

## Written evidence to Birmingham City Council Enquiry Children and Families with No Recourse to Public Funds

### Introduction

The Children's Society is a leading national charity, driven by the belief that every child deserves a good childhood. We provide vital help to the most vulnerable children, young people and families in our society through a range of services. We work with around 48,000 children each year, supporting them and advocating on their behalf to tackle discrimination and disadvantage in their daily lives. Our services include supporting children at risk on the streets, helping young refugees, advocating for the needs of young carers and supporting children and families to access services. Through our policy and research, we seek to influence public policy and practice as well as changing attitudes and perceptions of young people at all levels to enable all children and young people to have a better chance in life.

Across England:

- We run 59 projects delivering 173 services including children's centres, advocacy services and specialist support services for refugee and migrant children;
- We work in partnership with 40 local authorities;
- We work with approximately 1,500 refugee and migrant children and young people each year.

### Destitute Migrant Children

Although The Children's Society has worked with destitute<sup>1</sup> children and families since we were founded in 1881, the increasing exclusion of asylum seeking and other migrant families from both mainstream welfare provision and paid employment since the Immigration and Asylum Act 1999 has led to the re-emergence of levels of child poverty that had previously been eradicated. In 2007 after becoming increasingly concerned about reports of destitute asylum seeking children across England,<sup>2</sup> and evidence from our work with young refugees since 1997, we commissioned a small-scale qualitative research study to explore the extent and reasons for destitution

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<sup>1</sup> The Children's Society defines destitution as the lack of regular access to essential resources such as food, clothing, toiletries, medicine and a place to live. However we believe that all children, regardless of their nationality or immigration status, should be able to have

<sup>2</sup> For example: Penrose, J. (2002) "Poverty and Asylum" Oxfam/Refugee Council, Kelley; N & L. Meldgaard (2005) "The end of the road: The impact on families of the Asylum and Immigration (Treatment of Claimants) Act 2004" Barnado's

[www.barnados.org.uk/end\\_of\\_the\\_road\\_asylum\\_report.pdf](http://www.barnados.org.uk/end_of_the_road_asylum_report.pdf) and Giner, C (2006) "RSC Working Paper no. 34: Asylum and Childhood in the UK: A Highly Political Relationship" University of Oxford [www.rsc.ox.ac.uk/publications/working-papers-folder\\_contents/RSCworkingpaper34.pdf](http://www.rsc.ox.ac.uk/publications/working-papers-folder_contents/RSCworkingpaper34.pdf)

amongst children and families with no recourse to public funds (NRPF) in Birmingham. This report - "*Living on the Edge of Despair*"<sup>3</sup> - was published in 2008 and was presented to the NRPF steering group in Birmingham, and at a conference we arranged with our voluntary sector and local authority partners in Birmingham. The report highlighted that:

*"Children and their families were living in constant fear, both of return, and because they were living in unsafe places and were vulnerable to sexual exploitation. Pregnant women we interviewed did not have enough to eat, and one was homeless during her pregnancy. Families struggled to access healthcare and some were not entitled to it. We came across one case where a destitute mother was given a £3000 bill for maternity care. Children were frequently hungry. Some children were only able to eat once a day and sometimes their parents did not eat for several days on end. Children did not have the space, resources or opportunities to play and develop. Some children did not have access to healthcare and education, and were not able to learn English or to read or write in any language"*

Following publication of the report, The Children's Society commissioned a one year pilot project in Birmingham to explore how to work with destitute migrant children. Over the first year of the project, we worked with 57 destitute families in Birmingham, including 86 children and 6 pregnant women.<sup>4</sup> The project has now expanded beyond Birmingham - to Coventry and the Black Country. The Children's Society has also commissioned a sister project in London.

Since the opening of the project in 2008 (between October 2008 until August 2013) The Children's Society has worked with over 600 destitute children and parents in the West Midlands, particularly single and pregnant mothers. Some have come to the UK seeking asylum, but increasingly we are working with other migrants who have become destitute - particularly African Caribbean families.

