

Housing Select Committee			
Report Title	Independent review of the No Recourse to Public Funds Service		
Key Decision	No	Item No.	5
Ward	None		
Contributors	Executive Director for Customer Services		
Class	Part 1	Date:	30 October 2019

1. Purpose of paper

- 1.1 This paper sets out the context for and recommendations of a review of the NRPF service
- 1.2 Actions proposed as part of the council's response to the review are also set out in the paper and appended.
- 1.3 The purpose of this paper is to provide members with an update on the independent review of the NRPF programme

2. Recommendations

- 2.1 It is recommended that Housing Select Committee:
 - Note the findings of the review and the response to the recommendations set out in this report
 - Note the changes to the service and the action plan for further improvement

3. Policy Context

- 3.1 The contents of this report are consistent with the Council's policy framework. It supports the priorities set out in the Corporate Strategy 2018-2022:
 - Open Lewisham
 - Giving children and young people the best start in life
 - Building an inclusive local economy
 - Delivering and defending health, social care and support
 - Building safer communities

- 3.2 It will also help meet the Council's Public Sector Equality Duty

4. Background

- 4.1 No Recourse to Public Funds refers to a restriction imposed on foreign nationals subject to immigration control, and which means that they have no entitlement to welfare benefits, public housing or assistance under part 7 of the Housing Act 1996. Whilst such restrictions are a routine feature of most state's immigration laws the

implications for local authorities have become more significant in recent years as a result of further restrictions imposed by central government. These changes are sometimes summarised under the term 'hostile environment' and include the curtailment of assistance for Zambrano carers (primary carers of UK citizens previously permitted access to benefits and housing assistance) and greater restrictions on the ability to rent, open bank accounts and work for individuals with no immigration permissions.

- 4.2 Such households are still eligible for local authority assistance under s17 Children Act 1989 or The Care Act 2014 depending on their assessed needs. This is a complex area of business for local authorities and the costs are not recoverable from central government. In line with some other London Boroughs, there was increasing demand for the provision of accommodation and financial support from this client group, with a significant spike during 2013 at a time when austerity measures were placing local authority budgets under acute stress.
- 4.3 In 2012 spending on households with the NRPF restriction stood at £2.2m. By 2013 spending had more than doubled to £5.3m.
- 4.4 The average cost of subsistence and housing support for NRPF families in the borough is approximately 21k a year and some households were supported for eight years. Home Office delays in processing applications contributed to the amount spent on such households and given that eighty percent of households exiting from Local Authority do so after a grant of leave to remain with access to public funds these inefficiencies have had profound implications for inner city councils forced to cope with demands which are not subsidised by central government.
- 4.5 The aim of the NRPF service is to manage this demand appropriately and ensure that expenditure under s17 of the Children Act 1989 is managed appropriately and that the council fulfils its legal obligations under schedule 3 of the Nationality Immigration and Asylum Act 2002. Under this Act most forms of local authority assistance are prohibited save where such support is necessary to prevent a breach of Treaty or Convention Rights

5. No Recourse to Public Funds pilot

- 5.1 The service was set up in June 2014 as a pilot following an internal review when Children's Social care was supporting affected families at a cost of approximately 5m per annum. In 2011/12 Lewisham was supporting 23 families, which rose to 178 by November 2013 and 286 by June 2014.
- 5.2 Very few families would have met the threshold for social services intervention had their immigration status not denied them access to welfare benefits and housing assistance
- 5.3 The staffing structure consisted of a manager, six caseworkers, an embedded Home Office caseworker and a fraud prevention officer.
- 5.4 The NRPF pilot has consistently demonstrated the benefit of having a specialist team dealing with the NRPF cohort. Since the beginning of the pilot in June 2014 the number of active cases has reduce from 331 cases to 88 cases at the end of September 2019.
- 5.5 In June 2018 the NRPF service was mainstreamed into the Housing Division, and the staffing was reduced to five caseworkers in recognition of the reduced caseload.

Subsequent to the restructure of the team, the embedded Home Office caseworker also left the service.

6. Independent review of the service

6.1 Given the council's commitment to becoming a sanctuary borough, and its desire to be open and accountable to all members of the community it was felt that an Independent Review of the Service would be timely to consider the robustness of safeguarding practice and ensure that its legal and ethical obligations are met.

6.2 After a procurement exercise, the Centre for Public Innovation was commissioned to carry out this Review. Their expertise is already known to the local authority as they have already evaluated the Syrian Refugee Programme. They are a Community Interest Company seeking to improve public and charitable services with a particular emphasis on the most vulnerable.

