Home Office to get off no recourse to public funds, then we have to support that as well. We have to support a number of things and that can be for anything—food, accommodation and so on. It is interesting that in Southwark we were spending £6 million a



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year on support and the majority of that funding goes on housing, temporary accommodation.

**Penny Ademuyiwa:** Similarly in Kent, we are clear that we need to provide families with support under section 17 of the Children Act. Similarly, our support would be around housing and then food, bills, essential clothing that children need, and we will do individual needs-led assessments. Our understanding is we should not follow a particular formula in terms of the amount of money we are providing to each family. We should take a needs-led approach based on the needs of that particular family and the children within the family.

Q34 **Chair:** Has it been clear to you whether families who had no recourse to public funds could be eligible to receive some of additional funding the Government has provided through the pandemic to support families?

**Penny Ademuyiwa:** Our understanding is we should not specifically target no recourse to public funds families but that funding could be used. If, for instance, we are using that funding to provide food banks or emergency payments, and if the no recourse to public funds families fall into those groups and approach us for those types of emergency funds, then we would apply some flexibility. We would not specifically target that funding towards that particular group.

**Leah Arnold:** In Wolverhampton we have a clear understanding of our duty to provide support to families with NRPF. We established our NRPF team in 2019 and within that team we developed an NRPF policy that sets out a clear framework for social service, for the people delivering the service to families but also so there is clarity around the offer of support to families who come to Wolverhampton and ask for advice and support.

I agree with Councillor Ali's comments about the majority of our provision of support being for accommodation. In Wolverhampton, when we established our team, we found the quality of housing provision for families with NRPF was a significant issue. We took steps to remedy that. We rent 10 flats from our internal provider, Wolverhampton Homes, which has given us control over a housing stock, so not only can we then effectively manage the use of that accommodation but we have also been able to make sure we can provide good-quality housing for families with NRPF. The 10 flats do not offer enough accommodation for our families, so we are still also using other housing options. The cost for the housing is the biggest cost within our NRPF budget alongside the cost for clothes allowances.

To your question, Chair, around the clarity of the Government funding during the pandemic, our understanding was the same around the way we could use that Government funding. We could not target families, but if some of that money went into food banks, for example, we could access that for our NRPF families.



**Christianah Awodiji:** Manchester City Council is the only local authority in Greater Manchester that has a dedicated no recourse to public funds service. It is our view in Manchester that the duty under the Children Act supersedes all other legislation. The support we provide comes under the duty under section 17 of the Children Act that says a local authority must safeguard and promote the welfare of children in the local authority area and prevent a child being in need. That is our approach.

In providing support to NRPF households we provide support that includes housing, with all the utilities, we provide subsistence for food, we provide travel assistance, a free bus pass to and from school, a taxi to attend hospital appointments, pay for NHS prescriptions, glasses prescriptions, free school meals. Sometimes we do pay the Home Office application fee when it is directed by the courts. We provide any additional support that is specific to the needs of children in the household, particularly children with special needs. On the question of the additional funds, our approach in Manchester is to take our duty under section 17 of the Children Act very seriously and we are able to use that money to provide Covid hardship fund payments to NRPF households providing food parcels and emergency payments where it is needed to NRPF households.

**Susanne Miller:** To the question about whether our understanding of our responsibility is clear, we have created our own clarity in Glasgow and Scotland. It is similar to that of our colleagues in Wolverhampton. For the last 10 years, we have had a working policy document within the city and we then contributed to a COSLA-led Scottish policy and guidance document on supporting frontline staff to understand the permissions about support to families that are impacted by NRPF.

Section 22 of the Social Work (Scotland) Act is very similar to the section 17 that English colleagues have referred to. Our guidance, while taking the legal framework into account, has also sought to take a professional social work perspective on poverty and the impact of poverty on children, on children and families and family life to balance the legal framework within which we have to operate in relation to immigration legislation and our formal statutory and professional duties in relation to children and families. That means that we have had to update our guidance regularly.

To your question to another panel member about the recent changes, each time there is a change added to legislation at UK level or to guidance at the UK level we update the guidance on supporting families who have no recourse to public funds, and we did that most recently during the pandemic. We also look at case law and there are a number of instances where case law has been established that potentially can impact on what local authorities can provide.