### **Case Study: Claire<sup>5</sup> – a lone mother from Jamaica with two young children**

Claire was referred to The Children's Society because she was homeless and destitute, and was pregnant at the time. She is a Jamaican national who was sent to the UK as a child when she was 12 years old to stay with her older sister following the death of her father. She came to the UK on a visa. But she was kicked out of home at 14 and began selling sex in order to survive. She was abused by older men but stayed with them because she had no place to go. She then became pregnant. When she came to The Children's Society she did not know her immigration status. With support from a

<sup>3</sup> Nandy, L. & N. Clarke (2008) 'Living on the edge of despair - destitution amongst asylum seeking and refugee children' The Children's Society

[http://www.childrenssociety.org.uk/sites/default/files/tcs/research\\_docs/Living\\_on\\_the\\_edge\\_of\\_despair\\_destitution\\_amongst\\_asylum\\_seeking\\_and\\_refugee\\_children.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/Living_on_the_edge_of_despair_destitution_amongst_asylum_seeking_and_refugee_children.pdf)

<sup>4</sup>McCarthy, C (2009) "Internal Review of the Destitution Pilot 6th October 08 – 5th October 09"

Children's Society

<sup>5</sup> Not her real name

partner organisation she received immigration advice to put in an application for leave to remain in the UK. She also received legal aid to challenge the decision of the Home Office and social services not to provide accommodation to her. As a result of receiving free legal advice, the Home Office agreed to support her while they considered her case, and she has now been granted leave to remain. She said: *"I wish I could've stayed in Jamaica. Maybe I would've survived. But I'm so much older now. I can't go back. How would I survive with my children?"*

We believe that no child should be forced to live in destitution or poverty. The UK government is committed to the UN Convention on the Rights of the Child (UNCRC), which states under Article 27 that every child has a right to a standard of living adequate for their physical, mental, spiritual, moral and social development. The parents or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. However, States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. The rights under the UNCRC apply to all children regardless of their nationality or status, or their parents' status.

**Q. How many families with no recourse to public funds are currently being supported by the City Council and what is the cost involved?**

Since 2008 The Children's Society in Birmingham has made 110 child in need referrals (under Section 17 of the Children Act 1989) to Birmingham children's services on the basis that a family was destitute and the child's welfare needs were not being met. Only 8% of these families were supported by children's services following the referral, while 86% were eventually supported, usually following an intervention from a solicitor. The average time between the referral and the family gaining support was 14 days, with the longest time being 43 days.

**Other forms of support**

Given the difficulties that families have in accessing support from local authorities, most destitute families that we work with – 83% - will be supported by other means even though they will generally not have access to regular income to meet their child's welfare needs or a safe place to live. A small minority of these have been supported by adult NRPF services, or through the housing department; some have received Home Office asylum support (either Section 95 or Section 4 Immigration and Asylum Act 1999), and others have received 'leave to remain' while we were working with them to help them resolve their immigration issues. However, the majority of destitute families survived by relying on community support from friends, acquaintances and family, church and other faith groups and voluntary organisations. In our view this kind of limited ad hoc support does not meet the welfare needs of children and means they are growing up living in precarious and sometimes extremely risky circumstances or may incur significant debt just to get by. Relying on this kind of support has significant negative consequences for children's health, safety and well-

being. For example, the children we see suffer from poor health and malnutrition and they may be exposed to domestic violence. Research by Oxfam highlights that in order to cope with destitution, in some cases adults may be forced into criminality or transactional or commercial sex work in order to survive<sup>6</sup>. As highlighted by the case study of Claire above, we know that in some cases the young women we have worked with have been sexually exploited as a consequence of being destitute.

### **Child protection concerns**

In some cases we find that while families may be able to stay with friends or relatives for a short time, eventually we have to put in a child in need referral if they are evicted from their accommodation due to rent arrears or experience a breakdown in relationships with those who they are staying with. It means that children are living in incredibly precarious circumstances which presents significant safeguarding, or in some cases, child protection risks. In addition to the significant human costs highlighted above, this will also have financial implications for the local authority – for example police expenditure, taking children into care, health costs and other social care costs.

