



Children and Families with No Recourse to Public Funds Guidance and Subsistence Policy

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1. Introduction

This policy and guidance is intended to be used by social workers and other local authority staff who are responsible for assessing need and providing support to families with no recourse to public funds who are homeless, at risk of homelessness, or have insufficient funds to meet their child's basic needs.

There is no statutory guidance relating to the delivery of support to families with no recourse to public funds and statutory guidance for social workers does not specifically mention children in no recourse to public funds households.

Families with no recourse to public funds can experience significant hardship as a result of being excluded from accessing benefits and local authority housing – services that are usually available to alleviate destitution and homelessness or to top-up a low income.

However, local authorities can play a key role in reducing child poverty, alleviating homelessness, and promoting integration by providing accommodation and financial support under section 17 of the Children Act 1989 ('section 17 support') to families with no recourse to public funds in order to safeguard and promote the welfare of a child in need.

The [Domestic Abuse Statutory Guidance](#) (Home Office, April 2023), also directs local authorities in England to use their power under section 17 to support victims of domestic abuse with no recourse to public funds who have children:

If a victim of domestic abuse has children, local authorities have a duty to provide financial support and/or accommodation under section 17 of the Children Act 1989 to safeguard the welfare of those in need, regardless of their immigration status or that of their parents.

In 2022, the Independent Review of Children's Social Care, in its [Final Report \(pdf\)](#) acknowledged that restricting access to benefits and housing assistance was a contextual factor driving families towards social care and has 'a significant impact on the effort and resources needed to uphold children's rights and keep children within a loving, safe and stable family network'.

2. Policy compliance

This Policy must:

- Be compliant with The Children Act 1989, statutory guidance, and findings made by the courts relating to the provision of financial support under section 17.
- Be consistent with the local authority's corporate priorities and values:
 - ❖ Safe and welcoming neighbourhoods

- ❖ A healthier and fairer Hull
- ❖ Reaching our potential
- ❖ Economic growth that works for all
- ❖ Responding to the climate and nature emergency
- ❖ Our culture, our heritage, our city (For more detail:
[Document.ashx](#))

- Specify how the amount payable to a particular family will be established
- Specify how regularly a family's needs will be reviewed and when the overall policy will be reviewed
- Specify how support will be administered to families
- Be made available to families receiving Section 17 support
- Include information about how a family can request additional support and who they can contact if they are unhappy about the amount of support they are receiving
- Sets minimum support rates, the policy will need to specify under what circumstances the minimum rates can be varied to meet a child's needs and to consider any other regular income sources that the parent may have, such as child benefit
- State how the minimum rates have been reached
- State how any gaps in general provision for low-income families are covered, such as grants for school uniforms
- State when and how rates will be varied as any amounts that the policy benchmarks against or refers to change

3. What is NRPF?

No Recourse to Public Funds (NRPF) is an immigration condition restricting access to public funds, including many mainstream benefits such as welfare and housing.

Despite the NRPF condition, families and individuals may have a right to financial support (accommodation and subsistence) from social services to avoid destitution or because of complex health needs.

In these cases, the local authority has a duty to support the accommodation and subsistence costs of residents with NRPF. These cases are often complex to identify, assess and resolve and unpredictable in terms of how much they cost and how long they last.

Hull City Council receives no funding to support this work so social workers in Hull must liaise with the Home Office to make sure that immigration queries are resolved without delay and ensure that families have access to immigration advice.

Detailed advice and guidance on NRPF are available from the No Recourse to Public Funds Network

[NRPF Network | Assessing and supporting children and families who have no recourse to public funds](#)

4. Legal Basis for Providing Support

Eligibility for support can be complex, and this is based on legislation and case law and the following eligibility criteria are based on the current position.

5. Territorial Responsibility:

Section 17(1)(a) of the Children Act 1989 specifies that:

‘It shall be the general duty of every local authority... to safeguard and promote the welfare of children within their area who are in need.’

The courts have considered how to interpret the phrase ‘within their area’ in cases involving families who have been found to be intentionally homeless under homelessness legislation and have subsequently needed to be referred to social services for support under section 17 when housing duties have come to an end.

The leading judgment that considers the meaning of ‘within their area’ is *R (Stewart) v LB Wandsworth & Ors* (2001). The Court found that the duty to assess under section 17(1)(a) of the Children Act 1989 is triggered by the physical presence of a child in need in the local authority’s 2 area; however, if appropriate, checks with a former local authority will need to be made to establish any role in the family moving to Hull.