Q35 **Sir Desmond Swayne:** Can you tell me how many families each of you are supporting at the moment, what it is costing you annually, what a typical family costs in a year and how many years typically will a family



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be requiring your support, starting with Jasmine Ali?

**Councillor Jasmine Ali:** Southwark Council is a London borough. There are 33 London boroughs and we are just one, so what we do will not give the whole picture of London but it will give you an idea.

We are spending £6 million on supporting families with no recourse to public funds. We have 130 families, and in those families there are 220 children. The majority of those families, as we heard in the last session, are basically single parent—usually the mother—families. What was the rest of the question?

**Sir Desmond Swayne:** Typically what does a family cost and how long will it be on your books requiring support?

**Councillor Jasmine Ali:** It is £6 million over that number of families. Typically there is a turnover of maybe two years, but I have been told by our no recourse to public funds team that some families can be stuck there for years.

**Susanne Miller:** In the last financial year we had 137 families and to date in this financial year we have 131. I only have costs for accommodation support costs. Last year, that was just over £500,000 and this year the running costs look similar. We have not calculated the other costs. The number of families for this year is highly likely to be higher than 137, given we have 131 so far in this financial year.

As for what is typical, I am afraid there is not such thing in terms of supporting these families. A colleague mentioned individual assessments. The families we support in Glasgow are significantly different in terms of their asylum journey and their support costs. Some families may have some assistance with accommodation costs, so for them it is support costs. Some may have additional support costs because they have children impacted, for example, by a disability. Some families may be in that short period of time where they are applying for a condition to be lifted. Some can be on our books for as short as 12 weeks while we support them to access legal advice, for example, to apply for conditions to be lifted and some can be with us for years. We do not have a typical profile within that cohort.

**Penny Ademuyiwa:** In Kent, we have a relatively low number compared with what colleagues have spoken about. At the moment, we are supporting 12 families. Over the course of a week the total cost for those 12 families is around £4,500, so we are talking about roughly £250,000 a year for these particular families, but as colleagues have said, for different families with different profiles we will be paying different amounts. In terms of the time range, of those 12, we started supporting two of them in 2017, so a considerable amount of time. Then there is a range. Six have started this year.

I do not know if it is helpful to say this now, or whether there might be a future question about care leavers. A colleague in the earlier session



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mentioned appeal-rights-exhausted young people and you will know we have a number of unaccompanied asylum-seeking children in Kent. They may then become care leavers and we are supporting appeal-rights-exhausted young people who are care leavers and are clearly not now children; they are adults.

**Leah Arnold:** Currently in Wolverhampton we are supporting 33 families. Last financial year, we supported 40 families and in the financial year before that, 2019-20, we supported 49 families. The total cost last financial year for Wolverhampton was just over £400,000. That includes staffing costs of £121,000. In the financial year before that, 2019-20, the total cost was £356,000. That is inclusive of £102,000 staffing costs.

Echoing Susanne's point around the average costs per family, I am not able to give an average cost because it depends on the type of accommodation we are providing for those families, and particularly in Wolverhampton, whether or not we are using the housing stock I talked about earlier, or whether we are accessing housing through private landlords. It very much depends on the make-up of the family. Client allowances are paid depending on the make-up of the family. We have a component of client allowance that is for the adult within the household, and a client allowance rate for each child within the household. We may also provide additional money. If we have a nursing mother, if they have children under one or they are a pregnant parent, we will pay additional costs. So it is not easy to say that for, say, a family of four with two adults and two children, this is the average cost, because it very much depends on the age of the children and which accommodation provision that family is living in.

In terms of the length of support, I echo what colleagues on the panel have said. We have two families that have been open to receiving support from our team since it was established in 2019, and they were receiving support before the establishment of the NRPF team. So, again, we do not have average timescales for families receiving support.

**Christianah Awodiji:** As of 15 October 2021, Manchester was supporting 47 families and the direct cost of accommodation and subsistence to those families was £346,000. Our estimate is that by the end of the financial year that would go up to almost £600,000 a year.

A bit of context to the total number of families that were supported in previous years: in 2020 we supported a total of 318 adults and children and the average time on support for each of the households was 633 days, so that is two and a half years that we supported them for. Average costs per case per year are £24,000, and that is just for accommodation and subsistence.