Although supporting families with no recourse to public funds presents a large cost to Birmingham City Council, in The Children's Society's experience, the number of families supported by the local authority is likely to be a minority of the true number of families who face destitution because of their immigration status in Birmingham.

### **Passported benefits**

Despite living in severe poverty and material deprivation, destitute children and those supported by the local authority as a child in need, are generally not eligible for passported benefits such as free school meals, support for the disadvantaged two-year old offer and the pupil premium. This seems to be at odds with the intentions of these provisions. In some cases we have been successful in advocating directly to schools to use their discretion to offer free school meals to children and support in paying for uniforms. However, this is a lengthy and ineffective process.

**Recommendation:** Birmingham City Council should ensure that all destitute children and those supported by the council are able to access passported benefits, such as free nursery places and free school meals as other disadvantaged children.

**Recommendation:** The local authority should classify family destitution as a safeguarding concern and review its guidance in dealing with child in need referrals accordingly.

**Recommendation:** The local authority should review the costs incurred by other departments and local partners by not intervening early when families present as destitute such as costs to the police, health, social care and legal services – to ensure a more accurate picture of expenditure.

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<sup>6</sup> Oxfam (2011) 'Coping With Destitution: Survival and livelihood strategies of refused asylum seekers living in the UK': <http://policy-practice.oxfam.org.uk/publications/coping-with-destitution-survival-and-livelihood-strategies-of-refused-asylum-se-121667>

## **Q. What are the extent of, reasons for and implications of Home Office delays in considering applications for leave to remain, designating settled status and reviewing cases of appeal?**

### **Length of time in decision-making**

Many of the families we work with have been waiting a long time for their Home Office decision. It's difficult to know how long the process takes overall as comprehensive data is not available. We know for example that the average processing time for initial decisions by the Home Office in asylum cases was 49 days for an adult in 2012/13<sup>7</sup>. However, this does not take into account families who may have applied for asylum or for other types of leave to remain prior to 2012/13, or for any appeals. We know that overall it can take several years to resolve cases fully. According to research conducted by the NRPF network, around 60% of cases involving children and families who were supported by local authorities were resolved within two years, but a significant proportion of families remain supported by local authorities for several years beyond this<sup>8</sup>.

### **Quality of decision-making and children's best interests**

Research has consistently highlighted problems with the quality of decision-making by the Home Office in asylum claims generally<sup>9</sup>, as well as in family<sup>10</sup> and children's<sup>11</sup> cases specifically. The first report of the Independent Family Returns Panel highlighted that of families that the UK Border Agency (UKBA) had considered to have no right to be in the UK and should return, 41% (77 out of 186) were subsequently granted leave to remain in the UK<sup>12</sup>. It highlights that the UKBA attempted to remove a significant proportion of families who did in fact have a legitimate right to be in the UK.

It's important to recognise the complexity of families' immigration histories. Many of the families we work with have been in the UK for many years; often the children were born here, are British and/or have spent their formative years in the UK. They have limited or no support in their parent's country of origin, and the UK is the only home they know. In some cases the parents we work with came here as children themselves on visas, for example, to stay in private fostering arrangements, but their immigration status had never been regularised. Additionally, due to cuts to legal aid many more families will not be able to resolve their immigration status because they

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<sup>7</sup> Parliamentary Question on 8 July 2013 - Column 19W:

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130708/text/130708w0001.htm#13070835000942>

<sup>8</sup> NRPF Network (2011) 'Social Services Support to People with People with No Recourse to Public Funds - A National Picture':

[http://www.nrpfnetwork.org.uk/policy/Documents/NRPF\\_national\\_picture\\_final.pdf](http://www.nrpfnetwork.org.uk/policy/Documents/NRPF_national_picture_final.pdf)

<sup>9</sup> *A Question of Credibility: Why so many initial asylum decisions are overturned on appeal in the UK* (2013) Amnesty International: [http://www.amnesty.org.uk/uploads/documents/doc\\_23149.pdf](http://www.amnesty.org.uk/uploads/documents/doc_23149.pdf)

