



Home Office



Department
for Education



Department
for Work &
Pensions

Rt Hon Stephen Timms MP
Chair, Work and Pensions Select
Committee
House of Commons
London
SW1A 0AA

6 January 2022

Dear Stephen,

Thank you for your letter of 6 December 2021 on behalf of the Work and Pensions Select Committee, in which you ask several questions in advance of the session on Wednesday 19 January, we will respond to each in turn.

1) Do your Departments work together to support children in families with no recourse to public funds in poverty, and if so how?

Ministers and officials have built strong and effective relationships across government and engage regularly as needed, including to develop and review policies that affect children and families with no recourse to public funds (NRPF). Some recent examples of these are:

1. Healthy Start and Best Start Foods: The Home Office has been working with the Department of Health and Social Care and the Scottish Government on the expansion of these schemes to include British children whose parents are subject to NRPF.
2. Free school meals review: The Home Office has been working with the Department for Education in their review of eligibility for free school meals for children whose parents are subject to the NRPF condition.
3. The Covid Winter Support Grant: The Home Office worked with the DWP to design guidance for local authorities covering the powers available to them and how to use the available funding to support families with the NRPF condition.

The Home Office has also sought to work with stakeholders outside of central government to better understand the impacts of NRPF policy on those it affects. In 2021, it set up a national NRPF stakeholder forum that comprises representatives from local government associations across the four UK nations, the NRPF Network, and third sector organisations with a specific interest in the subject. The group meets quarterly, and attendees are encouraged to inform policy developments by bringing agenda items for group discussion, such as emerging issues, data analysis, and recommendations.

a) Which department is responsible for providing assistance to families with NRPF who face destitution?

There is no one department with overall responsibility; rather, different departments will each play a role in supporting families with NRPF facing destitution. The Home Office owns the overarching NRPF policy.

Migrants with leave under the Family and Human Rights route; those on the Hong Kong British National (Overseas) visa route as a British National (Overseas) status holder; or a family member of a British National (Overseas) status holder, can make a “change of conditions” application to the Home Office on the following grounds:

- as a result of destitution or risk of destitution;
- if the welfare of their child is at risk due to their low income; or
- where there are other exceptional financial circumstances.

A change of conditions application is free and allows their NRPF condition to be lifted. They would then be permitted to make applications to benefit-funding departments.

Separately, section 17 of the Children Act 1989 imposes a general duty on local authorities to safeguard and promote the welfare of “children in need” in their area. Support provided to a child by local authorities under Section 17 of the Children Act 1989 is not dependent on the immigration status of the child or their parent(s).

Local authorities may also provide basic safety net support to an individual, regardless of their immigration status, if there is a genuine care need that does not arise solely from destitution, including, where there are community care needs, they have serious health problems or there is a risk to a child’s wellbeing. They can therefore use their judgement to decide what legal powers and funding can be used to support individuals who are ineligible for support from public funds.

The Government has introduced a £500 million Support Fund in the UK, to help those on the lowest incomes with their food and utility costs this winter. The Household Support Fund (HSF) which will provide £421 million for local authorities to use at their discretion to help vulnerable people in England. At least 50% of the funding is for vulnerable households with children. Local authorities in England can, using the principles set out in the above paragraph and taking legal advice, use the Household Support Fund to support people with NRPF. The Barnett Formula applies in the usual way, with the devolved administrations receiving almost £80 million.

b) In the absence of data from the Home Office, does DWP have any plans to fill this gap in order to understand income-related poverty for children in families with NRPF?

DWP has no plans to undertake specific research in this area.

2) Does the Government provide a list of the different types of support available for people with NRPF attached to their leave? Could the Government send this to the Committee?

For immigration purposes, benefits and services classed as public funds are set out in s115 of the Immigration and Asylum Act 1999 and at paragraph 6 of the Immigration Rules. A list is enclosed with this letter.

A benefit or service not listed in these documents is not considered a public fund for immigration purposes. Spending departments set their own additional eligibility criteria.

a) How regularly do officials from across your departments meet to discuss the measures in place to support children in families with NRPF in poverty?

Officials engage as regularly as needed on any matters relating to supporting migrants with NRPF, including children in families as described in response to question one. Officials work closely together and do not limit this to formal meetings (such as the NRPF stakeholder forum) or write-rounds.

3) Does the Government plan to make permanent the temporary extension of free school meal eligibility to children in low-income families with no recourse to public funds?

The Department for Education are working with departments across government including the Home Office, to evaluate access to free school meals and other educational entitlements for families with no recourse to public funds. In the meantime, the extension of eligibility will continue with the current income threshold until a decision on long-term eligibility is made. In addition, we have permanently extended eligibility for the two year old entitlement to include some NRPF groups.

a) When will the Government conclude and publish this review?

