



# **Not Seen, Not Heard:**

## **Children's experiences of the hostile environment**



## Acknowledgements

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For further information please contact:

Eve Dickson

Policy Officer

07710 535 048

Email: [eve.dickson@project17.org.uk](mailto:eve.dickson@project17.org.uk)

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# Executive Summary

Section 17 of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children 'in need' in their area. This statutory provision has become an essential safety net for children whose parents are unable to access mainstream welfare support because of their immigration status. Research estimates that 5,900 children from families with no recourse to public funds across England and Wales received section 17 support in 2012-2013<sup>1</sup>. The children in such families grow up in exceptional poverty. They are at high risk of homelessness, exploitation and abuse. Yet their carers are excluded from accessing homelessness assistance and most welfare benefits because they have 'no recourse to public funds'. The government's commitment to creating a 'hostile environment' for migrants trumps its commitment to children's rights, rendering the children in destitute migrant families 'second class citizens'.

Home Office policy has pushed the burden of supporting children living in families with no recourse to public funds onto local authorities. But the pressures of austerity and cuts to local authority budgets have left local authorities largely unwilling to provide such support. Hostile 'gatekeeping' methods and increasingly gruelling assessment processes have been introduced to deter families from accessing section 17 support. The families we work with are routinely failed by local authorities and the results are devastating. As social worker and researcher Andy Jolly recently stated, 'the death by starvation of Lillian Oluk and her daughter Lynne Mutumba in March 2016, while being supported by a local authority under section 17 of the Children Act (1989),

illustrates the consequences of inadequate support for undocumented migrant families in the hostile environment.'<sup>2</sup>

Little is known about children's experiences of living in families with no recourse to public funds or their attempts to access local authority support. The children who we work with lack a voice in the public domain and are therefore largely neglected by decision-makers. This report centralises the experiences of children living in families with no recourse to public funds and highlights their exclusion from local authority assessments and decisions.

## Key findings

- Local authority assessments for section 17 support are excessively focused on the credibility of parents at the expense of a focus on the child. Children's views, wishes, and feelings are frequently neglected, and children are left feeling ignored.
- Support under section 17 is increasingly hard to access and local authorities are employing various strategies to refuse families with no recourse to public funds (NRPF) support. Misinformation, attacks on credibility, intimidation, aggression, and disrespect on the part of local authorities leaves families destitute and at high risk of exploitation. Of the children in this study, 24% were left street homeless by a local authority.
- Housing is a key issue for children living in families with NRPF. Many children supported under section 17 are living in poor conditions, without enough space or privacy, often far away from their schools, friends, and support networks.

1. Price, J. and Spencer, S. (2015) Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds'. Oxford: COMPAS. <https://www.compas.ox.ac.uk/2015/safeguarding-children-from-destitution-local-authority-re-sponses-to-families-with-no-recourse-to-public-funds/>

2. Jolly, A. (2018) No Recourse to Social Work? Statutory Neglect, Social Exclusion and Undocumented Migrant Families in the UK. Birmingham: Cogitatio. <https://www.cogitatiopress.com/socialinclusion/article/view/1486/1486>

- Financial support provided to families under section 17 is often well below Asylum Support rates under section 4 of the Immigration and Asylum Act. This is the minimum the Home Office says is required to avoid a breach of the European Convention on Human Rights, and case law suggests it is the minimum a local authority is required to pay under section 17. Many families are unable to afford basic necessities such as enough food, clothing, school uniform, and transport.
- The challenges of having no recourse to public funds and the interconnected barriers to accessing local authority support has a significant emotional impact on children and young people. Children experiencing these issues are left feeling socially isolated, distressed, ashamed, and unsafe.



# Recommendations from children and young people

## Listen and help

The children we spoke to told us that they wanted local authorities to listen to them and their parents. They said they wanted social workers to be friendly, kind, and helpful. In particular, they wanted social workers to help their families to resolve their issues rather than make things harder. They also said they wanted to be asked for their views. One child said that local authority staff should not be mean or shout at people.

*'If they spoke calmer and gave me time to answer questions, it would be better. They should be loving and treat people nicely if they are from another country or have another skin colour.'* Amir, age 8

## We need somewhere to sleep and money to eat

The children we spoke to also said local authorities needed to ensure children have somewhere to sleep and that their families have enough money to live.

*'If I were a social worker I would fight for what was right even if they say if you help this person you'll get fired, they should still help the person.'* Joel, age 9

## We need access to public funds

The children who were able to understand that their parents had no recourse to public funds wanted their families to be given access to public funds.

*'What I would change about what happened is that my family had just had recourse of public funds from the beginning so none of this would have happened.'* Anya, age 10

## We want our own space in our communities

Several children said that families should not be forced to share accommodation with other families or be forced to move very far away from their friends and schools.

*'It was very stressful to live so far away. I had to wake up very early. When I used to go to my friend's house, I used to feel a bit sad when I had to leave. That I had to go away from the place I grew up in. I wouldn't really want anyone to go through what I've been through because I feel like it wouldn't be nice for them.'* Shanice, age 10

## Give us something to do!

Many children talked about being present at the Council when their parents were requesting support and being interviewed. They complained that there was nothing for children to do during the long waiting periods. They recommended that local authorities provide things for children to do.

*'I felt sad waiting. There should be things to do in the Council. If I could watch a video I wouldn't have to think about waiting.'* Matthew, age 8

# Our recommendations

## Local authorities

- Assessments should be child-focused, fair, and transparent. They should be conducted by social workers, in line with statutory guidance. Children's views, wishes, and feelings should be solicited and given due regard in decision-making. In line with Article 3 of the UN Convention on the Rights of the Child, the best interests of children should be the primary concern when staff are making decisions that may affect children.
- Local authorities should be sensitive to the vulnerabilities of families approaching them for support and give parents ample opportunities to provide an explanation for inconsistencies or gaps in information. Local authority staff should treat families with dignity and respect.
- Immigration and fraud officers should not be part of Child in Need assessments. They act as a deterrent to vulnerable families and therefore put children at greater risk of destitution.
- NRPF Network Practice Guidance should be adopted by local authorities to ensure they are carrying out consistent, lawful assessments and making decisions in accordance with best practice.
- Starting rates for financial support provided to families with NRPF under section 17 should never be lower than rates provided to destitute asylum-seeking families under section 4 of the Immigration and Asylum Act 1999. Financial support should be provided to the family as a whole and should be sufficient to meet the family's needs. Information about how rates of financial support have been calculated should be accessible to families and social workers should make sure that families feel confident to raise issues about subsistence.
- Local authorities should carry out checks on accommodation provided before families are moved into properties. Accommodation provided should be suitable for families and consideration should be given to the need for privacy, the location of a child's school and their community, the behavior of other residents, and access to basic facilities. Social workers should make sure that children have adequate privacy, space for homework, and feel safe in the accommodation.

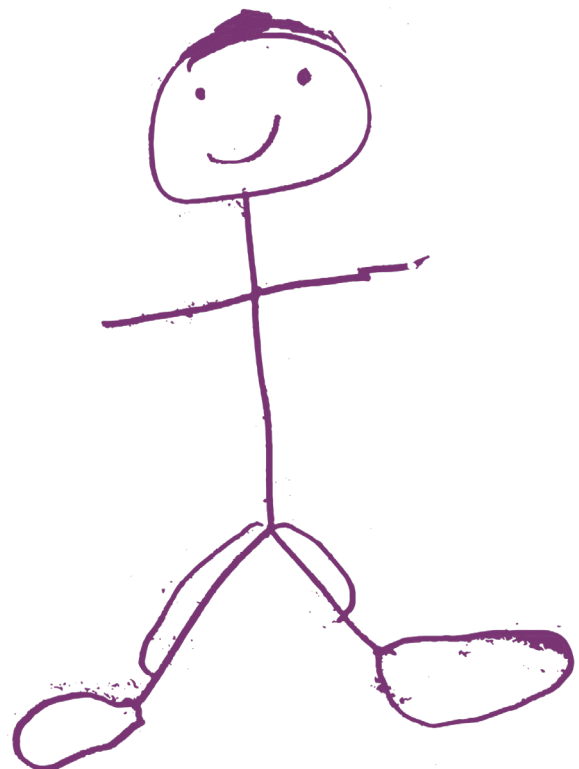


## Central Government

- The Home Office should not apply the NRPF condition to individuals granted leave to remain on human rights grounds.
- Local authorities should be sufficiently funded by central government to meet their duties under section 17.
- Central government should consult and provide statutory guidance on the provision of accommodation under section 17.
- Changes should be made to The Education Act 1996 to ensure children in families with NRPF are entitled to free school meals.
- The government's 30 hours free childcare scheme should be made available to families with NRPF.
- Legal aid should be reinstated for individuals applying for leave to remain on the basis of family or private life.
- Immigration application fees for leave to remain on the basis of family or private life should be scrapped.