The total cost for the last financial year for Manchester City Council was in excess of £1 million and that again is basically just direct costs of accommodation and subsistence to NRPF households. I echo what my colleagues have said. The support the local authority provides is very



much based on changes in government policy, changes in case law. We then have to adapt the support we provide to families accordingly.

We are still in a period of pandemic, the Covid-19 pandemic, and we as a local authority have to make sure that the duty under section 17 of the Children Act does not slip. We have to be providing that duty despite anything else that is going on.

**Q36 Sir Desmond Swayne:** Sticking with you, Christianah, and working backwards, what are the principal difficulties you face? To what extent is it your estimate that all the families needing assistance are coming to you for it? Thirdly, you might have heard in the earlier session that my colleague, Dr Spencer, volunteered local authorities to collect a whole stack of data on families who need support. How do you feel about that?

**Christianah Awodiji:** I was listening in on the first session. I have worked in this area for 10 years and with the experience of that, my view is that, yes, there are points where we can collect data in NRPF households. However, it is the main responsibility of the Home Office to issue leave to remain with no recourse to public funds conditions to those that apply. One of my colleagues from the Children's Society raised the point that the figures are already there. The Home Office seems to have the figures and I think that transparency is required with those figures.

The only numbers the local authorities can provide are for those NRPF families that are brave enough to approach local authorities for support. A lot of people are not brave enough to approach local authorities for support for different reasons, and again, that is fuelling the level of poverty in NRPF households. Can I ask you to repeat the first part of your question, please?

**Sir Desmond Swayne:** The first part was what is the principal difficulty you face?

**Christianah Awodiji:** As outlined by colleagues from the earlier session, the difficulty faced by local authorities is enormous in what we can do for this group of people. The first main challenge is the financial impact on the local authority, the financial impact on a social services budget that is hugely already stretched and overspent.

The other challenge is the lack of legal advice to NRPF households. When I started in my role 10 years ago we used to have legal aid centres around Manchester. We only have one now, due to lack of funding, and it is so difficult for NRPF families to access legal advice in a timely manner, for them to be able to, for example, seek assistance to make a change of condition application to lift the NRPF condition on their visas. There is a huge challenge in lack of access to legal aid.

The other main challenge is accommodation. We all know we have a national housing crisis and NRPF households are not shielded from that. Local authorities are scrabbling for accommodation to provide for NRPF households that are excluded from homelessness assistance because of



the NRPF condition attached to their visas. That is not easy, because often what we have to do is look to the private sector. Again, that comes with a lot of other issues to do with housing conditions and the standard of accommodation. Cost in the private rental sector is huge and forever increasing and the local authority must bear that cost.

The other issue that we have is that we struggle to have direct contact with colleagues in the Home Office to raise our concerns or advocate on behalf of those NRPF households, including children living in poverty who are destitute. There is no direct contact with colleagues from the Home Office to say, "This is the situation we are in." That is difficult because we work very much with a multi-agency approach and if we cannot, as the local authority, have that dialogue with colleagues from the Home Office then it means that we must support NRPF households with children, we must support them for much longer and at a huge cost to the local authority budget.

**Q37** **Dr Spencer** : Christianah, I totally get where you are coming from in terms of your points on data collection. My concern is that I think the Home Office does not have a magical power where they can get this information from people. If people are scared to go to you to tell them about their circumstances they are going to be terrified of going anywhere near the Home Office about it. Practically how do we get this information? It strikes me that it must be organised, such as what you do and what local authorities do, in terms of getting the data that we want and the need to understand this. I cannot see practically how the Home Office can achieve that. It feels like it must be people on the ground who are dealing with people in NRPF who can get that data. What are your thoughts on that?

**Christianah Awodiji**: It depends on the data that we are talking about. I think we need to be clear about what data we are after. Are we after data for families that are granted leave to remain with the no recourse to public funds condition attached, or are we after data of those families that have the leave to remain with no recourse to public funds condition attached that approach the local authority for financial assistance because of the NRPF condition?

If we are talking about the former data I think that responsibility sits with the Government; it sits with the Home Office. Local authorities are not the ones that issue or grant leave to remain with no recourse to public funds. That is the responsibility of the Home Office, and the Home Office should have that data.