Our current guidance regarding the temporary extension to free school meals can be viewed here: <https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance/guidance-for-the-temporary-extension-of-free-school-meals-eligibility-to-nrpf-groups>. Once the review is complete, we will update our guidance accordingly.

Once again thank you for writing, and we trust that this clarifies the position on the various matters raised.

With best wishes,

Yours ever,



Tom Pursglove MP
Minister for Justice and
Tackling Illegal Migration



Will Quince MP
Minister for Children and
Families



David Rutley MP
Minister for Welfare Delivery

Benefits classed as public funds for immigration purposes

For immigration purposes, benefits and services classed as public funds are set out in s115 of the Immigration and Asylum Act 1999 and at paragraph 6 of the Immigration Rules.

Benefits listed under Paragraph 6 of the Immigration Rules

1/ An allocation of local authority housing provided under the Housing Act 1996 (or equivalent legislation in Scotland and Northern Ireland).
2/ Local authority homelessness assistance provided under the Housing Act 1996 (or equivalent legislation in Scotland and Northern Ireland)
3/ Attendance allowance
4/ Severe disablement allowance
5/ Carer's allowance
6/ Disability living allowance
7/ Income support
7/ Council tax benefit
9/ Housing benefit
10/ Social Fund Payment
11/ Child benefit
12/ Income based jobseeker's allowance
13/ Income related employment and support allowance
14/ State pension credit
15/ Child tax credit
16/ Working tax credit
17/ Universal Credit
18/ Personal Independence Payment
19/ Domestic rate relief (Northern Ireland)
20/ Council tax reduction
21/ Scottish welfare fund under the Welfare Funds (Scotland) Act 2015
22/ Discretionary support payment under article 135 of the Welfare Reform (Northern Ireland) Order 2015
23/ Discretionary payment under section 1 of the Localism Act 2011

Benefits listed under Section 115 of the Immigration and Asylum Act 1999

<https://www.legislation.gov.uk/ukpga/1999/33/section/115#commentary-key-d699d706213c1a57a84c0bd00f76c08d>

1/ Universal Credit
2/ Income based jobseeker's allowance
3/ State pension credit
4/ Income related employment and support allowance
5/ Personal independence payment
6/ Attendance allowance
7/ Severe disablement allowance
8/ Carer's allowance
9/ Disability living allowance
10/ Income support
11/ Social Fund Payment
11/ Income based jobseeker's allowance
12/ Health in pregnant grant



Work and Pensions Committee

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David Rutley
Minister for Welfare Delivery
Department for Work and Pensions

Kevin Foster
Minister for Future Borders and Immigration
Home Office

Will Quince
Minister for Children and Families
Department for Education

From the Chair

06 December 2021

Dear David, Kevin and Will

Children in poverty: No recourse to public funds

Thank you for committing to give oral evidence to the Work and Pensions Committee's inquiry into Children in poverty: No recourse to public funds on Wednesday 19 January. The Committee has asked me to write to you in advance of the session as we have not received written evidence from any Government Department.

The Committee would like to receive answers on the following questions, in advance of the session in January:

1) Do your Departments work together to support children in families with no recourse to public funds in poverty, and if so how?

a) Which department is responsible for providing assistance to families with NRPF who face destitution?

In the Committee's previous inquiry into children in poverty: measurements and targets, we heard that DWP are disadvantaged in understanding the true extent of children in poverty as there is no administrative data held on children in families with no recourse to public funds, and the income levels of those families.

We have recommended the DWP works to improve their data in order to better support children in families with NRPF in poverty but the Government have said repeatedly that the Home Office lead on NRPF policy.

b) In the absence of data from the Home Office, does DWP have any plans to fill this gap in order to understand income-related poverty for children in families with NRPF?

We have heard from stakeholders and people who have been raising families without recourse to public funds that it is difficult to identify what support they can access if they are facing destitution.

2) Does the Government provide a list of the different types of support available for people with NRPF attached to their leave? Could the Government send this to the Committee?

a) How regularly do officials from across your departments meet to discuss the measures in place to support children in families with NRPF in poverty?

During the pandemic, children in families with no recourse to public funds have had access to free school meals, and this has been temporarily extended whilst the policy is under review. The policy has been under review for over a year now with the Secretary of State for Education in October 2020 saying:

We also, temporarily, extended eligibility for free school meals to children from families with no recourse to public funds—an arrangement that we have extended into the autumn term while we undertake a review.

3) Does the Government plan to make permanent the temporary extension of free school meal eligibility to children in low-income families with no recourse to public funds?

a) When will the Government conclude and publish this review?

We would be grateful for a reply by **Thursday 6 January**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Timms', with a stylized flourish at the end.

Rt Hon Stephen Timms MP
Chair