## Project 17

- To explore how we can be more effective at seeing and hearing the children and young people we work with.
- Identifying further partnerships and funding opportunities to build on this work.
- Developing a charter for local authorities to consider how they will work towards a child-friendly environment for families with no recourse to public funds.





# Chapter One: Introduction

**This report focuses on local authority support for families with ‘no recourse to public funds’ under section 17 of the Children Act 1989. The families in this report are unable to claim benefits or access social housing because of their immigration status. They seek support under section 17 due to destitution.**

Some of the families in this report have a legal right to remain in the UK, but have a condition attached to their leave to remain preventing them from accessing public funds. Others are trying to regularise their immigration status and are attempting to navigate their way through an increasingly complex and hostile immigration system.

The majority of the children in this report were born in the UK and have spent their entire lives here. A large number are British citizens, and many others are likely to become British before they reach adulthood. These children are barred from accessing the public funds they should be entitled to because of their parents’ immigration status.

## Project 17

Project 17 is an organisation working to end destitution among migrant children. We work with families with ‘no recourse to public funds’ (NRPF) who are experiencing exceptional poverty, to improve their access to local authority support. We believe that all children have the right to a home and enough to eat, regardless of their parents’ immigration status. To achieve our vision, we provide advice, advocacy and support for individuals. We also build capacity in other organisations and we undertake campaigns and policy work for the improved implementation of statutory support.

## What is NRPF ?

‘No recourse to public funds’ (NRPF) is an immigration condition that can be attached to many types of time limited leave to be in the UK. Breaching this condition puts that person’s current or future right to be in the UK at risk.

A non-EEA national whose leave is subject to a NRPF restriction is defined as a ‘person subject to immigration control’ (PSIC). That means they are excluded from the main welfare benefits and from accessing social housing.

Other non-EEA nationals can also be defined as people who are subject to immigration control. The definition of a **‘person subject to immigration control’** covers non-EEA nationals who meet one of the following conditions<sup>3</sup>:

- Needs leave to remain in the UK, but does not have it; or
- Has leave to remain, but that leave is subject to a no recourse to public funds restriction;
- Has leave to remain given as a result of a maintenance undertaking;
- In some cases, where someone is appealing a refusal to vary their leave. In these cases, you should seek specialist advice.

3. See: section 115(9) and (10) of the Immigration and Asylum Act 1999.

In addition, other people can be excluded from benefits that require a 'right to reside'. For example, people who have a derivative right to reside under European law ('Zambrano' carers<sup>4</sup>) because although they have a right to reside, it is one that is specifically excluded in the benefit rules.

'Public funds' are listed in Paragraph 6 the immigration rules. This is an exhaustive list so payments or services that are not on that list are not public funds. Public funds include most of the main welfare benefits, but not those that are based on national insurance contributions (contribution-based) or most of the benefits that rely on past work<sup>5</sup>. Public funds also include social housing, such as council and housing association properties, as well as interim accommodation and temporary housing. People with no recourse to public funds are therefore unable to make homelessness applications and are not eligible for local authority housing registers.

## What is Section 17?

Section 17 of the Children Act 1989 imposes a general duty on local authorities to safeguard and promote the welfare of children 'in need' in their area. To fulfil this duty, section 17 gives local authorities the power to provide support, including accommodation and financial support, to families with children "in need", even if they have no recourse to public funds. The power under section 17 can be used to support the family as a whole and to promote the upbringing of the child within the family unit.

4. A person will have a Zambrano right to reside if refusing that right would mean that a British or other European national would have to leave the European Union. For example, where a non-EU national is the primary carer of a dependent British child, that person may have a Zambrano right to reside. This right is provided under both EU and domestic law and if the circumstances are met it exists whether or not the person has had this right recognised by the Home Office. Note these rights may change after the UK leaves the EU.

5. There are some very limited exceptions which allow certain people in exempt groups to access particular benefits.

The definition of 'in need' in the Children Act is very broad: a child will be 'in need' if he or she cannot achieve or maintain a reasonable standard of health or development. A child will also be in need if he or she is disabled.

A child whose family does not have adequate accommodation or sufficient income to meet their essential living needs will almost certainly be 'in need'. For families with no recourse to public funds, section 17 functions as a vital safety net against destitution.

## What is destitution?

There is no statutory definition of destitution for local authorities assessing families under section 17. With no clear guidance on assessing destitution, local authority assessments are highly variable. In the context of the asylum system, the Government defines a person as destitute if:

- a) S/he does not have adequate accommodation or any means of obtaining it (whether or not his essential living needs are met) and/or;
- b) S/he has adequate accommodation or the means of obtaining it, but cannot meet his other essential living needs<sup>6</sup>.

Other organisations use broader definitions to encompass lack of regular access to accommodation and/or essentials such as food and medicine.<sup>7</sup>

6. See: Section 95 of the Immigration and Asylum Act 1999. <https://www.legislation.gov.uk/ukpga/1999/33/section/95>.

7. Fitzpatrick, S., Bramley, G., Sosenko, F., Blenkinsopp, J., Johnsen, S., Littlewood, M., Netto, G., and Watts, B. (2016) Destitution in the UK. York: Joseph Rowntree Foundation. <https://www.jrf.org.uk/report/destitution-uk>

## How do families become destitute?

Seeking support under Section 17 is usually a last resort for families. Lack of knowledge about rights and entitlements, widespread fear of the Home Office, and perceptions of social services make many families reluctant to request statutory support. When families do approach their local authority for support, they are usually in crisis. Many have totally exhausted their support networks and relationships have broken down. They are particularly vulnerable to exploitation and abuse. Women with no recourse to public funds are often unable to leave abusive relationships because they have nowhere to go.

Research by The Children's Society suggests that the leading drivers of destitution are:

- not having a legal right to work
- low income
- relationship breakdown and domestic violence
- inadequate and precarious housing
- the lack of free legal advice and representation around immigration<sup>8</sup>.

Families with no recourse to public funds are also prevented from accessing the government's programme of free early education and childcare in England. For parents with a legal right to work, lack of affordable childcare is a major barrier to employment. Without childcare, it is often impossible for them to work.

Many families who approach local authorities for support under Section 17 have an outstanding immigration application. In 2012, legal aid was cut for non-asylum immigration cases. This has left families with little choice but to try to find money to pay for private solicitors to help them submit an

immigration application. Families are also faced with extortionate Home Office application fees. A one-off application for limited leave to remain is currently £1,033 and will normally result in 2 ½ years' leave being granted. On top of this, there is an immigration health surcharge of £200 per year, which the government has announced it plans to double later this year. Families must pay these costs per person and are often forced to borrow, pawn possessions, and undertake exploitative work to regularise their status. In addition, in 2012 the family migration rules changed with the effect that individuals granted leave to remain on the basis of private and family life were automatically granted leave with an NRPf restriction<sup>9</sup>.

The 'hostile environment' has compounded the issues families with no recourse to public funds face. Right to rent checks, healthcare charging, harsher penalties for employers caught employing undocumented workers, and the ban on banks and building societies opening accounts for undocumented migrants drive families with insecure immigration status into further precarity.