6.3 This Independent Review aims to examine existing policies, procedures and practice to determine whether it is fit for purpose and compliant with statutory requirements, looking at practice over the last two years and considering in particular:

i) The ability of staff to carry out assessments and make informed decisions.

ii) To ensure that the review gives service users a voice and opportunity to share their experiences of the Service

iii) To consider the impact of the Home Office caseworker on the effectiveness of the Service.

iv) To ensure that the review takes account of the views of key stakeholders including third sector groups working with this cohort.

v) To make recommendations in relation to practice improvement, business processes, quality assurance, staffing, staff development, service development considering both present and future requirements.

6.4 The council has taken seriously its commitment to be transparent and identify areas for improvement. Full independent access was given to the review team and its conclusions are based on audits of case files, stakeholder interviews, and an anonymised survey of current and historic service users. The consultants were tasked to review service delivery over a two year period.

7. Review recommendations and response

7.1 The review findings were finalised on October 2019. A full copy of the report is provided as Appendix A. Below, the recommendations of the report are set out with a response to each recommendation in turn. It should be noted that an internal review was already in progress before the commissioning of CPI and steps to closer integrate the NRPF service with Children's social Care had already been agreed.

7.2 The review has involved a thorough review of current practice and has not found cases of illegal or indefensible decision making. Additionally the direction of travel taken by the local authority in this area has been endorsed as the correct one though the review's conclusions are clear that improvements in governance and Children's Social Care oversight are required as well as a clearer focus on partnership working. The council also accepts the Review's stress on improving the customer experience and its responses are set out in this report. In its consideration of these

recommendations no compromises will be made with its safeguarding obligations and its commitment to implementing the letter and spirit of the sanctuary borough.

- 7.3 Government policy in this area poses profound problems for local authorities, but Lewisham Council is determined to deliver a high quality service to families in need and to ensure that no needs are left unmet. In the last six months in particular the council has been concentrating on pragmatic solutions to the dilemmas posed by this area of work and as part of these efforts has piloted new ways of working.
- 7.4 Most notably it has commissioned specialist immigration advice through a third sector provider in order to regularise the status of families with insecure immigration status and enable access to public funds. This pilot has already been successful in improving the future of families and in facilitating access to public funds.
- 7.5 The council takes its commitment to implementing the letter and spirit of the Sanctuary Borough seriously and will continue to strive to improve the service and ensure no child suffers any adverse outcomes as a result of their parent's immigration status.
- 7.6 Whilst acknowledging more confidence building measures are necessary, senior managers draw some comfort from the acknowledgement that relationships with third sector providers are improving. A review of all aspects of operational delivery and documents was underway before the review was commissioned and the local authority is committed to full transparency in its dealings with external agencies. The responsibilities placed on local authorities by government policy are onerous but Lewisham Council is committed to providing high quality services in a manner which balances our legal commitments with an unwavering commitment to ensuring resources are targeted effectively and in accord with the best safeguarding practice.
- 7.7 For ease of reference the local authority's response to each of the recommendations is set out below. An action plan can be found at Appendix B.

Response to recommendations

- 7.8 *Explore use of other venues for walk-in sessions to see NRPF duty worker*
- It is acknowledged that the walk-in facilities are not ideal for families presenting in hardship and these problems are a characteristic of the difficulties faced by all council front line services including the housing department. Currently there are no practical alternatives which would negate the disadvantages currently faced and deliver compensating advantages in terms of transparent access. Where possible the NRPF always tries to secure meeting rooms for families and will always strive to ensure families are accorded maximum privacy and dignity during the assessment process.
- 7.9 *Improve the leaflets used by the team to include values, procedures and practices*
- The local authority is already in the process of reviewing all information leaflets, and procedures to ensure that service information is online and easily available to the public and advocates. These will include a handbook issued to all service users detailing rights and legitimate expectations and will include information on support groups. A website page on the nrpf service and how to access support will also be uploaded

- 7.10 *Managers to carry out exit interviews with clients (at end of assessment and/or involvement).*

This recommendation has been adopted with immediate effect. Given the important overlaps with modern slavery/human trafficking concerns an external provider with specific experience in this area will also be appointed to carry out randomized exit interviews. An annual report will be collated and monitored by the Head of Service as a key component of the Quality Assurance Plan

- 7.11 *Agree a series of meetings with third sector organizations to improve working relationships and review progress and improvement.*

The NRPF service manager has already been meeting with key third sector organisations in this field and these meetings will be reconvened to discuss ways to improve constructive partnership working.