**Q38** **Dr Spencer** : Good point on exactly clarifying what data we want. I think it is neither of those two categories that you put forward. It is people who are in difficulty with NRPF and regardless of whether they approach you. In a sense we do not care about the people who are NRPF and having a great time and everything is absolutely fine. Those are not the people we need to focus on. I think it is also worth bearing in mind that there are not going to be many people who are in that situation who are absolutely



fine. It is the people who are in difficulties having consequences and whether or not they approach you. It is how we get information on those people, given the barriers to approaching you, that I think is the challenge. Like I say, I just cannot see how the Home Office is the right unit or organisation to do that. It feels to me that breaking those barriers and the stigma and the fear and all that side of things must come from grassroots people on the ground organisations. I will stop there and hand over.

**Christianah Awodiji:** I do agree with that, because when a family approaches an organisation—it might be the local authority or it might be a charity organisation for help and support because of the no recourse to public funds condition—that is the time that you can capture that data. Again, this was discussed in the earlier session, that this organisation could be the local authority, it could be schools, it could be from the NHS that we can gather that data from that point.

I would also like to mention that through the national NRPF Network we have a secure database that is shared with Home Office colleagues and local authorities subscribe to use that database to notify the Home Office about families that approach them for financial support because of the NRPF condition—families that are in financial difficulties. At the moment, 67 local authorities subscribe to that database. That database collates the cost, the names and details of the family that contact the Home Office that are getting support from the Home Office and the Home Office have access to that database and they are aware of the numbers that the 67 local authorities have.

Q39 **Sir Desmond Swayne:** Does anyone have anything to add to what Christianah has told us, very briefly, because we are under pressure for time. First of all, Leah.

**Leah Arnold:** Thank you. Just a very quick point around the difficulty. I think it is worth remembering that families will approach other families or community groups in the local authority to seek assistance from them in addition to them going to statutory services, to the community and voluntary sectors. When we think about placing a duty on local authorities, schools, health et cetera for them to report when families approach them for support and assistance when they find themselves in difficulty, we could in work to solve the problem around the data gathering that way. However, I think that we are still left with the issue of when families go to community groups, church groups, other families either in the local authority where they live or other families that they may be signposted to through their family or friend network who live in other local authorities. I think therefore that even when we look at placing a duty on local authorities' organisations around that data collection, collation and sharing, we still then have another issue around the community groups, the family. How can we gather that information when families find themselves in difficulty and seek support in those ways?



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**Chair:** We are under a bit of time pressure. I can see two more hands. Can people can be very brief please and then I will bring in Nigel Mills, but Susanne Miller first?.

**Susanne Miller:** Thanks very much, Chair and I will be brief. The city of Glasgow is part of the NRPF network and we find that data collection very useful, but limited.

In answer to the question about what the Home Office can or cannot do I think from a local authority perspective my frustration would be that there has not been any substantive commitment or product from the Home Office about at least attempting to talk to local authorities and having an attempt at what information they hold in relation to people with NRPF. We know that there was a commitment last year by the chief statistician to have a look at the data. We have been asking for it for a number of years, so it feels to me that local authorities are making all sorts of efforts working with their third sector colleagues to pull data together. I would welcome the same commitment from the Home Office, albeit once they do that there may be imperfections or limitations. I think we need to see some commitment from the Home Office to at least look and have an attempt to pull together some data.

**Councillor Jasmine Ali:** I have couple of points to make on the data question. In one sense, if you look at inner London boroughs—and I represent one of 33—are we looking at a needle in a haystack when looking at data? Basically, there are 4.3 million children in poverty in this country, and 31% of all children. Southwark has the sixth-highest child poverty rate in the UK. Obviously, as councillors we are doing everything we can to mitigate that, but on the data question we need to get beneath this. As someone who is a lead member and has statutory responsibility for safeguarding all our children in Southwark, it is a wonder that I can sleep at night. The question is about data. We need to safeguard children. One way around it is to think if they are not turning up to The Children's Society and the charities and they are not turning up to us where are they? Are families being forced underground through this destitution?