6. Threshold to Undertake an Assessment

Hull Safeguarding Children’s Partnership is required to publish guidance and list factors that will require a child in need assessment to be carried out.

A child will be a ‘child in need’ if they are homeless, at risk of homelessness, or the cost of their basic needs cannot be met by their parents due to immigration restrictions that prevent the family from accessing benefits or local authority homelessness assistance. In such cases, under section 17, children’s social care can provide the family with accommodation and financial support (subsistence), in addition to any other services that are necessary to meet the child’s needs.

The following are examples of factors which are likely to apply to a child in an NRPF household:

- The child regularly does not have adequate food, warmth, shelter or essential clothing
- When a parent’s limited financial resources or having no recourse to public funds increases the vulnerability of the children to criminal activity e.g. illegal working
- When a parent is unable to provide for material needs, which negatively impacts on the child

The threshold for assessing a child in an NRPF household is therefore low.

A decision to meet a child's needs under Section 17 must also be compatible with the family's human rights. A human rights breach is likely to arise when the failure to provide support would leave a family homeless or unable to meet their essential living needs (Article 3), or results in family members being separated (Article 8). Therefore, it will be unlawful to refuse to provide accommodation and financial support where a family would otherwise be homeless, or to offer to support a child on their own, rather than with their parent or care giver, in the absence of any additional safeguarding concerns relating to the parent or care giver.

A Child and Family Assessment must be undertaken to understand individual need. The Subsistence provided should be reviewed with the allocated social worker every 4 weeks by the responsible Head of Service to ensure there is no drift and delay until the immigration status is resolved to ensure that a child's needs are not left wanting.

Hull City Council is not limited with regards to the type of support that can be provided to meet a child's needs under Section 17. Additional support will also be provided to meet need via advice, guidance and referrals to other agencies for example.

7. Destitution:

A person is destitute if:

- He does not have adequate accommodation or any means of obtaining it

Or:

- He has adequate accommodation or the means of obtaining it but cannot meet his other essential living needs. S95(3) Immigration & Asylum Act 1999

8. Emergency Support

Under section 17, Hull City Council has the power to provide emergency housing and/or financial support to a family when a child's welfare is at risk whilst assessments or enquiries are being carried out. The statutory guidance states:

'Whatever the timescale for assessment, where particular needs are identified at any stage of the assessment, social workers should not wait until the assessment reaches a conclusion before commissioning services to support the child and their family. In some cases, the needs of the child will mean that a quick assessment will be required.'

9. Subsistence Allowance

Hull City Council will provide a weekly subsistence payment to individuals and families who have no recourse to public funds and are eligible for social care support. The subsistence rates are cross checked with the current up to date rates for asylum seekers set by the Home Office to meet essential living needs.

There will be situations where families will need to be paid significantly more than the level of asylum support and so the policy allows for flexibility to ensure children's needs are met.

Subsistence is intended to be short term emergency support whilst a person's immigration status is resolved. For current subsistence allowances please check here: [Asylum support: What you'll get - GOV.UK](#)

Current rates as of March 2025:

- somewhere to live (this will be paid direct to the landlord/hotelier where possible)
- £49.18 per person for food, clothing and toiletries

Extra money for mothers and young children

The amount provide will depend on the situation.

| Situation | Extra payment per week |
|-----------------------|-------------------------------|
| Pregnant mother | £5.25 |
| Baby under 1 year old | £9.50 |
| Child aged 1 to 3 | £5.25 |

A one-off maternity payment of £300 will also be made to a pregnant woman whose baby is due in 11 weeks or less, or if their baby is under 6 months old.

Additional payments based on assessed need will likely be needed to cover other costs such as utility bills, council tax, travel costs and school uniforms for example ([R \(BCD\) v Birmingham Children's Trust \[2023\] EWHC 137 \(Admin\)](#) - it will be unlawful to provide anything less). These will be established in the assessment and during review processes. All available options such as grant funding should be considered, otherwise this will default to Section 17 monies or assistance in kind.

Payments will be paid direct to landlord/council tax/utility companies wherever possible but where payments cannot be paid direct then these costs must be met in addition to the standard subsistence rate.

There are different ways in which the costs of utilities could be met and may depend on whether the accommodation has a pre-payment meter:

- Payments, which may be capped, are made on presentation of a monthly or quarterly bill

- A regular allowance is added to the minimum subsistence rate, which the family is expected to use to meet utility costs

Rates or caps for utility payments can be established from researching average rates paid by providers and using [Ofgem's information about average energy consumption by household type](#). These rates may need to be regularly reviewed if there are rapid changes to energy costs. It may also be necessary to use some discretion for families that might have a higher-than-average use of energy, such as due to a child's health needs.