8. Dexter, Z., Capron, L., and Gregg, L. (2016) Making Life Impossible: How the needs of destitute migrant children are going unmet. London: The Children's Society. <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf>

9. For more information, see NRPf Network, 'Home Office policy on granting leave to remain with recourse to public funds'. <http://www.nrpfnetwork.org.uk/Documents/Home-Office-recourse-policy-changes.pdf>

# Methodology

We used a mixed-method approach in this study. Qualitative and quantitative information was collected through surveys, interviews, analysis of Project 17's case files, a workshop with children and young people, requests under the Freedom of Information Act 2012, and a literature review.

## Literature review

We undertook a review of pre-existing research on destitution and local authority support for families with no recourse to public funds. We also reviewed caselaw, statutory guidance, and local authority policies around section 17.

## Semi-structured interviews

We conducted semi-structured interviews with 17 children from 11 different families. Project 17 had supported 7 of these families to access local authority support. The remaining 4 were introduced to us by other organisations for the purposes of this project. The children were between the ages of 7 and 17. All the children we spoke to were supported by their local authorities under section 17 at the time we interviewed them<sup>10</sup>.

The interview process was co-designed by Nick Watts, a social worker from charity Together with Migrant Children. Nick provided advice and guidance on direct work with children throughout the project as well as helping to conduct interviews. Follow-up support was also offered to all children interviewed.

10. The local authorities supporting the children interviewed included: the London Borough of Bexley, Lewisham Council, Southwark Council, Royal Borough of Greenwich, Waltham Forest Council, London Borough of Barking and Dagenham, Hackney Council, and Kent County Council.

## Workshop with children and young people

We ran a group workshop with Together with Migrant Children for children and young people in receipt of section 17 support. The interactive workshop was focused on exploring the children and young people's views on the intersection of children's rights and immigration control. 14 children between the ages of 7 and 13 attended.

## Surveys

We conducted two surveys with children and young people whose families had been supported by Project 17. In total, we received 48 responses.

### a) Good Childhood Index

To collect quantitative data, we sent The Children's Society's 'Good Childhood Index' to 35 children and young people<sup>11</sup>. We received 25 responses. The children who responded were between the ages of 8 and 17. We used the short index to measure wellbeing overall and in relation to 10 aspects of life. We also used the longer index to measure children's wellbeing specifically in relation to their home and their money and possessions.

### b) Project 17 survey

To collect qualitative data, we also developed our own survey for children and young people. Twenty-three children between the ages of 7-12 completed the survey. Children also answered questions with drawings.

This survey used open questions to solicit children's experiences of social services. In particular, the questions sought to understand how children were feeling when their families approached local authorities for support under section 17. The survey also included questions about children's wishes and their hopes and dreams for the future.

11. For further information on The Children's Society's 'Good Childhood Index' see: <https://www.childrenssociety.org.uk/what-we-do/research/well-being/background-programme/good-childhood-index>.

## Case files

We analysed casework files from Project 17's advice service over the last year. During this time, we advised 214 families. Of those families, 134 went on to seek section 17 support from their local authority. Ten were already in receipt of section 17 support.

## Requests under the Freedom of Information Act 2012 (FOIA)

We sent FOIA requests to all local authorities in England to gather policies and procedures on undertaking assessments and providing support pursuant to section 17 to families with no recourse to public funds. These policies were then analysed and compared.



## Chapter Two: Difficulties accessing support: Gatekeeping

Local authority gatekeeping of section 17 support from families with no recourse to public funds has become a systemic issue. 60% of our clients were unlawfully refused section 17 support when they first approached their local authority. It is commonplace for families to be turned away before an assessment is conducted. For those who do manage to access an assessment for support, the process is typically intrusive, stressful, and exhausting.

Many local authorities employ a number of strategies which we believe are designed to deter families from accessing section 17 support. These include:

### Misinformation

22% of families were wrongly refused support on the basis of their immigration status. The rationale in these cases was arbitrary and decisions were made before an assessment was conducted. For example, some local authorities said that they only supported families with leave to remain, while others claimed that they only supported families without leave to remain. Although some parents are excluded from accessing support under Schedule 3 of the Nationality, Immigration and Asylum Act 2002, local authorities must assess whether the family's situation is so serious that a failure to provide support would breach human rights, regardless of whether they have leave to remain.

Other families were incorrectly told that by requesting support under section 17 they were trying to claim 'public funds'.



*'They said I was not on the child protection list so they couldn't help.'*

Joyce, age 11

## Threats to take children into care

Some of our clients were told that their children would be taken into care on the basis of destitution alone. In all the cases where this occurred, there were no safeguarding concerns to warrant parents being separated from children. In some cases, these decisions were made in the presence of children, causing extreme distress and anxiety.

## Attacking credibility

Local authority assessments often focus heavily on the credibility of parents. Our research shows that some local authorities are excessively concerned with trying to 'catch parents out' and will use any inconsistency in the information families provide to refuse support. Assessments of families are extremely intrusive and investigate all aspects of parents' lives. Credit checks are routine and fraud officers are often involved in assessments of families. In some cases, parents are asked to provide DNA samples. We are concerned about the fraud-focused approach many local authorities take, particularly the involvement of fraud officers in Child in Need assessments. Families are often not told in advance that fraud officers will be present and are not given access to legal advice before meeting with a fraud officer. Sometimes they are not even informed that a fraud officer is present during a meeting. Fraud-focused local authority assessments become much more about trying to catch parents out than assessing whether the child is in need. This approach comes at the expense of a focus on the child.





## Intimidation and aggression

The families that we work with regularly report encountering intimidation, aggression, and disrespect when trying to access section 17 support. Negative attitudes towards families with NRPF are rife in many local authorities and parents are often subjected to unprofessional and disrespectful treatment. Sadly, in some cases our clients also experience racism from local authority staff. One Nigerian woman Project 17 supported was called 'bush girl' by her social worker.

Some local authorities also pay for Home Office Immigration Officials to be embedded in their teams. 'On Site Immigration Officials' sit in No Recourse to Public Funds Teams in the London Boroughs of Bexley, Barking and Dagenham, Croydon, Enfield, Greenwich, Hackney, Harrow, Lewisham, and Southwark<sup>12</sup>. Families are often required to meet with these immigration officers as part of an assessment. The families we work with find meeting with immigration officers very intimidating and distressing. Some families have been disrespected, misinformed, and given incorrect immigration advice by immigration officers in local authorities. Research we conducted into the presence of immigration officials in Child in Need assessments also found that in the Royal Borough of Greenwich, children were in some cases present in interviews between their parents and immigration officers. These meetings were often distressing for children and parents. We also have data protection concerns about immigration officers sitting in on Child in Need assessments.

A mother described her experience of seeking support from Lewisham Council.

*'They don't know how to talk to people. It was one of the worst experiences I've had dealing with people. I felt worthless, humiliated. All because I asked for help.'*



*'I would like the social services to help people so that they don't stay in the cold like my family did.'* Sarah, age 8

<sup>12</sup>. This information is taken from an FOIA response from the Home Office on 21 December 2017.



Sometimes when I went there, they would be very mean to us. They wouldn't help us at all. When we were there they called the police and they handcuffed my mum. One time the security guard pushed my mum to the ground and she had to go to the hospital. She had high blood pressure and was unwell.

Aliyah, age 10



## Case Study: Ade and Salim

Salim (age 8) and his mother, Ade, were staying with a friend in a small flat. At night, they had to share the sofa as there was nowhere else to sleep. Salim complained this hurt his back and the pain made it hard for him to focus in school. Ade had leave to remain with a no recourse to public funds condition. She was looking for work but was struggling to find something suitable as she had no one to look after Salim. Salim had recently been diagnosed with autism.

Ade and Salim asked for help from social services on three separate occasions. Each time, they were told no help was available and were simply given an application form to ask the Home Office to give them access to public funds. Ade sent the application off, but the Home Office sent it back because they said she hadn't provided enough evidence. Salim was upset because the people at the council shouted at them each time they asked for help. He found it hard to sleep at night.