One way that we can measure this and get the data is for the Home Office to have proper funding streams to fund charities, to fund local authorities for their effort in supporting these families and to make sure that children do not fall through the cracks. I do not want to hog all the time, but I do want to say that one of the big issues is what is happening to children on the ground. The pandemic has made it even more difficult to count, because more families have been pushed into poverty, more families have been pushed into destitution, so that has had an impact on the no recourse to public funds numbers as well. Families who come to me are suffering domestic violence, so there is a lot of mental health pressure.

**Chair:** I think some of these issues will come up in response to further questions. Nigel Mills was next.



**Q40 Nigel Mills:** Thank you. We heard a lot in the previous session about how people could apply to come out of the NRPF conditions, but the data suggests that 80% of the people who need your support and then stop needing your support stop because they have those conditions lifted or they have leave to remain and those conditions do not exist any more. Is that your experience, and how easy do you find helping people to get the conditions lifted so that they can get different support from that you offer? Is that a straightforward process or is it a painful one that takes far too long? Who wants to start?

**Christianah Awodiji:** Our experience is that the only way out of local authority support is to have the no recourse to public funds condition lifted. The process to do that is not easy at all. When we think about this we must think about the current statistics of the group, the people that will fall into this category. We must think about the language barrier, we must think about the level of literacy, we must think about how well they understand and are aware of what is going on within the UK. It is not easy to access the change of condition application. In the previous session, colleagues talked about the amount of evidence that a family must provide to the Home Office to have that condition lifted. A lot of families who have no recourse to public funds have very young children and there are usually mental health issues. They are not people who think, "Oh, yes, I need to keep my bank statements together; I need to have everything organised." They may have fled domestic abuse and the trauma of that is affecting the way they think, yet we are expecting them to provide all this evidence. In terms of their housing situation, they may have been sub-letting from a friend of a friend of a friend, so there is no tenancy agreement to provide as evidence. There is a lot of unnecessary pressure in terms of evidence that needs to be provided.

The other issue is the lack of legal aid. A lot of families cannot go and seek legal advice. Often, for example, when a woman is on a spouse visa, a visa issued to a spouse of British citizens, it comes with a condition of no recourse to public funds. When there is a domestic abuse issue and they need to apply for a destitute domestic violence concession to have the no recourse to public funds condition removed from their leave to remain, then that technically in law is a variation of leave. That said, they need quick access to legal advice, the technical expertise to be able to sort that out, which is not available. There is the OISC guidance, so it is not just anybody who can do it. You must have a certain level of expertise or qualifications to be able to do that. There are a whole lot of barriers from our point of view.

**Q41 Nigel Mills:** Okay, Christianah, thank you. Does anybody have anything they want to add? Is this a process that you can advise people to try to go down as soon as you need to give them assistance, or is it not quite as straightforward as that? Jasmine, you are nodding.

**Councillor Jasmine Ali:** Our team support people getting their applications in and trying to get off no recourse to public funds as quickly as possible, but there is no rhyme or reason to all of this. One thing that



we do know is that the majority of families that we support who are stuck in this no man's land end up getting leave to remain, or they end up getting the restrictions for no recourse to public funds taken off them, but even then they are still stuck until this is all sorted out by the Home Office. Given that nine times out of 10 that will be the outcome, that they will get this restriction lifted off them, why put them through that and why not just give them leave to remain or lift no recourse to public funds as quickly as possible? That would make sense, given that they are probably going to get that taken off them anyway.

**Q42 Chris Stephens:** I will start with Susanne, who is sitting in the centre of the universe at this moment in time. Discretionary welfare payments made by councils across the UK under specific legislation are classed as public funds for immigration purposes. How does that affect the ways in which local authorities can support parents and children who are subject to no recourse to public funds? Susanne, is there anything that can be done by a Scottish local authority that might not necessarily be done elsewhere?

**Susanne Miller:** I think that was part of the submission from COSLA and the Scottish Government to the Committee. I will pick my words carefully. We found some leeway, and that was my reference to the guidance that we have in the city and that they have in Scotland through the COSLA guidance, whereby we obviously have to work within the legislative framework, but we do use the powers under the Social Work (Scotland) Act in particular to allow us to offer the optimum support to children and families impacted by no recourse to public funds. We recognise the impact of poverty and destitution on families in the city and beyond in Scotland. You will know that from the national policy documents and the Act that we have in place here in Scotland. Yes, we have found ways, all of them legal, to support families in that situation but that was also my reference when the Chair asked about how clear the guidance is.