<sup>10</sup> *Untold Stories; Families in the asylum process* (2013) UNHCR:

[http://www.unhcr.org.uk/fileadmin/user\\_upload/pdf/aUNHCR\\_Report\\_Untold\\_Stories.pdf](http://www.unhcr.org.uk/fileadmin/user_upload/pdf/aUNHCR_Report_Untold_Stories.pdf)

<sup>11</sup> UNHCR (2009) *Sixth Report of the Quality Initiative Project*:

[http://www.unhcr.org.uk/fileadmin/user\\_upload/pdf/6\\_QI\\_Key\\_Observations\\_Recommendations6.pdf](http://www.unhcr.org.uk/fileadmin/user_upload/pdf/6_QI_Key_Observations_Recommendations6.pdf)

<sup>12</sup> p8, Independent Family Returns Panel Annual Report, 2011/12

will not be able to afford private solicitors in order to present their case fairly. This leaves destitute families in limbo without a regular immigration status or access to mainstream support, but unable to leave the UK. This could be for many reasons including the fact that these children may be British themselves or will have spent their formative years in the UK.

### **Children's best interests**

We are concerned that there is currently no process in place to take into account children's best interests within the Home Office decision-making process. Some of these issues were highlighted in recent case law<sup>13</sup>. We believe that a children's best interests assessment should be undertaken before any child is removed from the UK to ensure that their best interests are a primary consideration in vital decisions made about their lives. This includes ensuring that children have been able to participate in this process effectively.

Local authorities, who have expertise in child safeguarding and welfare, are ideally placed to support families in ensuring that they can access legal advice and that children's best interests are central to these decisions.

**Recommendation:** Birmingham City Council should support children and families to resolve their immigration issues as soon as possible to ensure that families get good quality legal advice and representation to effectively present their immigration case and resolve issues around their status.

### **Q. What are the different statuses given to individuals and families and what does each of these mean in terms of support needed? What are the particular issues in respect of asylum seekers?**

*Asylum Seekers* – Families who are seeking asylum are not entitled to mainstream welfare benefits or paid employment (in most cases). However, if they are destitute they are generally entitled to asylum support from the Home Office (previously referred to as 'NASS support') under Section 95 of the Immigration and Asylum Act 1999. Asylum seeking families with children will generally be on this form of support although some families with children may be supported under Section 4 (of the same Act). This form of support is intended to provide an 'austere regime' of support for refused asylum seeking adults.

The Children's Society recently supported a parliamentary inquiry into asylum support for children and young people,<sup>14</sup> which affects 10,000 children every year. The inquiry received written submissions and heard oral evidence from over 200 individuals and organisations, including local authorities, safeguarding boards and academics. The panel considered perspectives from health, poverty, housing, well-being and asylum

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<sup>13</sup> For example, *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4

<sup>14</sup> Parliamentary inquiry into asylum support for children and young people:

<http://www.childrensociety.org.uk/what-we-do/policy-and-lobbying/parliamentary-work/parliamentary-inquiry-asylum-support-children-an-1>

support experts, and heard directly from families with experience of living on asylum support. The evidence shows that the current asylum support system is in urgent need of reform if it is to have regard to the safety and well-being of children and meet its obligations to promote children's best interests. The inquiry concluded that the current levels of support provided to families are too low to meet children's essential living needs. Furthermore, these rates do not enable parents to provide for their children's wider needs to learn, grow and develop, especially if they have a disability. The panel heard powerful evidence of the reality of living on as little as £5 per day, as parents are forced to skip meals to feed their children and are unable to buy them warm clothing in the winter. The inquiry report sets out a series of recommendations including the following which are relevant to support rates:

- The government should abolish Section 4 support and urgently implement a single cash-based support system for all children and their families who need asylum support while they are in the UK. This should include children who were born after an asylum refusal, to ensure that no child is left destitute.
- Asylum support for families also provided with accommodation should be aligned with mainstream benefit rates paid for living expenses. Where accommodation includes utilities (such as heating, lighting and water rates) which would normally be expected to be paid from living expenses, it is appropriate to make some deduction. However, these must be reasonable and comparable to those made from housing benefit where gas, electricity and water bills are covered within rent payments. The rates of support should never fall below 70% of income support.
- Support should be increased annually and at the very least in line with income support.
- Asylum seeking families should be able to access other non-contributory disability, children's and educational benefits. This would include free school meals, the pupil premium, Disability Living Allowance and Carers' Allowance.
- When undertaking local needs assessments on child poverty, local authorities should take account of all children, including refugee and asylum seeking children, to develop effective local strategies and policies.
- All children who receive asylum support, including those on Section 4 support, should have equal access to nursery placements, free school meals and the pupil premium, given that they are children living in severe poverty.

*Visa Overstayers* – This is the largest group of destitute families The Children's Society works with in Birmingham. They are also the group with the most insecure status and the least entitlement to services. This group of families will have no recourse to public funds, so will not be able to access mainstream welfare benefits, or work. They may have children who are British citizens, or born here, but have an

irregular migration status themselves. Over 90% of the families we work with in Birmingham would fall under this category. In many cases, where family or friends are unable to support, or where there is no social network, social services have the power to provide accommodation and other assistance to a family of a child in need if it is considered to be required to safeguard or promote the child's welfare<sup>15</sup>. Families with no recourse to public funds who are destitute and do not qualify for asylum support, can be provided with support from local authorities under these provisions.

*Refugees* – These are individuals or families who the Home Office has accepted have a well-founded fear of persecution as set out under the Refugee Convention, and have been given leave to remain by the Home Office. This group of families will not be a cost to the local authority because they are able to work and access mainstream benefits. However, in some cases there may be a need for additional support during transition between asylum support and mainstream benefits where families may be left destitute.

### **Serious case review of Child EG**

The serious case review of Child EG by the London Borough of Westminster involved the death of a mother and her baby son where the baby starved to death. The mother suffered from a rare brain condition linked to her HIV infection leaving her unable to care for her children effectively. The family had moved home six times in five years, and had lived in Sandwell and Birmingham, and later in Westminster. Although this is a complex case, it highlights the serious gap in transition between Home Office support and mainstream benefits, where families who obtain refugee status are cut off from support before an alternative is put in place, leaving them destitute. The requirement 'to actually become homeless before the local authority or Benefits Agency could assist her left [the mother] in an extremely uncertain position.'<sup>16</sup>

### **Q. Which service areas are involved and what type of support is provided?**

Currently most families who are supported by Birmingham City Council are supported by children's services, and are provided with a room in temporary B & B accommodation out of the city (most of the families we work with are placed by children's Services in one of two B&B's – one in Sandwell, and another in Walsall). Information from Birmingham City Council shows that the weekly cost of rent paid to support the current<sup>17</sup> 163 families with no recourse to public funds is £28,167.

Families with no recourse to public funds are also given limited financial support under Section 17 of the Children Act 1989. This subsistence is significantly less than the benefits rate, averaging 45%<sup>18</sup> of the entitlement received under mainstream

<sup>15</sup> Sub-section 17(3),(6), Children Act 1989

<sup>16</sup> Serious Case Review of Child EG from Westminster City Council (April 2012):

<http://www.westminster.gov.uk/services/healthandsocialcare/familycare/safeguardingchildren/serious-casereviews>

<sup>17</sup> As of 26<sup>th</sup> July 2013 – Report to the Governance, Resources and Customer Services Overview and Scrutiny Committee – Children and Families with No Recourse to Public Funds

<sup>18</sup> Report to the Governance, Resources and Customer Services Overview and Scrutiny Committee – Children and Families with No Recourse to Public Funds

benefits. In the context of the rising cost of living it is crucial that the level of support provided is adequate to meet families' welfare needs and ensures that children are able to learn, grow and develop to the maximum extent possible. This means ensuring that every child has a standard of living adequate for their physical, mental, spiritual, moral and social development, as set out under the UNCRC.