Project 17 then referred Ade and Salim to social services for section 17 support. When Ade went back to social services again, she was told no one would come down to see her. Ade then mentioned that Project 17 had referred her, and someone came down to see her and asked her to fill in some forms. Although Ade and Salim had been asked to leave their friend's place, and they had nowhere else to sleep, the social worker said they couldn't help them with housing. Ade had to get a solicitor to write on her behalf to the council. Following the solicitor's intervention, the council was court ordered to give Ade and Salim somewhere to stay. They were given one room in a hostel.

Although the family now had somewhere temporary to live, Salim felt left out at school. He didn't want to go to sleepovers at friends' houses as he couldn't invite them to his house in return.

In court, the council said they didn't believe Ade and Salim didn't have anywhere to stay. The judge didn't want to question the professional judgment of the social worker, so the court ruled in the council's favour. The council evicted Ade and Salim from the hostel and they became street homeless.

Ade met a stranger who told her that she and Salim could sleep in a church. They slept in the church for 6 weeks. During this time, we helped Ade to make a new application to the Home Office to request access to public funds. Eventually, this application was successful and Ade and Salim were able to access mainstream housing support.

## Chapter Three: The Voice of the Child

Statutory guidance clearly states that local authorities have a duty to ascertain the wishes and feelings of children and take account of them when planning the provision of services. Section 17 of the Children Act 1989 asserts that before determining what (if any) services should be provided to a child in need, local authorities should ascertain the child's wishes and feelings regarding the provision of services and give due regard to these.

The *Working Together to Safeguard Children* guidance also states that 'anyone working with children should see and speak to the child; listen to what they say; take their views seriously; and work with them collaboratively when deciding how to support their needs'<sup>13</sup>. Further, Article 12 of the UN<sup>12</sup> Convention on the Rights of the Child states that:

'States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.'

Our research shows that children's voices are largely excluded from local authority assessments of families with no recourse to public funds. In our experience, Child in Need assessments rarely give due regard to the needs and wishes of children, focusing instead on the credibility of parents.

A local authority family support worker is quoted in research by COMPAS (the Centre on Migration, Policy and Society) as saying:

"when a family presents at Children's Services, it's about trying to establish whether or not the family is genuinely destitute and whether or not the family has given us the true picture of the situation. Are they working illegally but not saying? Are they getting money from friends and family but they're not saying? There's not a child-centred approach towards a section 17 assessment. It's all about the presenting parent; it's not about the child."<sup>14</sup>

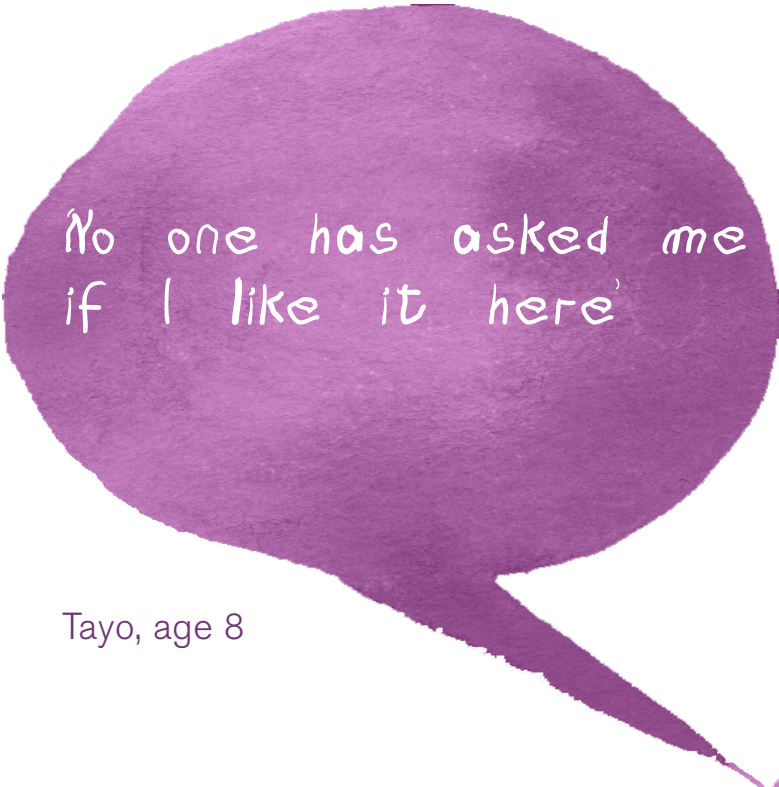
More than half the children we interviewed said they felt ignored by social workers. Many reported that they were not asked their views, their feelings or their wishes. Some children told us that their social workers did not listen to them and that they felt unheard.

Some children were not spoken to at all during assessments. One child, who had been supported by Lewisham Council for almost two years, had never met with a member of staff.

The children we spoke to said that they wanted to be asked for their views and wishes, and that they wanted to be listened to.

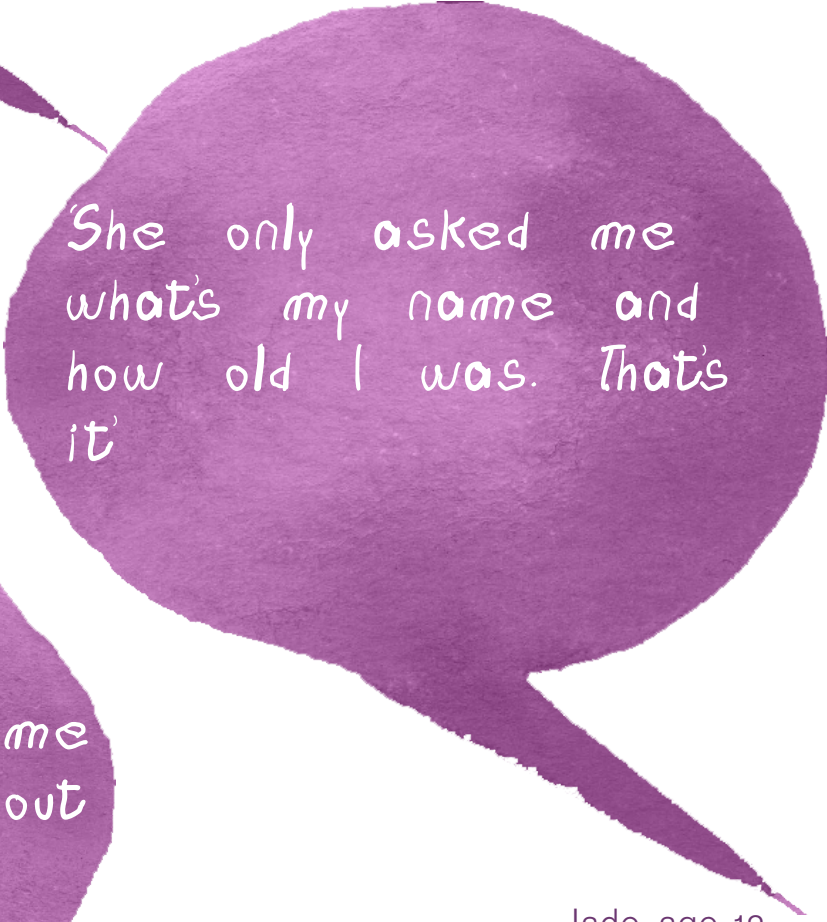
<sup>13</sup> HM Government (2018), *Working Together to Safeguard Children* [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/729914/Working\\_Together\\_to\\_Safeguard\\_Children-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf) [last accessed 15 August 2018]

<sup>14</sup> Price, J. and Spencer, S. (2015) *Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds'*. Oxford: COMPAS. <https://www.compas.ox.ac.uk/2015/safeguarding-children-from-destitution-local-authority-responses-to-families-with-no-recourse-to-public-funds/>