We must constantly seek our own legal advice here in the city and then support COSLA in relation to it, and being entirely honest and transparent, that is on the basis of what is the optimum that we can do within the legislation. I think we would still be concerned as a local authority, and certainly COSLA and the Scottish Government have expressed that concern also in their submission, that we continue however despite our best efforts with these children and families to see a significant impact on those children's experience and the stresses on the families, who would not otherwise come in to the realm of the social work of the local authority, because there are very rarely welfare and child protection concerns. Sorry if I went off piste there.

**Chris Stephens:** No, you answered that perfectly, Susanne. Do not worry about that. I am conscious of time, however, so on discretionary welfare payments could I ask the other panellists if they could write to us about the problems that local authorities face? I would be obliged



**Q43 Shaun Bailey:** I am acutely conscious of time so I will try to squash my supplementaries together as well. Thinking back particularly to the start of the pandemic and when you guys as authorities had to step up, when it came to families with no recourse to public funds what were the operational difficulties for you in providing that support? We know we have the basic safety net provisions that do allow some sort of intervention. Do you think they were agile enough to allow you to give the support that you needed? Leah, you touched on it in an earlier response. We have talked a lot about collaboration but what cross-departmental work did you have to do, and what was the strain there particularly? I can imagine that as local authorities you do not take a siloed approach to this. You must work across departments and across teams, so what were the pressures there? Do you feel that the regulatory framework was agile enough to allow you to give the support that as authorities you want to give? Who wants to take that first?

**Chair:** Penny. We have not heard from Penny for a bit.

**Penny Ademuyiwa:** At the start and during the pandemic more NRPF families have come to us. They may have been in jobs and occupations whereby they have lost the work that they were doing and therefore had no way to support themselves. We are clear that we support families via section 17 of the Children Act and that continues during the pandemic. The assessments of families, the access to information, was slightly more difficult, given the inability to do face-to-face visiting and so on and to get all that information that we would generally need as part of an assessment to be clear on the level of support that we need to provide to individual families.

**Christianah Awodiji:** Local authorities are very good at being agile and flexible and reacting to what is thrown at us because we must work with central Government policy and implement it on the ground. One of the challenges that we faced in Manchester was the digital poverty among families. Until we hit the pandemic, we were able to do face-to-face assessments but now we must switch to doing assessments over the telephone and digitally. Because of the level of poverty in NRPF household and the situation that is already there, that was extremely challenging to us as a local authority. We did find a way of getting round that, and the way we got round it was to provide additional payments for people to be able to top up their phone and, in some cases, provide Android phones so that families could have that meeting with the people advocating on their behalf or supporting them.

**Councillor Jasmine Ali:** Southwark is marked as the sixth most deprived area for child poverty. It was all systems go during the pandemic. We opened up a free mental health drop-in for children and young people. We had an effort for the Laptops 4 Learning. We put £250,000 out of the general fund and we managed to get that match-funded from the community, so we were able to get laptops to children who needed laptops for learning throughout the pandemic, but there is a very dark side to this. When you in the no recourse to public funds



situation, children are incredibly vulnerable. The child protection register went up by 110 within the period in which we had those lockdowns. For children with no recourse to public funds the families who were coming to us, usually single parents, we were placing them in accommodation. We have the most ambitious council housing building programme that I have seen. We want to build 11,000 affordable houses, but we cannot build them quickly enough to meet demand. It meant that the people we were supporting were being placed in temporary accommodation, quite often crowded, not the space they needed and not always in Southwark. Seen in the light of the pandemic when people were all under pressure you could see how punitive this was for the families that were under no recourse to public funds. I wanted to make that point, but of course as the Committee has said, local authorities are cross-cutting, so we tried to be as agile as possible but not in the circumstances of our own choosing.