- 7.12 *Case files should be held on the Children's System currently Liquidlogic; implementation to include timescales for historic cases to be uploaded.*

This recommendation has been adopted with immediate effect.

- 7.13 *Introduce reflective practice sessions for the whole team with challenge about language and attitudes.*

The local authority accepts the importance of constantly monitoring culture and attitudes both as part of our commitment to diversity and our Public Sector Equality Duty and also in order to offer a tailored service to vulnerable households. The NRPF team will be included in all CYP fora and session by external experts will also be commissioned.

- 7.14 *As part of the Liquidlogic implementation agree referral pathways (considering whether all referrals go through MASH) and decide whether the Child in Need plans will be used or develop an alternative plan template.*

The local authority's position remains that a one size fits all approach for households whose only presenting needs remain centred around financial/ housing concerns should not attract the same degree of oversight as families where safeguarding issues have been identified. An alternative support planning template will be developed to provide consistency and recording space for detailing interventions

- 7.15 *Amend the wording of the Continuum of Need document to better reflect a 'needs led' approach to homelessness.*

The Senior Leadership Team in Children's Social Care have agreed amend the Continuum of Need document and better reflect the impact of homelessness

- 7.16 *Develop clear practice standards about seeing the child as part of an assessment, sharing the assessment reports with families, frequency of visits to the child and review of the plan.*

The local authority is clear that the relevant practice standards are those laid out in LSCB and the relevant statutory standards. This is an area where social workers are expected to lead, and the social workers attached to the NRPF team are bound by the same practice standards. Compliance will be monitored through internal Children's services audit

- 7.17 *Ensure that NRPF workers are clear about step down to Early Help procedures and practice, develop links with the children's workforce and provide information to families about the Early Help offer.*

Step down procedures are usually considered in the context of a withdrawal of significant support and supervision by Children's Social Care following a CIN Plan. In the case of NRPF households where the presenting issues remain centred around housing and finance this is a less pressing consideration, but it is agreed that there needs to be greater awareness

- 7.18 *Assessments to be completed on the Single Assessment format and include a social worker's analysis and recommendations and the manager's comments and sign off.*

The assessment tool is to be amended to include Common Assessment Framework domains in order to ensure clearer recording and evidence of oversight

- 7.19 *Assessment training for whole team to ensure compliance with Children Act 1989 to include Signs of Safety model, impact of trauma, consideration of child's daily lived experiences, impact of parental behaviour and impact of diversity.*

The NRPF team is to be included in all ongoing training programmes for CYP staff including comprehensive signs of safety training and a multi-agency training day is also being organised with a particular focus on modern slavery. The training is to be delivered by the council's accredited VAWG provider

- 7.20 *Develop a Quality Assurance framework with clear reporting systems, data collection and scrutiny, case file audits and practice observations including some independent scrutiny.*

The local authority had adopted the Review's recommendation that the NRPF work strand is incorporated into Children's Service's Quality Assessment Framework and will be subject to independent audit

- 7.21 *Ensure Team Manager has sufficient support and development opportunities with strong links with Children's Services to ensure he is updated with relevant practice learning.*

As the NRPF work strand now sits within the Children's Services Quality Assurance Process this will happen automatically as part of the new arrangements. The current team manager will remain within the Housing Directorate, but professional development, practice and training requirements are now set by the Children's social Care.

8. Financial implications

- 8.1 This report recommends that the Housing select committee notes the findings and recommendations of the independent review of the NRPF service. As such, there are no direct financial implications arising from this report..

9. Legal implications

- 9.1 The legal framework for the service described is set out in the body of the report.

10. Equality implications

- 10.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

10.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed in the paragraph above.

10.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made, bearing in mind the issues of relevance and proportionality. The Council must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

10.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

10.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- [The essential guide to the public sector equality duty](#)
- [Meeting the equality duty in policy and decision-making](#)
- [Engagement and the equality duty: A guide for public authorities](#)
- [Objectives and the equality duty. A guide for public authorities](#)
- [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

- 10.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

- 10.8 The NRPF Programme delivers a key service under s17 of the Children's Act 1989 to a predominantly BAME client group

- 10.9 This report sets out the intentions to improve this programme, and make it more effective, consistent and equitable. As such this report has positive implications for equality.

11. Environmental implications

- 11.1 There are no specific environmental implications to this report.

12. Background documents and report author

- 12.1 If you require further information about this report please contact Lee Georgiou on 0208 314 7413.