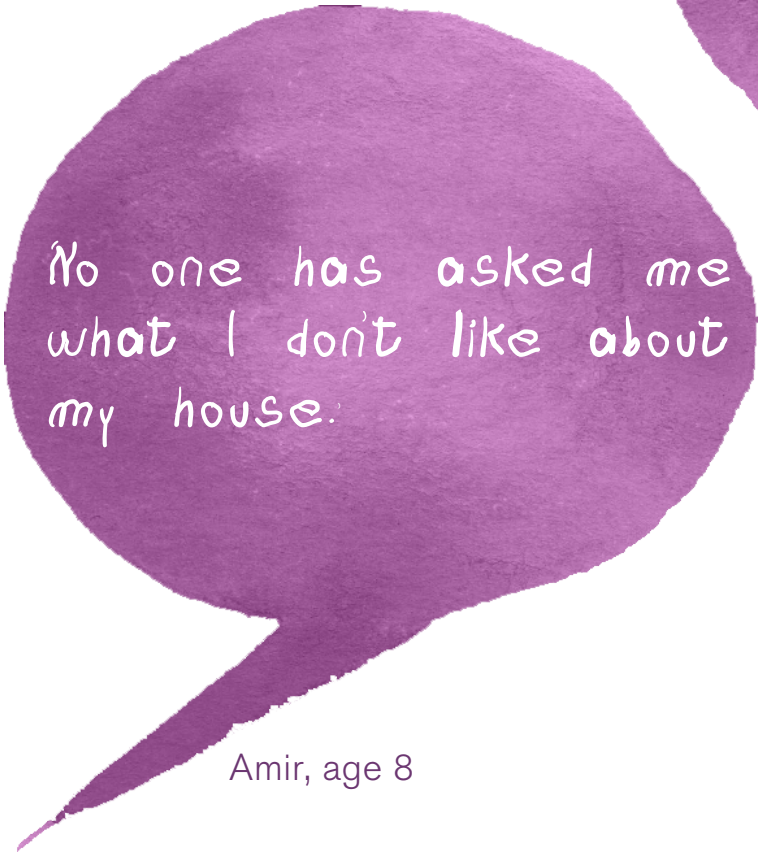
A large, hand-drawn purple speech bubble with a tail pointing towards the bottom right.

No one has asked me  
if I like it here

Tayo, age 8

A large, hand-drawn purple speech bubble with a tail pointing towards the bottom right.

She only asked me  
what's my name and  
how old I was. That's  
it

A large, hand-drawn purple speech bubble with a tail pointing towards the bottom left.

No one has asked me  
what I don't like about  
my house.

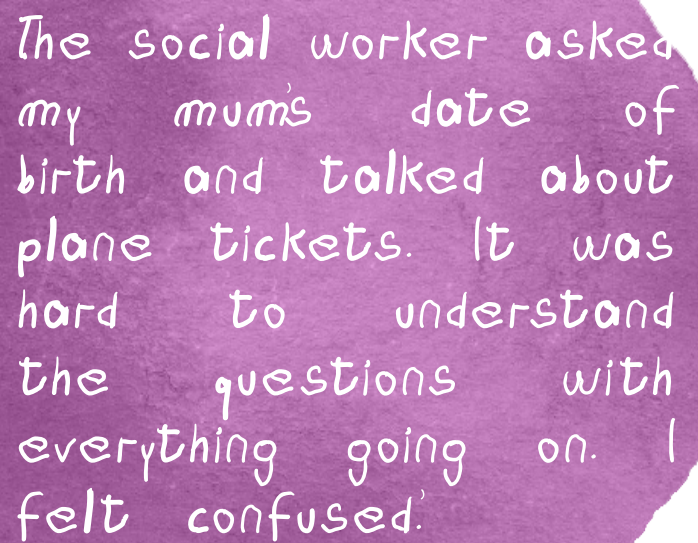
Amir, age 8

Jade, age 12



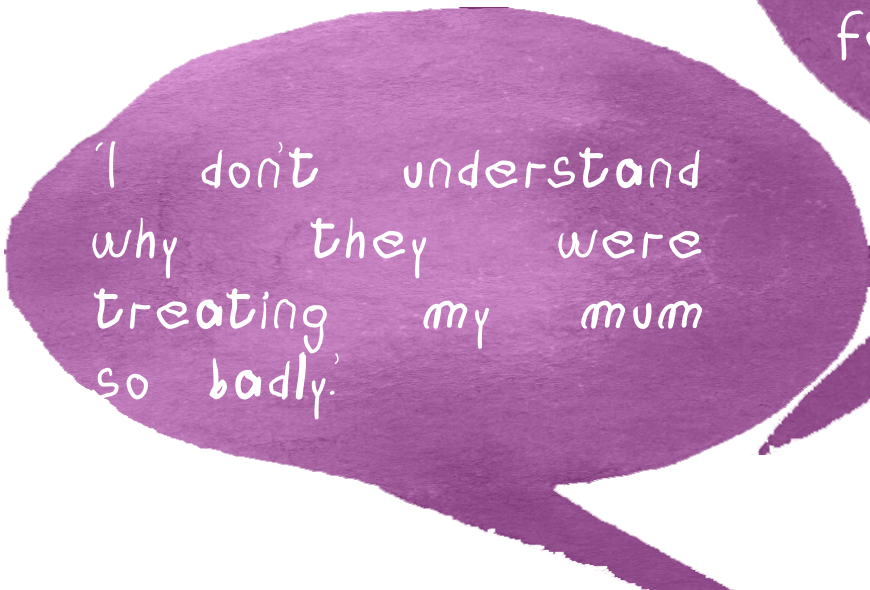
## Children's perceptions

Children reported feeling confused about the assessment process and the decisions made by social workers. Many said they did not understand what was happening.



The social worker asked my mum's date of birth and talked about plane tickets. It was hard to understand the questions with everything going on. I felt confused.

Tayo, age 8



I don't understand why they were treating my mum so badly.

Kojo, age 11



The social worker was a bit mean. She made me feel like I committed a crime and she intimidated me.

Amir, age 8

Some children felt they and their families had been treated badly by social services. Several children described negative attitudes on the part of social workers. Jade, age 12, told us that when she and her mum were evicted from their accommodation, they had nowhere to go. When they asked their local authority for support, the social worker was 'rude' to them and 'said she wasn't going to do anything'. 'They were cruel', she said.

Many of the children we spoke to complained that their local authority had refused to help their families. They and their parents were requesting support because they had nowhere to live and/or did not have enough money for essentials such as food. Children were clearly confused when their families were refused support and struggled to understand why they were not being helped. In some cases where families had been refused support and left homeless, children believed that local authorities could not find them a house because it was simply too difficult to source accommodation. Describing when her family requested support from Waltham Forest, Laila, age 9, said: 'We didn't have a house to stay in and so we had to go to see if they had a house we could stay in and they did not'.

Other children felt that local authorities were not trying hard enough to help them. Joel, age 9, said: 'No one would help us, and we asked them, the social services, but all that they can do is all they've done. I don't understand that. If they said it was social services, they should keep trying and trying until they help the person.'



Commenting on the approach social services take, Amir, age 8, said:

'They demand every little thing. Everyone should be cared for. People are treated bad. They are offended and stepped on. They go to the Council. They say we have no homes.'

Some children reported positive interactions with individual social workers, referring to them as 'nice' and 'friendly'. Joel, age 9, told us that his first social worker had helped his family to find a free TV. A number of children talked about being aware of the large number of families social workers had to support and appeared to be sensitive to the pressures of the job.

Tayo, age 8, commenting on his social worker said: 'She has so many people to look after.'

Due to the high turnover of social workers in local authorities and the infrequency with which children were met with, some children were confused about who their social workers were and were not sure if they had ever met with them. One family, supported by Haringey Council, said their social worker had changed 6 times in the last year.

# Chapter Four: Housing

Housing is a key problem for families supported under section 17. Most families seeking support from local authorities are homeless or facing homelessness. Others are sleeping on floors in unsuitable and unsafe accommodation, such as shops, derelict warehouses, or churches without access to kitchen or bathroom facilities. Research shows that poor quality housing leads to higher risks of severe ill-health and disability during childhood and early adulthood. Inadequate accommodation has also been found to have an adverse effect on children's educational attainment and to increase the likelihood of mental health problems<sup>15</sup>.

