

Written evidence submitted by Project 17

The impact of COVID-19 on education and children's services inquiry

Project 17 response

26 March 2020

About Project 17

Project 17 is a specialist organisation working to reduce destitution among migrant families with no access to mainstream benefits of social housing because of their immigration status (No Recourse to Public Funds or 'NRPF'). Most of our work tries to improve the implementation of support from local authorities under section 17 of the Children Act 1989, which gives local authorities powers to provide support for families with children in need within their area. To this end, we carry out direct advice and advocacy work across London, we provide training and support for other organisations assisting families with no recourse to public funds, and we call for the improved implementation of support.

We are submitting evidence to this inquiry as we work with destitute families who are not entitled to mainstream welfare support and who, as a result of their children being 'in need', require support from local authority children's services departments under section 17 of the Children Act 1989.

Families with 'no recourse to public funds' (NRPF)

The families we work with are living in extreme poverty as they are unable to access most mainstream welfare provision because of the 'no recourse to public funds' rule. 'No recourse to public funds' (NRPF) is a legal restriction that prevents some people from accessing non-contributory welfare benefits and social housing, such as council housing and homelessness support. 'Public funds' is a legal term defined under Paragraph 6 of the Immigration Rules. The only welfare benefits that are not considered public funds are those based on national insurance contributions. While a number of different groups have no recourse to public funds, we work predominantly with undocumented families and families who have 'limited leave to remain' but are subject to a no recourse to public funds restriction. Since July 2012, the Home Office has been imposing NRPF conditions on parents who have been granted temporary leave to remain on the grounds of family and private life in the UK. Over 50,000 individuals with dependents had the NRPF condition applied to their limited leave to remain over a two-year period, up until 2016. Only a third of applications to remove these conditions—which can only be made by those with 'limited leave to remain'—are successful, leaving many families without access to the welfare support they need.¹ The University of Wolverhampton and the Greater London Authority have estimated that there are 250,000 undocumented migrant children living in the UK.² Families with NRPF are particularly vulnerable to destitution and homelessness.³

¹ Dexter, Z., Capron, L., and Gregg, L. (2016) Making Life Impossible: How the needs of destitute migrant children are going unmet. London: The Children's Society.

<https://www.childrensociety.org.uk/sites/default/files/making-life-impossible.pdf>

² <https://www.london.gov.uk/what-we-do/communities/migrants-and-refugees/londons-children-and-young->

The impact of COVID-19 on families with NRPF

We are deeply concerned that thousands of families with NRPF will be facing exceptional poverty during the COVID-19 pandemic, and that, due to their exclusion from the support packages that have been announced by the government and their inability to access mainstream welfare support, their only safety net will be support from local authority Children's Services. Issues we are seeing include:

- Loss of income due to sudden unemployment (as a result of COVID-19)
- Difficulties social-distancing and self-isolating due to overcrowded or inadequate accommodation (e.g. living with friends and unable to access accommodation during the day)
- Additional strain on support networks, which is making families more vulnerable to street homelessness and food insecurity
- People having to stop work due to childcare responsibilities as a result of school closures
- Lack of access to adequate food due to financial circumstances, the widespread closure of organisations supporting vulnerable families, shortages as a result of stockpiling, and lower levels of provision at food banks. In some cases, this is resulting in those with serious health conditions such as HIV being unable to take their medicine.
- While families with NRPF cannot access free school meals beyond the universal provision (reception, year 1 and year 2), many are receiving free school meals at the discretion of local authorities and schools. However, families with NRPF are not entitled to the voucher scheme that has replaced free school meals since the school closures and we have heard that families who have requested vouchers from schools have been denied them.

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. To fulfil this duty, section 17 gives local authorities the power to provide support, including accommodation and financial support, to families with "children in need", even if they have no recourse to public funds. The power under section 17 can be used to support the family as a whole and to promote the upbringing of the child within the family unit. For families with 'no recourse to public funds', section 17 functions as a vital safety net against destitution. However, with local authorities receiving no additional funding to provide such services, and high numbers of families requiring support⁴, in practice it is very difficult for families to access this support. Last year, 65% of the families we worked with had already tried unsuccessfully to access support from a local authority before they came to us for help. The issues families face when trying to access support—including unlawful threats to take children into care, intimidation through the use of immigration and fraud officers, and misinformation—have been well documented.⁵ With the current pressures on local authorities in the midst of the COVID-19

people-who-are-not-british-citizens

³ See: Dexter, Z., Capron, L., and Gregg, L. (2016) Making Life Impossible: How the needs of destitute migrant children are going unmet. London: The Children's Society. <https://www.childrensociety.org.uk/sites/default/files/making-life-impossible.pdf> ; Dickson, E. (2019) Not Seen, Not Heard: Children's Experiences of the Hostile Environment. London. Project 17 <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

⁴ An estimated 5,900 children from families with NRPF across England and Wales received this support in 2012-13 (Price & Spencer, 2015).

