

Enquiry Number – FS53573542

Request and Response:

Q1: Do you have any guidance or policy documents, or other such written material in respect of undertaking assessments and providing support pursuant to section 17 of the Children Act 1989 to families with no recourse to public funds (NRPF) (including documents specific to this issue, or of more general application but covering this issue)?

A1: Yes

Q2: If yes, please provide a copy.

A2: The documents are available on Tri.x:

http://www.proceduresonline.com/sandwell/cs/files/nrpf_chil_fam_proto.pdf
(currently under review [May 2017])

http://www.proceduresonline.com/sandwell/cs/user_controlled_lcms_area/uploaded_files/TX264%20Practice-Guidance-Families.pdf

http://www.proceduresonline.com/sandwell/cs/user_controlled_lcms_area/uploaded_files/Support%20for%20Children%20and%20Families%20in%20Sandwell%20who%20have%20No%20Recourse%20to%20Public%20Funds.pdf

http://www.proceduresonline.com/sandwell/cs/user_controlled_lcms_area/uploaded_files/Sandwell%20Children%20and%20Families%20NRPF%20Payment%20Policy..pdf

Q3: Do you have any guidance or policy documents or other written material in relation to “Zambrano” carers (including documents specific to this issue, or of more general application but covering this issue)?

A3: We use NRPF Network Guidance and use the Zambrano document available on www.nrpfnetwork.org.uk - <http://www.nrpfnetwork.org.uk/guidance/Pages/default.aspx#zambrano>

Q4: If yes, please provide a copy.

A4: See A3 above.

- Q5: Please provide a copy of the local protocol for child in need assessments – see the Working Together to Safeguard and Promote Children statutory guidance at paragraph 25 for the requirement to publish such protocol
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf
- A5: Paragraph 25 relates to information sharing not the local protocol for children in need assessments.
- Q6: Please provide a copy of your threshold document (see paragraph 18 Chapter 1 of the statutory guidance for the requirements to publish this document).
- A6: http://www.proceduresonline.com/sandwell/cs/files/multi_age_thres.pdf
- Q7: If there is an organisational chart or equivalent document for the NRPF team, please provide a copy (NB: no objection to the redaction of names).
- A7: N/A
- Q8: Please provide any information sharing protocols or such documents that cover requesting and sharing information with credit reference agencies.
- A8: We do not request information from credit sharing agencies in respect of NRPF families.
- Q9: If a form is used to request information from credit reference agencies, please provide a copy. If there is no form, please explain how these requests are made?
- A9: N/A
- Q10: Please provide a copy of the consent form families are asked to sign when being assessed for support under section 17 of the Children Act 1989.
- A10: It is the first page of the HRA, see A2.

Training

- Q11: Do you provide training to staff members on the provision of support to people with no recourse to public funds?
- A11: Yes
- Q12: If yes, please provide details of how frequently such training sessions are run, which departments or teams attend and provide a copy of any training material provided during these courses.

A12: HRA and Protocol from question 2 [A2] are base of training as well as NRPF Network training (staff member has been member of NRPF steering group since its inception 10 years ago).

Q13: Have your staff members received training on Paragraph 10A schedule 3 of the Nationality Immigration and Asylum Act 2002?

A13: No

Requests for assessments and/or support

Q14: Do you have a specific team that assists with requests for access to support from families with no recourse to public funds?

A14: Embedded within Single Assessment Team and Care Management.

Q15: What is the professional background of the staff who carry out child in need assessments for families with no recourse to public funds?

A15: HCPC registered social workers.

Q16: Do you record all requests for s.17 support (whether made by phone or in person) even if no assessment is carried out?

A16: Yes

Q17: If yes, how many requests for an assessment were made by families with no recourse to public funds in the period between November 2016 and April 2017?

A17: The information you request would require a trawl of all of our records of cases/ contacts involving children to be carried out. The individual cases/contacts would then need to be checked individually for the specific details requested. It is estimated that this would take an average of 12 minutes per file to allocate, interrogate and analyse the required details. There are approximately 1800 current files and approximately 17,500 contacts over a year with approximately 8746 over the time period requested. Therefore, to provide you with the information you requested would take significantly over 18 hours.

Q18: How many assessments in respect of families with no recourse to public funds requesting accommodation and/or subsistence support were carried out in the period between November 2016 and April 2017?

A18: The information you request would require a trawl of all of our records of cases/ contacts involving children to be carried out. The individual cases/contacts would then need to be checked individually for the specific details requested. It is estimated that this would take an average of 12 minutes per file to allocate, interrogate and analyse the required details. There are approximately 1800 current files and approximately 17,500 contacts over a year with approximately 8746 over the time period requested. Therefore, to provide you with the information you requested would take significantly over 18 hours.

Q19: How many families were offered accommodation and/or financial support following such an assessment?