People with no recourse to public funds are liable for council tax and any discounts should be applied to them in the usual way. For example, a family with one adult in the household will qualify for a 25% reduction and will need to be advised to apply for this. For more information about council tax, see the [NRPF Network website](#).

Where costs, such as utilities, are covered separately, it may be necessary to consider how to avoid a situation where families receiving Section 17 support are financially better off than they would be when they transition to benefits after obtaining leave to remain.

Hull City Council will consider when establishing how much support to provide to a family, whether the parent has leave to remain and families or where the parent is without lawful status.

10 Support for families with leave to remain

Where a parent has leave to remain in the UK, Section 17 is engaged 'in full' to a 'welfare standard' and the extent of the support provided will depend on an assessment of the child's welfare needs.

When supporting a family to a 'welfare standard', this is likely to require a significantly higher level of support than the amount provided by the Home Office. Support provided under section 17 is intended to meet a child's welfare needs and can be more than meeting the family's essential living needs (which asylum support is limited to covering). For example, asylum support does not cover toys, books, or recreational expenses (such as out of school activities).

11. Support for families without lawful status

When a parent is without lawful status (and is therefore subject to schedule 3 of the Nationality, Immigration and Asylum Act 2002)), Hull City Council is only required to provide financial support under section 17 of the Children Act to the extent necessary to avoid a human rights breach, which in practice will involve providing an amount that covers the family's essential living needs as an absolute minimum.

However, an individual child's assessed needs must be met adequately in all cases.

12. Additional support for families

It may be necessary to consider providing one-off payments under Section 17 as part of the support package for times when it is known that a family's expenses are likely to increase, such as an annual winter clothing allowance. Families with no recourse to public funds that are receiving Section 17 support will usually be able to access the following services:

- 15 hours/week childcare for disadvantaged 2-year-old children
- 15 hours/week childcare for 3 and 4-year-old children
- Free school meals
- Healthy start scheme (if their child is British)
- Free prescriptions, dental treatment and optical services
- School uniform grants (if their local authority provides this)
- Discounted or free travel for people with disabilities, elderly people and children (depending on what schemes are available locally)

13. Administration of payments

Subsistence payments will be paid by one or more of the following;

- Making payments by BACS into a bank account (if the parent has one)
- Loading payments onto a pre-paid card, which can be used to withdraw money from a cash machine and as a payment card in shops
- Cash payments
- Food vouchers and supermarket cards

14. Withdrawing support

Accommodation and financial support provided under Section 17 of the Children Act 1989 will need to continue until there is a change of circumstances that means that parent is able to obtain suitable accommodation and can afford to meet the child's basic needs. In some instances, a reassessment of needs may have identified that alternative sources of support are available to the family. However, for most families, Section 17 support is usually withdrawn when the family are in receipt of benefits and local authority homelessness assistance following a grant of leave to remain with access to public funds. For families that claim asylum, Section 17 support will need to be withdrawn when Home Office asylum support is in place.

In some instances, Hull City Council will also be required to withdraw Section 17 support when a parent has no lawful status and the social worker has concluded, in an assessment that considers Human Rights, that there are no legal or practical barriers preventing the family from returning to their country of origin to avoid destitution in the UK.

When it becomes clear that Hull City Council will no longer have a duty to provide a family with accommodation and financial support under section 17, a reasonable

notice period (which may need to be extended) must be provided. Depending on the family's circumstances, it will also be necessary to undertake one, or a combination, of the following actions:

- Make a referral to a housing authority to comply with the duty to refer
- Assist the parent to make a claim for benefits and obtain a National Insurance number (if required)
- Assist the parent to open a bank account
- Help a family to apply for Home Office asylum support
- Assist the family to return to their country of origin
- Take steps to help a family access alternative support when the child is approaching 18
- Provide a family with signposting information to help avoid future re-presentations for section 17 support.

15. Information for Families

This policy will be made available to families if they request it.

Families can request additional support by speaking to their social worker if they are unhappy with the support provided or need additional help in the first instance and if they remain unhappy, they can contact the Children's and Young Peoples complaint service: [Children's and families feedback | Hull](#)

Telephone – 01482 300300

By email – CYPs.Compliants@hullcc.gov.uk

In writing – The Children's Complaint Team

79 Lowgate

Hull

HU1 1HP