⁵ See Dexter, Z., Capron, L., and Gregg, L. (2016) Making Life Impossible: How the needs of destitute migrant children are going unmet. London: The Children's Society. <https://www.childrensociety.org.uk/sites/default/files/making-life-impossible.pdf> ; Dickson, E. (2019) Not Seen,

pandemic, it will only be more difficult for families to access this essential support. Children's Services departments, which are already significantly underfunded, will be inundated with requests for support, as well as dealing with the difficulties of local authority staff being off sick and the need to work remotely. In addition to difficulties accessing support, the support provided by local authorities under section 17 is often extremely inadequate. There is no statutory guidance on the provision of section 17 support for this purpose, which means support varies considerably across local authorities. Rates of financial support can be as low as £2 per person per day, and families in receipt of support are often forced to rely on food banks and support from charities.⁶

We are already seeing the impact of COVID-19 on families with NRPF who require support from Children's Services. Issues we are encountering include:

- Assessments being conducted remotely and local authorities expecting destitute families to post evidence of their circumstances at their own cost, despite the fact that they cannot afford to do so. Remote assessments are also leading to delays in the provision of support.
- Families being told local authority offices are closing and not being provided with information about how they can request section 17 support remotely.
- An increase in 'gatekeeping' of support from families with NRPF by Children's Services departments, presumably due to lack of funding and increased pressure on services.
- Families having to go against the government's 'lockdown' in order to obtain evidence of their destitution, even where they are at high risk due to underlying health conditions or pregnancy.
- Families being expected to travel on public transport to collect their fortnightly subsistence payments rather than such support being provided remotely (e.g. pre-paid cards).
- Families being moved from self-contained accommodation to shared accommodation, which puts them at greater risk of contracting COVID-19.

Recommendations

i. Central Government

- The suspension of 'no recourse to public funds' conditions for all migrants, enabling everyone to access Universal Credit and Statutory Sick Pay where needed and thereby alleviating additional pressures on children's services departments.
- Local authorities to be provided with sufficient funding to enable them to meet the needs of vulnerable families with NRPF who require support under section 17 of the Children Act 1989
- The voucher scheme replacing free school meals should be made available to families with NRPF, who are currently excluded despite their vulnerability to destitution.
- Make provision to extend or modify visas where necessary to prevent people being forced to 'overstay' their visa due to being self-isolated, unable to return to a country

Not Heard: Children's Experiences of the Hostile Environment. London. Project 17; Jolly, A. (2018) No Recourse to Social Work? Statutory Neglect, Social Exclusion and Undocumented Migrant Families in the UK. *Social Inclusion*, 6 (3). <https://www.cogitatiopress.com/socialinclusion/article/view/1486>

⁶ Ibid.

that is not safe to travel to, or unable to access immigration advice in time to renew or extend their visas as a result of COVID-19.

- Make provision to cover or waive renewal costs for those with 'limited leave to remain' who are at risk of overstaying due to lack of funds that may occur as a result of Covid-19.

ii. Local authorities

- The impact of COVID-19 on access to accommodation, suitability of accommodation, capacity to work, medical issues, childcare and other caring responsibilities to be considered in all assessments conducted under section 17 of the Children Act 1989
- Where individuals or households are already supported under section 17 of the Children Act 1989, steps should be taken to assess whether additional support will need to be provided as a result of COVID-19. Where extra support is required, it must be provided without delay.
- Local authorities must make arrangements for all subsistence payments to be received remotely so that people do not have to travel to collect their subsistence in person
- Local authorities must identify those they support who may be more severely affected if they contract coronavirus, including elderly individuals, people with pre-existing medical conditions and pregnant women. Local authority staff should maintain regular contact with such individuals to monitor their wellbeing
- Where migrants are unable to attend Home Office appointments, renew their leave on time, or provide outstanding evidence to the Home Office due to COVID-19, they must be supported to access urgent legal advice. Local authorities must be mindful that, as a result of COVID-19, individuals are likely to face delays in resolving their immigration status.

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