Article 27 of the UN Convention on the Rights of the Child states that every child must have a standard of living which is adequate to allow them to develop fully physically, mentally, spiritually, morally and socially. Further under Article 3 of the UN Convention on the Rights of the Child, the best interests of children must be the primary concern in making decisions that may affect them. All adults making such decisions should do what is best for children.

A recent report into the standard of accommodation provided under section 17 found that almost two thirds of properties provided to children in need are unsuitable and fall short of meeting the practical and emotional needs of the children and their principal carers. Research found that around 40 per cent of families had remained in inadequate accommodation for more than six months, 'a period long enough to allow for unsuitable housing conditions to have a profound and sustained impact on a child's life.'<sup>16</sup>

The four main problems children reported were:

- Street homelessness
- Not having enough space or privacy
- Poor living conditions
- Being moved far away and having to move around

Housing was a major concern for the children we spoke to, many of whom were living in inadequate accommodation.

## Street homelessness

A shocking 24% of children in this study had been left street homeless by a local authority. In all but one of these cases, local migrant organisations had safeguarded children from homelessness by paying for emergency accommodation.

One family we interviewed was left street homeless by a local authority for 8 nights. A local migrant organisation was able to find them several places to stay during this period, but they had to move four times before the local authority accepted it had a duty to accommodate them. Our research suggests that in many cases where families become street homeless and local authorities refuse to support them, decisions are later overturned and a duty towards the family is accepted<sup>17</sup>.

15. Harker, L. (2006) *Chance of a Lifetime: The impact of bad housing on children's lives*. London: Shelter. [http://england.shelter.org.uk/\\_data/assets/pdf\\_file/0016/39202/Chance\\_of\\_a\\_Lifetime.pdf](http://england.shelter.org.uk/_data/assets/pdf_file/0016/39202/Chance_of_a_Lifetime.pdf)

16. Threipland, C. (2015). *A Place to Call Home: A Report into the Standard of Housing Provided to Children in Need in London*. London: Hackney Community Law Centre and Hackney Migrant Centre.

17. Murtagh, A. (2018) *In the night we didn't know where we were going: Project 17's 'Hotel Fund'*. London: Project 17. <https://www.project17.org.uk/media/67646/hotel-fund-report-pdf-final-copy.pdf>

Joel, age 9, reported having to sleep in an Accident and Emergency department:

'We had to keep going to McDonalds every night and we would also go to A&E. I would have to wear my school clothes and sleep like that. They would say we have to sleep where the people wait but it's just like lights and there is nothing colourful there. The chairs were hard. You know when you just sleep in the waiting room? I felt sorry for my mum because she had to stay up and my head had to be on her lap. She had to stay awake, her eyes were open like 24/7, all night and all day so she could watch over me. It was hard for her but also hard for me.'





## Not enough space or privacy

Almost all the children we spoke to (94 %) complained about not having enough space or privacy. A lot of the children we spoke to were living in overcrowded properties before their families approached social services.

Laila, age 10, said:

*'We slept in the lounge on the floor all in one bed. My back was hurting. There were 9 of us in the two-bedroom house. Dad slept in the chair. When we woke up my body ached.'*

Amir, age 8, described living in shared accommodation for 10 months:

*'Where I live now, I'm not comfortable. There's a lot of noise from people coming up and down the stairs. It's always dirty. I have no space to do my homework and I don't feel safe. At 3am someone broke a door in the house - people were fighting.'*

Overcrowding and lack of space were also issues where families were being provided with accommodation under section 17. Most of the children were sharing single rooms with other members of their family. Some children were having to share beds with other family members. Sharing rooms was particularly difficult for mixed-gender families. Many mothers reported how difficult it was to share a bedroom with their sons because they had no privacy and nowhere to undress.

Rose, a single mother, said: 'One other thing I don't feel comfortable with, which I'm worried about, is my son is getting older. We practically use this space for everything. There are times when he doesn't feel comfortable dressing in front of me and I don't as well...I'm feeling more uncomfortable. He practically sees everything and everything I do if you know what I mean. He's also beginning to hide his body away from me, so it really depresses me.'

The children we spoke to also said they had:

- nowhere to do their homework
- no privacy
- no space to play

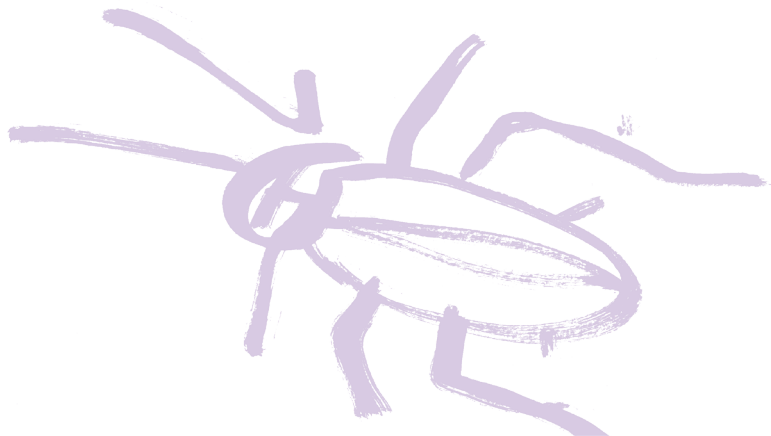
Children told us it was important for them to have their own rooms and to have space to do their homework and play. Many said not having their own room, or in some cases, their own bed, made them feel different from their peers.

BANG  
BANG

## Poor living conditions

Children raised a number of issues about the conditions of accommodation provided under section 17. These included:

- Living with rats
- Not having access to cooking facilities
- Cockroach infestations
- Anti-social behavior from other residents in shared accommodation
- Not having basic furniture such as a table or chairs
- Not having access to washing facilities



'I didn't find sleeping on the floor comfortable'

Sarah, age 8

## Bed and Breakfasts

Families supported under section 17 are regularly housed in bed and breakfast accommodation for long periods of time. This form of accommodation has been found to be 'detrimental to child welfare'<sup>18</sup>. Statutory guidance on homelessness states that bed and breakfast accommodation is unsuitable for people with dependent children or pregnant women. If a local authority is unable to source suitable accommodation, families should only be housed in bed and breakfasts for a maximum of six weeks<sup>19</sup>. However, no such legislation or guidance exists for accommodation provided under section 17. This lack of statutory guidance leaves families with little recourse when they are housed in unsuitable properties. Research shows that families are sharing accommodation with people who may have substance abuse problems, behavioural issues, and mental health conditions. Local authorities do not carry out checks on other residents before placing families in shared accommodation, so there are no measures in place to prevent children sharing facilities with people with violent criminal records<sup>20</sup>.

Sultan, age 9, and his mum have been living in a bed and breakfast for two years. They share one room. The room is too small for Sultan to do homework or play. They have no access to a kitchen, so they have been living on microwave food for the last two years. There is nowhere in the room for them to eat. There is a £20 charge to use the washing machine in the building, which Sultan and his mum can't afford. Sultan's mum is forced to clean his clothes with baby wipes.

Tayo, age 9, said:

'We sit on the floor to eat because we don't have tables or chairs'.



18. Threipland, C. (2015). *A Place to Call Home: A Report into the Standard of Housing Provided to Children in Need in London*. London: Hackney Community Law Centre and Hackney Migrant Centre.

19. HM Government (2018), *Homelessness Code of Guidance for Local Authorities*, para 17.32 <https://www.gov.uk/guidance/homelessness-code-of-guidance-for-local-authorities/chapter-17-suitability-of-accommodation> [last accessed 15 August 2018].

20. Threipland, C. (2015). *A Place to Call Home: A Report into the Standard of Housing Provided to Children in Need in London*. London: Hackney Community Law Centre and Hackney Migrant Centre.

## Moving far away and moving around

Over half of the children we interviewed were placed in accommodation far away from the borough where they sought support. This resulted in children travelling long distances to school, having to change schools, and being unable to see friends. Children reported feeling stressed and tired as a result. Some children were waking up at 4.30am to get to school on time.



None of the children we spoke to had been asked for their views on the accommodation they were provided with.

