

# Best practice in tackling domestic abuse and violence against women and girls – no recourse to public funds

30 January 2024

## Who has no recourse to public funds?

- People with the following immigration status are prohibited from claiming public funds i.e. most benefits and local authority housing assistance (Parts VI and VII Housing Act 1996):
  - No current immigration permission
  - Leave to remain with a 'No Recourse to Public Funds' condition - temporary routes (e.g. visitor, student, skilled worker) and routes to settlement (e.g. spouse/partner, other family, Hong Kong BN(O))
  - Leave to remain as an adult dependent relative (first five years in UK)
- Pre-settled status or pending EU Settlement Scheme application – can claim benefits but must meet right to reside test

# What services can a person with NRPF access?



New domestic abuse flexible fund - one-off payment (from 31 January 2024)



### Contribution-based JSA

Age	JSA weekly amount
18 to 24	up to £57.35
25 or over	up to £72.40



### Social Services



These services should not be refused to a person solely because they have no recourse to public funds. However, some services may have eligibility requirements relating to the person's immigration status.

## Assisting victims with no recourse to public funds

- Domestic abuse/VAWG strategies must set out how victims with no recourse to public funds who are homeless/destitute can be supported
- No recourse to public funds = ineligible for benefits & part VII homelessness assistance but can access social care
- Assess needs: s17 Children Act 1989 (families)/ Care Act 2014 (adults)
- Utilise discretionary powers - carefully consider these for adults without eligible care and support needs/children
- Establish referral pathway for victims who cannot be supported
- Assist supported victims to establish long-term pathway out of destitution

## Safeguarding adults

- Risk or experience of domestic abuse can trigger duty to undertake a safeguarding enquiry – section 42 Care Act 2014
- A person's immigration status does not prevent a local authority from undertaking enquiries or taking any necessary action to stop abuse or neglect
- If the person has no recourse to public funds, will need to address their housing/financial needs in safeguarding plan

## Accommodation for families

- Section 17 Children Act 1989 - duty to safeguard and promote the welfare of children who are in need
- A child will be in need if they are:
  - Homeless or the child's parent/carer cannot afford to meet their housing and/or basic living needs
  - Disabled
- Accommodation and financial support can be provided to the family to meet the child's needs – a refuge/specialist DA accommodation placement can be funded to accommodate family
- Section 17 Children Act should be used to support victims of domestic abuse with children – para. 207 Domestic Abuse Statutory Guidance

## Accommodation for adults with care needs (1)

- When victim with NRPF has an 'appearance of need' – Adult Social Care (ASC) must undertake needs assessment & meet needs under the Care Act 2014 in the usual way
- Duty to meet an adult's eligible needs arising from or related to a physical or mental impairment or illness - section 18
- If patient has accommodation-related care and support needs - local authority will usually need to provide accommodation
- Any type of accommodation can be provided under the Care Act so refuge/specialist DA accommodation can be funded to accommodate adult (providing any care they need can be delivered in such accommodation)

## Accommodation for adults with care and support needs (2)

- Duty to meet needs applies when adult is ordinarily resident or has no place of settled residence
- Local authority is not required to meet needs arising solely due to destitution - section 21
- Power to provide emergency accommodation/ meet needs pending an assessment - section 19(3)
- Power to meet care and support needs that do not meet eligibility criteria - section 19(1)



## Local authority support - exclusion

- When a person who is 'in breach of immigration laws' (without lawful status) qualifies for support under s17/Care Act, the local authority is required to withhold or withdraw support when the person can reasonably be expected to return to their country of origin - Schedule 3 Nationality, Immigration & Asylum Act 2002
- CSC/ASC must undertake a 'human rights assessment' to determine whether there is a legal or practical barrier preventing return
- When a barrier is identified (such as a pending immigration application/ health issues) support can be provided.
- Local authority cannot consider return before a victim has explored their immigration options with a legal adviser

## Other accommodation options

- S188 Housing Act 1996 – interim accommodation when a person may be eligible, homeless and in priority need
- Housing authority may be able to engage various powers to provide accommodation to people with NRPF who are at risk of rough sleeping and may have some (limited) accommodation provision for this group
- Home Office asylum support – for people seeking asylum, families and, in some cases, adults who are appeal rights exhausted
- National Referral Mechanism support – for potential victims of trafficking or modern slavery
- Support for Migrant Victims Scheme

## Health-related support

- Anyone who has experienced domestic abuse and requires treatment as a result is exempt from charging for secondary NHS hospital/community care – Reg 9(f)(iii) NHS (Overseas Visitors Charging) Regulations 2015
- The following services are not subject to any immigration-related requirements and can be provided free of charge to a person with NRPF:
  - Continuing healthcare to meet long-term complex health needs (can include accommodation) - provided by NHS
  - Section 117 mental health aftercare to meet a need arising from or related to the person's mental disorder - can include 'supported' accommodation (rather than long-term 'ordinary' accommodation) - jointly arranged and provided by NHS and local authority

## Best practice: general

- Identify victim's immigration status and entitlements as early as possible
- Social care/NHS – duty to refer to housing authority for homelessness assessment if homeless within 56 days
- Establish referral pathways between NRPF team/ ASC/ CSC/ housing/ homeless outreach teams/ relevant NHS services
- Contact local authority NRPF team (if exists) to get advice
- CSC and ASC to undertake timely needs assessments
- CSC and ASC - establish protocols setting out who has responsibility for case management & strategic oversight if no specialist NRPF worker/team

## Best practice: pathways off support

- Support is usually ongoing until immigration issues are resolved:
  - Families: 1.5 years (average time on s17 support)
  - Adults: 2.5 years (average time on Care Act support)
- Majority exit support due to grants of leave to remain: 77% families & 64% adults
- Help victim to access immigration and/or welfare rights advice (as required) as early as possible – consider commissioning services
- Children's/Adult Social Care can use NRPF Connect to obtain immigration information and work with Home Office to expedite immigration outcomes

# Guidance

- Domestic abuse statutory guidance:  
<https://www.gov.uk/government/publications/domestic-abuse-act-2021>
- NRPF Network/COMPAS support for migrant families web tool:  
<https://migrantfamilies.nrpfnetwork.org.uk/>
- NRPF Network practice guidance (adults with care needs, families and human rights assessment guidance and template)  
<https://www.nrpfnetwork.org.uk/information-and-resources/guidance-for-councils>

## Further information



- Rights and entitlements information
- Guidance for councils
- Training
- How to join/use NRPF Connect

Web: [www.nrpfnetwork.org.uk](http://www.nrpfnetwork.org.uk)

Contact: [nrpf@islington.gov.uk](mailto:nrpf@islington.gov.uk)