A19: The local authority (LA) is currently supporting 61 children whose parents have NRPF. The information you request would require a trawl of all of our records of cases/contacts involving children to be carried out. The individual cases/contacts would then need to be checked individually for the specific details requested. It is estimated that this would take an average of 12 minutes per file to allocate, interrogate and analyse the required details. There are approximately 1800 current files and approximately 17,500 contacts over a year with approximately 8746 over the time period requested. Therefore, to provide you with the information you requested would take significantly over 18 hours.

Q20: In how many cases in which support was provided was the person a "Zambrano carer"?

A20: The information you request would require a trawl of all of our records of cases/ contacts involving children to be carried out. The individual cases/contacts would then need to be checked individually for the specific details requested. It is estimated that this would take an average of 12 minutes per file to allocate, interrogate and analyse the required details. There are approximately 1800 current files and approximately 17,500 contacts over a year with approximately 8746 over the time period requested. Therefore, to provide you with the information you requested would take significantly over 18 hours.

Q21: In how many cases in which support was provided did the person have limited leave to remain with NRPF?

A21: The information you request would require a trawl of all of our records of cases/ contacts involving children to be carried out. The individual cases/contacts would then need to be checked individually for the specific details requested. It is estimated that this would take an average of 12 minutes per file to allocate, interrogate and analyse the required details. There are approximately 1800 current files and approximately 17,500 contacts over a year with approximately 8746 over the time period requested. Therefore, to provide you with the information you requested would take significantly over 18 hours.

Judicial review

Q22: How many judicial review (JR) pre-action protocol letters were received in respect of a refusal to assess and/or provide support pursuant to your duties under s.17 between November 2016 and April 2017?

A22: Five JR matters since November 2016 within the social care team which relate to Children's Services.

Q23: How many judicial review proceedings were issued against you received in respect of a refusal to assess and/or provide support pursuant to your duties under s.17 between November 2016 and April 2017?

A23: Five JR matters since November 2016 within the social care team which relate to Children's Services.

Q24: In how many cases, where judicial review was threatened, was support provided (either pre or post issue of proceedings)?

A24: Support already in place and has continued.

Q25: What were your costs (a) to your own legal department, and (b) in party/party costs? Please provide a breakdown of pre and post-judgment costs.

A25: They are all ongoing files therefore costs cannot be provided at this time.

Financial subsistence

Q26: Do you pay a set rate of financial subsistence to families with no recourse to public funds?

A26: There is a primary rate, but increased if needs assessment identifies additional needs.

Q27: If yes, what is paid?

A27: According to S95 rates from 2014.

Q28: How has that figure been reached? For example, is it by reference to child benefit rates, asylum support (section 4 or section 95 rates)?

A28: Following <http://www.nrpfnetwork.org.uk/guidance/Pages/default.aspx#subsistence> and s95 support rates.

Q29: When was this level set?

A29: November 2014.

Q30: Who took this decision?

A30: Director for Children Services.

Q31: Please provide copies of any reports, minutes, decision documents detailing the setting of this rate.

A31: Final document is available on the internet and attached in A2.

Q32: If you do not pay a set rate of financial subsistence to families with no recourse to public funds, do you have any guidelines relating to rates of financial support?

A32: N/A

Q33: If yes, please provide a copy.

A33: N/A

Accommodation

Q34: Please provide a copy of any policy or internal guidance or other written material relating to the allocation of accommodation to families with NRPF pursuant to s.17 (this includes any policies/guidance/written material relevant to the location of properties provided.)

A34: See protocol in A2.

Q35: How do you guarantee the quality and suitability of the private landlords and accommodation providers you have contract with in housing NRPF families under s.17?

A35: Embedded Housing Officer and compliance with housing services inspections/licences.

Paragraph 10A Schedule 3 of Nationality Immigration and Asylum Act 2002

Q36: Do you have any guidance or policy documents or other written material in relation to Paragraph 10A schedule 3 of the Nationality Immigration and Asylum Act 2002?

A36: NRPF network and ADCS briefing re changes in support Immigration Bill 2015-16: local authority support for families (England) document on NRPFnetwork@org.uk

Q37: If yes, please provide a copy.

A37: See above [A36].

Q38: Do you expect to see an increase in requests for support when Paragraph 10A comes into force?

A38: Potentially.

Q39: If yes, how do you plan to fund the probable increase in requests for support when Paragraph 10A comes into force?

A39: Assessments will be carried out as required. We will follow the statutory Guidance promised by Home Office (but not yet issued).

Q40: How will you manage the increase in requests for support in terms of sourcing accommodation and staffing?

A40: We do not necessarily anticipate an increase in support required, particularly if the Home office follow protocol and inform LA of decisions and make arrangements for families to return.

Q41: Which team in your council will carry out assessments under Paragraph 10A?

A41: We will assess if there are any required changes once Paragraph 10A is introduced. Currently, there is no clear guidance from Home Office regarding the implementation plan.

If you wish to receive further information in regards to this request or wish to submit a Freedom of Information Request please forward your request to info_management@sandwell.gov.uk or Information Management Unit, Sandwell Council House, Freeth Street, Oldbury, West Midlands B69 3DE.