



# **Supporting Vulnerable People 2017/18**

## **City of York Council**

### **Memorandum**

For: Assistant Director Adults and Social Care; Assistant Director Children's Specialist Services  
Status: Final Draft  
Date Issued: 23 March 2018

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## **1 Introduction and Scope**

- 1.1 An allocation of time was included in the 2017/18 audit plan to review the processes in place at the Council in relation to supporting those people with No Recourse to Public Funds (NRPF). These are individuals who require assistance from the Council but are not entitled to public funds. NRPF is a condition imposed on someone due to their immigration status.
- 1.2 Section 115 of the Immigration and Asylum Act 1999 states that a person will have 'no recourse to public funds' if they are 'subject to immigration control'. A person with NRPF is prohibited from accessing specified welfare benefits and public housing. These are set out in section 115 of the Immigration and Asylum Act 1999 and paragraph 6 of the Immigration Rules issued by the Home Office, although some exceptions for certain benefits apply.
- 1.3 However, there are provisions in the Children's Act 2006 and the Care Act 2014 which require local authorities to provide some people with NRPF with housing and/or financial support in order to prevent homelessness or destitution. Such assistance can be provided to:
- Families, where there is a child in need (for example, because the child is homeless or the parent cannot afford to meet the family's basic living needs)
  - Young people who were formerly looked after by a local authority, for example, because they were an Unaccompanied Asylum Seeking Child (UASC), or other separated migrant child
  - Adults requiring care and support due to a disability, illness or mental health condition

## **2 Findings**

- 2.1 In the process of planning the audit, it was clear that there are currently no formal procedures in place for dealing with potential cases of this nature. This does not preclude the Council from dealing with cases of this nature on an ad-hoc basis. However due to the potentially contentious nature of requests like these, it is recommended that formal provisions be developed.
- 2.2 During the planning of this engagement, contacts from the NRPF Network<sup>1</sup> and City of Bradford Metropolitan District Council were approached for best practice guidance. City of Bradford Metropolitan District Council has undertaken significant work in this area and chair the regional NRPF meetings in Yorkshire. A senior audit staff member from Bradford highlighted the legal complexity surrounding NRPF cases. His recommendation was to undertake a risk assessment and decide whether there is a case for developing a NRPF team or assigning a named NRPF specialist worker. An example risk assessment is attached at Appendix 1.
- 2.3 The attachment makes reference to use of a dedicated team for NRPF clients, although it is recommended that greater use be made of other Council services and systems for assessments, housing and payments to maintain system integrity and value for money.
- 2.4 There is no statutory guidance that sets out what local authorities are required to do for people with NRPF in their area. However, local authorities need to ensure all NRPF

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<sup>1</sup> The NRPF network operates under the auspices of the Association of Directors of Adult Social Services (ADASS) and the Association of Directors of Children's Services (ADCS) Asylum Taskforce.

cases that are assessed and supported are compliant with general statutory guidance related to applying the Care Act (for adults) and safeguarding children (for families).

- 2.5 The NRPF network recommended that in order to be Care Act compliant (in terms of providing advice and information to reduce needs) the Council would need to provide some signposting to people with NRPF around access to legal advice and migrant/refugee support services in the area in addition to information about reducing care needs. This does not necessarily have to be on the website, for example, it could be an information sheet that is given to adults following an assessment.
- 2.6 The NRPF Network is a highly useful resource for local authorities needing advice in this area. The online site provides practice guidance, with detailed information for practitioners working with families or adults. There is also a web tool for assessing families with NRPF to help navigate the law and guidance. NRPF Connect, set up by the NRPF Network, is a database that the Council could utilise to monitor its NRPF case load and obtain immigration status from the Home Office. Our contact in the NRPF Network also highlighted the regional NRPF meetings held quarterly in Bradford and invited City of York Council to attend.