The Children's Society welcomes plans for children's services to offer money towards tenancy as access to stable and secure housing is crucial for a child's well-being, leading to less disruption in a child's life and the ability of the family to build up support networks and become settled in the local community, as well as being cost effective for Birmingham City Council.

Due to a lack of central government guidance and case law on this matter, the level of support for children and families varies greatly from one local authority to another. Where families are supported under Section 17, the experience of our services around the country is that the levels of support are often pegged to Section 4 asylum support or lower. Local authorities appear to be assessing their responsibilities in terms of meeting the basic needs of families to avoid destitution – i.e. to provide food, clothing and shelter – rather than assessing whether support is adequate to meet children's full range of needs and to promote their welfare as set out in statutory guidance<sup>19</sup>.

The expenditure by local authority area varies greatly. According to a report by the NRPF Network<sup>20</sup> there are some local authorities who face significant costs in this area, especially in urban areas. In 2011, for example there were two local authorities spending over £3m on families with no recourse to public funds.

### **Q. How do the various City Council service areas work together to support people with no recourse to public funds?**

In our experience of work with families with NRPF in Birmingham over the last five years, there sometimes appears to be a lack of coordination between different service areas of the City Council.

We have identified three main areas where this lack of coordination and failure to join up services and intervene early enough creates potential extra cost to the City Council, and more worryingly, increased risk of harm to children:

- Families with additional needs.

Where a family is destitute, but also have additional care needs, for instance a disabled child, it can be difficult to get support which meets these additional care needs, as these are often not taken into account in the initial assessment.

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<sup>19</sup> Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children:

<https://www.education.gov.uk/publications/standard/publicationdetail/page1/DCSF-00305-2010>

<sup>20</sup> [http://www.nrpfnetwork.org.uk/policy/Documents/NRPF\\_national\\_picture\\_final.pdf](http://www.nrpfnetwork.org.uk/policy/Documents/NRPF_national_picture_final.pdf)

There is also often disconnect between adult services and children's services in providing adequate support for these families. For example, we have worked with families where the mother, who is pregnant, is supported by adult services; however children's services won't provide support until the child is born – often leading to a gap in support.

- Children's Information and Advice Service and NRPF team.

There is no publicly available contact number or information on the Birmingham City Council website for the NRPF team, instead those concerned about a child are directed by the website to the IASS number and email address<sup>21</sup>. Our experience indicates that concerned professionals are not aware of the NRPF team, and on contacting the IASS if an assessment is done and no parental neglect or abuse is found, the case is closed, leaving the family still destitute.

### **Case Study**

Precious has been in the UK since March 2002. She gave birth to a son, Otis on July 2002. She applied for leave to remain in the UK on the grounds that she was the partner of a British citizen, but this was refused. She lived with her partner between 2003 and 2010 when she and Otis left because of domestic violence. After leaving her partner at the end of 2010 she stayed with friends and acquaintances for five weeks, staying in KFC during the day to keep warm. Otis has respiratory problems and his condition was exacerbated by his living situation. During this time Precious approached a number of agencies including the Refugee Council and Birmingham children's services, but wasn't able to secure housing or financial support.

She eventually found temporary emergency accommodation from Hope Housing. The license agreement was only for six weeks, but this was the most stable placement that Precious and Otis had found since leaving her partner. A further child in need referral was made to children's services in December, and by the end of the month a human rights assessment had been completed by children's Services, which was passed to the Legal Department. However, by the beginning of January a child protection referral had been made by Otis' doctor, and the child in need referral was not pursued further because the family were now allocated to another team.

In mid-January, Otis and Precious were met outside the school by two social workers and police who asked to see where they were living. Precious took them to the temporary accommodation she was living in, and the social workers were satisfied that the accommodation was suitable for children. Despite the accommodation being only temporary, the area office closed the case - the following day she received a 7 day notice letter from Hope Housing. The family instructed a Public Law solicitor who wrote a letter before action asking the local authority to provide support and the local authority provided temporary hostel accommodation in Walsall, 10 miles away from Otis's school.