Children also expressed feeling scared of changing schools. Parents said they were reluctant to change their children's schools because they knew they could be moved to a different area at any time. Many families had been moved several times. Amir, age 8, said: 'We've packed and unpacked 10 times now'. Research by Shelter found that the uncertainty and stress surrounding enforced frequent moves and not knowing how long accommodation would last could result in a number of health issues. Moving around was also associated with difficulties maintaining school attendance and performance. Further, the report found that enforced moves were directly linked to other challenges such as bullying, behavior, and academic performance.

'I'm always dreaming of my friends and playing with them, but I can't see them because I'm here and most of them live one hour away from here.' Joel, age 9

## Chapter Five: Not enough money

Our research shows that financial support rates provided under Section 17 vary considerably across the country. The fact that there is no statutory guidance on the provision of financial support allows for such disparity. Although practice guidance on assessing and supporting families with NRPF has been produced by the No Recourse to Public Funds Network for local authorities, many are not using it. We consider a high number of current local authority policies on the provision of financial support under section 17 to be unlawful. Despite clear case law, some local authorities continue to exercise inflexible policies that fail to consider arising or additional needs. Others set financial subsistence rates in line with child benefit rates, a practice that was found to be unlawful in the case of *R(PO) v LB Newham* (2014). Research by COMPAS also found that numerous local authorities provide financial support for the children and not the parents. The research we have conducted supports this finding. Yet, case law has made clear that when it is in a child's best interests to remain with their family, payments for parents should be made in addition to payments for children<sup>21</sup>.

One family we spoke to were only receiving financial support to meet the needs of the child. Living on just £35 a week, it was impossible for them to meet their basic needs. Rose, a single mother said: 'They said they don't have a duty of care to me really, it's just my son. How I look after myself is none of their business.'

Families are often receiving financial support well below Asylum Support rates under section 4 of the Immigration and Asylum Act. This is the minimum the Home Office says is required to avoid a breach of the European Convention on Human Rights, and case law suggests it is the minimum a local authority is required to pay under section 17<sup>22</sup>. Local authority financial assessments are often of poor quality and fail to consider families' essential needs. Many families supported under

section 17 are unable to afford basic necessities such as enough food for the family, clothing, school uniform, and transport<sup>23</sup>. Sometimes parents are unable to take their children to school because they cannot afford the bus fare. The families we work with are also heavily reliant on food banks and charities. We find it is commonplace for local authorities to give families food bank vouchers in lieu of financial support.

The Children's Society found that in some cases, families supported under section 17 were living on less than £2 per person per day<sup>24</sup>.

Over three quarters of the children we interviewed (82%) reported not having enough money. They said they worried about their family not having enough money for basic items such as food, clothing, medicine, and transport. Several children explicitly said that the Council supporting their family did not give them enough money.



23. This finding is corroborated by a recent study of families supported under s17. See: Jolly, A. (2018) No Recourse to Social Work? Statutory Neglect, Social Exclusion and Undocumented Migrant Families in the UK. Birmingham: Cogitatio. <https://www.cogitatio-press.com/socialinclusion/article/view/1486/1486>

24. Dexter, Z., Capron, L., and Gregg, L. (2016) Making Life Impossible: How the needs of destitute migrant children are going unmet. London: The Children's Society. <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf>

21. *R (PO) v LB Newham* [2014] EWHC 2561 (Admin).

22. *R (VC) v Newcastle City Council* [2011] EWHC 2673 (Admin).

I worry about money because they don't really give much away. The Council don't give enough money to people.'

Mohammed, age 8

*Starved*



Miriam, age 17, described feeling like her peers looked down on her.



*Anxious*

'I feel like they look down on you. They'll look at you as though you're not in the same class as them. They just look at you as not being on the same standards as them because they'll dress in a certain way and you wouldn't dress in that certain way. They'll be talking about stuff they do, they go out, eat this and that, and you can't really relate to it because you don't have those privileges.'

Not having enough money left children feeling inferior to their friends. Some children also experienced difficulties at school because they did not have a computer nor access to the internet at home. Two children told us they often received detentions for not doing online homework, despite the fact that they did not have the means to complete it. One mother told us that her child goes to the library after school to do his schoolwork on the computer and stays until the library closes, before commuting 1.5 hours home. When we interviewed him, he was so exhausted by his daily routine that he fell asleep in the middle of the interview<sup>25</sup>.

Not having access to free school meals was a key issue for many of the children we talked to. Children living in families with no recourse to public funds are unable to access the government's free school meals programme beyond year 2. The eligibility criteria means that even where a child is British, if their parents have no recourse to public funds, they will not be eligible to access free school meals because their parents are not in receipt of a 'qualifying benefit'. A small number of London local authorities provide free school meals to all children in primary schools, regardless of their eligibility to the government's programme. Some schools are also very supportive of families with no recourse to public funds and offer free school meals to families out of their own funding.

*Sometimes I get late to school because my mum does not have any money for the bus pass or food.*

Raquel, age 8

25. Child Poverty Action Group (2013). Let's All Have Lunch! Why London Local Authorities should invest in Universal Free School Meals for primary school children <http://www.cpag.org.uk/sites/default/files/lets-all-have-lunch-Sep-2013.pdf>

Children told us that being unable to access free school meals left them feeling hungry and socially isolated. Some children said their schools had a policy of not allowing packed lunches, which left their families in debt to the school for meals they could not afford.

Jade, age 12, reported regularly missing lunch:

*I don't get free school meals. My mum has to pay for my meals but sometimes I don't eat lunch because like she needs to get money. Sometimes my belly will just hurt.'*

One father, Peter, told us that his children were ashamed of the packed lunches he gave them.

*'They often want to do school dinners, but because of financial constraints...when they see what others are eating, they bring back the food we give them. When you ask them, "why didn't you eat it?", they won't really tell you.'*



## Case study: Naomi, Anton, Veal, and Jaden

Anton (age 7), Veal (age 5), Jaden (age 1), and their mum, Naomi started sleeping on night buses after they were evicted from their flat due to rent arrears. When Naomi's visa ran out, she lost her job and could no longer pay the rent.

In the mornings, Naomi would take the children to McDonalds to brush their teeth. Sometimes they were so tired they couldn't make it to school.

Naomi sold all their possessions to scrape together money for them to eat.

When they went to the council for help, they were refused support. The council said they couldn't help because only Naomi and Anton had outstanding immigration applications. Because of the application fees, Naomi couldn't afford for Veal and Jaden to make immigration applications too.

After Project 17 intervened, the council eventually provided the family with accommodation, but the family were street homeless for two weeks before they were supported. This period had a detrimental impact on the children, two of whom had special needs.

The council initially gave the family just £46 per week to live on. This worked out at less than £1.70 per day per person.



# Chapter Six: Emotional impact

## Sadness

One of the key things we found in our research was that having no recourse to public funds and trying to access local authority support had a profound emotional impact on children and young people. Over two thirds of the children in this study (71%) described feeling sad about their situation.

They told us they were sad about:

- being told to go to their parents' country of origin
- their immigration status
- not having enough money
- being refused help by social services
- moving schools and leaving friends behind
- not having school meals
- their accommodation
- their parents being sad



Many children talked about the impact of their family's situation on their parents. They noticed their parents were sad, stressed, and anxious.

Shanice, age 10, said: 'You could see in my mum's eyes that she didn't look ok and that she didn't like it there. She would always cry but I never knew why she was crying'. Parents told us that they found local authority assessments 'humiliating', 'distressing', and 'stressful'.

'Any time I said, "Mum, can we go home?" I forgot that we didn't have a home, so I couldn't. My mum said, "which home?" and I said, "oh yeah, we don't have a home" Then I didn't want to talk anymore. I was feeling very sad.'

Joel, age 9

Ogechi, a single mother with 4 children, said:

'Emotionally, I've been very very down...sometimes I go inside, and I cry and cry and roll on the floor, but then I come out and seem like things are normal.'

Some children spoke to us about the difficulties of not having secure immigration status.

'It's quite a painful experience, not having your papers.'

Luke, age 16

## Anger and Fear

Children also reported feeling angry with social services. Sultan, age 10, told us he felt angry because his social worker shouted at his mum and didn't listen to him.