### **3 Conclusions and recommendations**

- 3.1 In order to address the issues raised, a working group has been developed to consider the risks associated with this type of care provision and agree formal procedures for dealing with NRPF cases. An agreed action has been included at Appendix 2.

## Appendix 1 - Example NRPF Risk and Control Assessment

### Risks & Controls

Risk	Controls
Non compliance - assistance provided does not conform to corporate expectations, results in legal challenge and / or is ultra vires.	<ul style="list-style-type: none"> <li>• Approved policy &amp; procedures are in place.</li> <li>• Procedures are informed by current and up to date knowledge of legislation and case law - the service subscribes to the NRPF network.</li> <li>• Clients with NRPF's are handled by a dedicated officer or team with specialist knowledge and understanding of the relevant regulatory framework.</li> <li>• Clients are registered on the Connect database.</li> <li>• Record keeping standards – Conformance with the SLA for NRPF Connect.</li> <li>• The relevant legal provisions supporting Council assistance are identified for each client.</li> </ul>
Unfavourable publicity.	<ul style="list-style-type: none"> <li>• Approved subsistence rates.</li> <li>• Assistance is kept in line with or below levels available to UK residents (i.e. assistance provided via the designated welfare benefits or housing assistance constituting “public funds”).</li> </ul>
Exceeding budgeted provision. Lack of control over costs.	<ul style="list-style-type: none"> <li>• Realistic budget in place.</li> <li>• Budget monitoring.</li> <li>• Exception reporting – e.g. review periods exceeded.</li> </ul>
Poor VFM.	<ul style="list-style-type: none"> <li>• Framework agreement with social housing &amp; accommodation providers.</li> <li>• Assistance is supported by an assessment of eligibility for care &amp; support and approved by a separate authorised officer.</li> <li>• Person carrying out an assessment under the Care Act has the skills knowledge and competence to carry out the assessment and is appropriately trained. (Section 5 of the Care and Support (Assessment) Regulations 2014).</li> <li>• Review periods are set and evidenced.</li> <li>• Actions to minimise costs such as transport to an embassy to assist departure from the UK are demonstrably considered on a timely basis.</li> <li>• Assistance is means tested.</li> <li>• Costs and overpayments due to incomplete or inaccurate disclosures are recovered where possible.</li> </ul>
Fraud & Irregularity.	<ul style="list-style-type: none"> <li>• Official payment systems are used - subsistence paid via pre-payment card system.</li> <li>• Separation of duties in the payment process.</li> <li>• All payments are approved by an authorised officer within any limits set.</li> </ul>

	<ul style="list-style-type: none"><li>• Data matching via the NRPF Connect database – prevention of duplicate payments across different LA's.</li><li>• Payments are supported by an entry on the NRPF Connect database – authentication of client.</li></ul>
DPA Breach	<ul style="list-style-type: none"><li>• Clients and their families sign a declaration accepting the sharing of their data with other Council departments, external agencies and the Home Office.</li><li>• Data is kept secure – logical security of the database &amp; secure data transmission.</li><li>• Data sharing agreements.</li></ul>

## APPENDIX 2 – ACTIONS AGREED TO ADDRESS CONTROL WEAKNESSES

Action Number	Issue	Risk	Agreed Action	Priority*	Responsible Officer	Timescale
1	There are no formal procedures in place for dealing with potential NRPF cases.	Financial and reputational risk as a result of non-compliance with statutory requirements for NRPF cases.	A working group has been established with representatives from Adults, Children's and Housing. This group will oversee the formulation of formal procedures to deal with NRPF cases as well as agree an action plan to roll out training to relevant staff and ensure the procedures are fully embedded.	3	Principal Social Worker – Adults	30 June 2018

Priorities for Actions	
Priority 1	A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management.
Priority 2	A significant system weakness, whose impact or frequency presents risks to the system objectives, which needs to be addressed by management.
Priority 3	The system objectives are not exposed to significant risk, but the issue merits attention by management.