<sup>21</sup> [www.birmingham.gov.uk/concerned](http://www.birmingham.gov.uk/concerned)

The local authority then encouraged her to apply for section 4 support for her and Otis, which she did at the beginning of February, and was refused. However, she was granted it on appeal by the immigration Tribunal judge as, although she wasn't a refused asylum seeker, she did have a Judicial Review pending with the Home Office. This meant a further move from the family away from B & B accommodation in Walsall to an initial accommodation hostel in Edgbaston. The PFA team closed Otis' case. During this time, Otis was not able to go to school because they had no income and were unable to pay for travel.

In April they were again re-housed under section 4 support, this time into a shared house in Birmingham. However, she was now eligible for an Azure card which enabled her to buy food and other essentials from super markets for Otis.

In September 2011, Precious was attacked by her ex-partner at home and was moved to a new address by her housing provider. In the same month they were given three years discretionary leave to remain in the UK, meaning she was now eligible to work and claim benefits, but the family had to move house again because they received notice on their section 4 accommodation. Precious and Otis were moved by the Housing department to a temporary hostel, and from there to a temporary flat.

Precious has now had her baby, and the family have been moved into permanent accommodation.

- Schools and social care.

Whilst access to mainstream welfare benefits, housing, and some health care services is restricted for families subject to immigration control, education is still compulsory under section 7 of the Education Act 1995. As a universal service, whilst schools will not necessarily know a child's immigration status, they are likely to see warning signs of destitution earlier, but our experience tells us that schools are not always aware of specialist support available for destitute children, or of the restrictions in access to services for families with NRPF.

Some of the impact of destitution in schools is likely to be reduced as a result of the recent government commitment to funding universal free school meals for reception, years 1 and 2<sup>22</sup> (a measure which will save a minimum of £80 per month for a family with two primary school aged children).<sup>23</sup> However, schools are likely to be the service which is most likely to encounter destitute migrant children, and by identifying these children, working closely with a family when issues are identified early on, and supporting with immigration advice, and rights and entitlements information, support

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<sup>22</sup> [www.childrensociety.org.uk/news-views/press-release/victory-fair-square-huge-free-school-meal-boost](http://www.childrensociety.org.uk/news-views/press-release/victory-fair-square-huge-free-school-meal-boost)

<sup>23</sup> [www.birmingham.gov.uk/school-meals](http://www.birmingham.gov.uk/school-meals)

can be provided to prevent families becoming homeless or needing section 17 support in the future.

**Q. How are Third Sector organisations involved and what funding streams do they have access to assist them?**

The Children's Society provides:

- Casework – rights and entitlements information, referral to legal advice, applications for section 4 support etc.
- Grants – Maternity grants in partnership with Hope Projects for those who are not eligible for sure start maternity grants to provide basic items for new babies.
- Practical items – food parcels, nappies, clothes, toiletries.
- Group work – stay and play sessions, holiday activities.

The project is currently funded by a mix of voluntary income from The Children's Society, The Reaching Communities programme of the National Lottery, and smaller grant making trusts.

We work in partnership with a number of other voluntary sector agencies in Birmingham to support destitute migrant children including Hope Projects, the Refugee Council, ASIRT, St Chad's Sanctuary, Terence Higgins Trust, Red Cross etc. However, the impact of legal aid cuts and closure of a number of immigration and legal advice services in the city such as IAS, RMJ and Birmingham Law Centre and cuts in funding to ASIRT leaves a big gap in services. Entitlement to services is often closely linked to legal status, for migrant families, so without good legal advice, there is likely to be an increase in long term destitute families with big cost implications for Birmingham City Council and other agencies at a time when budgetary constraints are acute.

If you have any questions about this submission please contact either  
Lucy Capron

Senior Local Public Affairs Officer

020 7841 4494 or [lucy.capron@childrenssociety.org.uk](mailto:lucy.capron@childrenssociety.org.uk)

Or

Andrew Jolly

Helping Further Project Coordinator, West Midlands Young Refugees Project

0121 236 3968 or [andrew.jolly@childrenssociety.org.uk](mailto:andrew.jolly@childrenssociety.org.uk)