**Susanne Miller:** A slightly different perspective of what the opportunity for us was, particularly the emergency public health legislation: again, it goes back to my previous answer about how we could use that to optimise the support that we could give to children and families impacted by no recourse to public funds. In Scotland and Glasgow, we moved quickly along with COSLA to produce specific guidance for local authorities in relation to what support they could offer families impacted by no recourse to public funds and what additional measures they could put in place that the public health emergency legislation and powers allowed us to do. We did increase payments, for example, to cover additional heating costs with the kids being at home, and the digital cost. We worked with our education colleagues to make sure that there was a specific reach-out to those children from education services. We are an integrated health and social care system in the city, so I have responsibility across all community health and care services, and we made sure that the public health work that we were putting in place for the general population included a specific NRPF element, and we made sure that children within NRPF for example had access to the free school meals in the different way in which they were delivered by our education colleagues.

While it was the most challenging time of my 30-year career working in the public sector we did take the public health emergency legislation as an opportunity to optimise the support that we could offer, albeit it was challenging. We were able to galvanise support, particularly from our third sector colleagues where there is a particular focus here in the city and beyond, in terms of children impacted by no recourse to public funds. It was a challenge and a pressure, but you could also see it as an opportunity.

**Chair:** Thank you. I can see that Leah wants to raise something as well, but can I bring in Steve McCabe to ask the final question before coming to Leah, given the time pressure we are under?

Q44 **Steve McCabe:** I will do this pretty fast. We have heard a lot about the



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household support fund. I do not know how many things it is going to be expected to pay for. Can you tell me very quickly if there will be some proportion of it diverted to help those who have no recourse to public funds and if you had to make an estimate how much of what you are getting is short of what you think you need for the Household Support Fund?

**Chair:** This is the recently announced additional £500 million. Leah, do you want to come in first on this one?

**Leah Arnold:** My quick point for the previous question, because part of the question was around the operational difficulties, is that in Wolverhampton, like other local authorities, we had a Covid operating model. Our children receiving services from our NRPF team, which falls under the section 17 duty, were not treated differently within the Covid operating model, so we continued to deliver services in line with the operating model, which determined whether we could do the face-to-face visit or the virtual visit, and there was no interruption around finances, because we already had that set up around bank transfers and payment cards. What we agreed in Wolverhampton, like other local authorities, was to mirror the £20-a-week universal credit uplift, so again because everything is done electronically with bank transfers, payment cards, there was no delay in sending that money to families. Operationally, our NRPF families fell within the contingency planning that we had for all the children and families in Wolverhampton.

**Chair:** Leah, do you have a response to Steve's question about the recent funding announcement, the £500,000 household support fund?

**Leah Arnold:** To respond to that question about what we think the shortfall would be, I would need to go away to look at figures. I have the costings around household support for the three financial years, but to be able to assist your panel I would need to go away to look at them and submit something in writing, if that is okay with the panel.

**Chair:** That would be very helpful.

**Leah Arnold:** Will do, thank you.

**Chair:** Are any of the other witnesses in a position to comment on what the household support fund looks to mean for you and the implications of it for NRPF? Penny?

**Penny Ademuyiwa:** We have a key decision report going to our next cabinet within KCC next week in relation to plans for use of the fund, but at the moment we are looking at using a significant proportion for free school meals, targeting energy and water poverty and looking at what develops around energy prices for families. We see that as being a significant pressure for families, alongside the end of furlough for several families and the withdrawal of the universal credit £20. Regarding NRPF, previously our understanding was that we should not ring-fence money particularly for NRPF but that we would use that household support fund money as a basic safety net for them.



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**Chair:** Thank you. I think Jasmine was indicating she wanted to comment.

**Councillor Jasmine Ali:** On the housing support fund and the issue in inner city London, the big issue is that, because of the scarcity of housing, we are having to use very expensive temporary accommodation that is not as adequate as we want for our families. No matter how agile people think it should make us, the reality is if we can get these families off no recourse to public funds it means that we can give them access to our temporary accommodation that we would use for families on the waiting list. It would get them in the system and it would enable them to get market rates, better accommodation for themselves. I cannot stop pushing that. In inner city London where we have such scarcity of housing it feels that we need to get them off this system. Sorry.

**Chair:** That is all right. Thank you for making that point. If anyone else has any other comments about how you might use the household support fund, or how it looks for your area, we would be interested to hear those, if you were able to send us an e-mail or drop us a line with that, that would be very helpful.

Our time is up. Thank you all very much for joining us today and for the information that you have given to us. Thank you all for the work that you are doing in your communities. We are impressed with that. That concludes our meeting.