



Local authority support for
migrant families with no
recourse to public funds

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Project 17

- Advice and advocacy
- Training for advisers
- Telephone advice line for advisers
- Online resources
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No Recourse to Public Funds

- What does it mean?
- Who has it?
- What impact does it have?



s.17 Children Act 1989: A final safety net

- Local authorities can provide support to families with children in need – e.g. those facing homelessness or severe poverty
- Can include cash/vouchers and accommodation (as well as other support)
- Not a ‘public fund’

Overview of Section 17 Children Act 1989

- Section 17(1) imposes a general duty on local authorities to safeguard and promote the welfare of children within their area who are “*in need*”.
- As long as it is not contrary to the welfare of the child, section 17(1)(b) provides that a local authority should promote the upbringing of children in need “*by their families*”.

Procedure

- Request an assessment
- Provide as much evidence as possible
- LA should inform you of their proposed course of action within one working day
- Assessment should be completed within 45 working days, or sooner if urgent
- Can provide support while the assessment is ongoing if urgent
- Remember to take names and contact details of social workers and request copies of assessment
- If support is refused, ask 'why' – in writing!
- Be as open and honest as possible

Risks and barriers

Hard to avoid:

- LA will inform the Home Office if approached by someone in the UK unlawfully
- Faster immigration decisions
- Accommodating out of area
- Intrusive, personal questioning

Can (often) be challenged:

- Offering to take the child into care
- 'Bouncing' between LAs
- Offering to fund travel to country of origin
- Suggesting that children are accommodated with the other parent
- Delays in carrying out assessments

Failure to be open and honest can lead to credibility problems!

Broader picture

- Local authority budget cuts
- More and more families with NRPF
- Government's 'hostile environment'

⇒ **More destitute families asking for support**

⇒ **Local authorities resort to 'gatekeeping'**

Challenging social services decisions

Two main ways to challenge social services decision (or failure to act):

- Make a complaint
- Judicial review

Changing landscape: Immigration Act 2016

- Local authority support will move from s.17 CA 1989 to **paragraph 10A of schedule 3 of the Nationality Immigration and Asylum Act 2002** for many families, including some refused asylum seekers.
- Likely to lead to:
 - More people requesting support
 - Confusion around eligibility
 - Increased gatekeeping?



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