'I felt angry and upset and also missed school'

Priscilla, age 7

Some children said they felt scared about not having anywhere to live and not being helped by social services. Others reported feeling fearful of other occupants in shared accommodation. One child reported feeling very scared of his social worker and having nightmares about her.

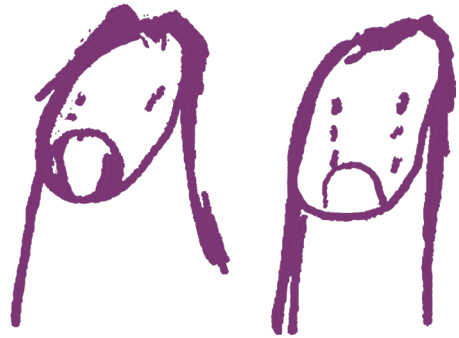
'I just sit down and think, yeah, I don't have a passport. What am I meant to do? I don't have a drivers licence. How am I meant to drive a car? National insurance number? How am I meant to work? How am I meant to save up? It's just like I think there's nothing more to life. I haven't got access to anything it's just like living a life without being alive.'

Miriam, age 17

## Shame

The teenage children we spoke to told us they struggled with feelings of shame and found it difficult that their families relied heavily on support from charity organisations and other people.

'It makes me feel inferior to other people. If we had our papers, then we wouldn't need to get support. It's just not a nice feeling.'



## Stress

Many children reported feeling anxious and stressed about their situation. These feelings had a negative impact on their schoolwork and their relationships with friends and family.

'I couldn't go to school and everything was all over the place. I couldn't concentrate at school because all I could think about was our situation.'

Rachel, age 12

## Feeling unsafe

Over a third of the children we spoke to (41%) felt unsafe. They said they felt unsafe because they were:

- homeless
- moving around a lot
- living with people they did not know
- uncertain about their housing situation
- travelling long distances to school

Several children also reported feeling uncomfortable that they had to speak to a social worker without their parents. They complained about being asked lots of questions that they felt unable to answer.



'I felt a bit safer at school but when it was home time, I would kind of cry inside because I would know where I was going. I didn't feel safe when I got back there.'

Shanice, age 10

## Case study: Grace, Kevin and Venisha

Grace (age 7) Kevin (age 9) and their mum Venisha were moving between friends every few nights because they had no stable place to live. Venisha was working but she could only work limited hours because she needed to pick Grace and Kevin up from school. When Venisha's visa expired and she applied to renew it, her employer wrongfully ended her contract.

Grace and Kevin were moving between addresses in two different local authorities. Venisha asked the councils for help, but both said no.

One council told them that they could only accommodate Kevin and Grace but not their mum. This scared Grace. Her teacher found her crying the next day at school.

The other council told them that they couldn't help because they had been moving around so much. The family ran out of friends to stay with and Venisha felt they had no option but to move back in with her abusive ex-partner. When she ran out of money to take Grace and Kevin to school, Venisha was forced into sex work.

It wasn't until a solicitor got involved that Grace, Kevin and Venisha were given somewhere to stay.

# Chapter Seven: Immigration issues

## Immigration

This study includes children with several different immigration statuses. Some are British citizens whose families had no recourse to public funds, others are undocumented, and a number of children had been granted 'Limited Leave to Remain with No Recourse to Public Funds'.

More than two thirds of the children we interviewed were born in the UK and had never left the country.

During the group workshop we ran with Together with Migrant Children, we asked participants to complete an exercise on what rights children had. We gave the children five different characters and a list of children's rights under the United Nations Convention on the Rights of the Child. The children were asked to decide which rights the children had and which they did not. Each of the characters had different immigration statuses. We refrained from using technical terms and tried to make the immigration circumstances of each character accessible to children. Almost all of the participants thought that children with insecure immigration status had less rights than other children.

## Being undocumented

All the children without leave to remain in the UK who we spoke to had immigration applications pending with the Home Office. Lack of access to legal advice and representation, including the absence of legal aid for cases based on family or private life, slow application processing, and poor Home Office decision-making meant many families had been left in limbo for several years.

Awareness of their family's immigration situation was very varied among the children we spoke to. Some children were acutely conscious of their status, or lack of it, while others were relatively unaware.



'I was born in Britain and I have been here for 9 years and they are telling me and my mum to go back to where she used to be, but I've never been there.

I don't feel comfortable going somewhere I've never really been. I don't want to go there. I've been here for 9 years. If I go there, I won't fit in.'

Sultan, age 9

It was clear that the specific barriers undocumented children faced in relation to their immigration status left them feeling socially isolated, different from their peers, and ashamed. Over a third of the children we spoke to (41%) reported feeling socially isolated as a result of their circumstances.

These children said they were unable to speak to friends about what they were going through and that they felt different to their peers due to the level of poverty they were living in.

The key things that children spoke about in this context were:

- feeling discriminated against on the basis of immigration status
- their parents not being allowed to work
- not having enough money to do the same things as their friends
- not being able to attend school trips to other countries
- not being able to open a bank account

Shanice, age 10, who shares a bed with her mum, described an incident at school:

'If people in your class say, "where does your mum work?" I say, "I don't know." "Where do you live?" I say, "I don't know." Then one boy in my class said, "Oh Shanice, you sleep with your mum."'

Children told us that when they were unable to go on school trips to other countries, they felt alienated from their peers.





'My school has a lot of, like, trips to different countries. I can't really go on them because I don't have my passport. Because that's a major thing they ask for and you also have to pay for.. them and my mum's not working due to the papers. When they go on them and they come back, they're talking about it and I'm just there. I can't really relate to them.'

Sam, age 12



Almost all of the children we spoke to said they didn't feel able to talk to friends about their situation. After missing out on a school trip to another country, Luke said: [My friends] were all asking different questions, like, "why didn't you come?" But I couldn't just tell them it was because of my paper issues.'

The teenage children we interviewed were particularly concerned that they would be unable to go to university because of their immigration status.

'I want to go to university, but you require your passport to go to university. So not having the passport, it's quite a scary thing. As I'm growing up, I'm thinking...I don't have my passport, that means I won't be able to study engineering and be the person I want to be when I'm older. It just isn't right.' Luke, age 16

## Case study: Miriam

We were living together, all five of us in one room. There were cockroaches and it was crowded. But then, like, the government said, there were too many of us living there. So me and my sister, we had to move. My mum and my brothers stayed and I had to go to another place to stay with a relative. It was quite upsetting because I was away from my family and even though I had somewhere to stay, it was different. You don't really feel 100% comfortable not being around your family.

The landlord gave my family a lot of trouble. He came to the house a lot. He used to come unannounced and open the cupboards. There would be fights. The police got involved. If you phoned the police now, they'd know about that house.

My mum went to social services. We had hardly any money. They came to the house. I feel like the first time, they didn't really do anything. Everything still remained the same. I sort of understood what was going on. They were laid back. It was like we were less privileged or deprived. They didn't do anything because they knew we didn't have our papers. They said it's for the government to decide, but I think if they had spoken to someone in authority, they would have done something. It feels like if you don't have any papers, you don't have the right to get a house or a right to anything else compared to people that have their papers and passport.

They came back a second time after my mum met Project 17. Then they moved us. It was far. When we got there, there were no beds. There was no heating. Even though we each had a room, we all stayed together because it was so cold.

But I'm turning 18 soon and I feel like I don't want to because here they classify it as an adult so I'm going to be independent and have help from nowhere, yet I can't get a bank account, I can't get a driving license. I can't go to university either. In the application for uni they were asking for a passport and the Home Office has my passport.

*Sometimes I just feel like life is not really worth it.*

There's no point in moving on and stuff. Obviously I still hope for the best but in reality I know that right now things aren't moving forward.

## Having No Recourse to Public Funds

Most of the children we spoke to did not understand what 'no recourse to public funds' meant. Those who did expressed concern that NRPF was unjust and unfair. Several children said it was 'wrong' and that it 'didn't make sense'.



'It's not right that my mum doesn't have public funds.'

Jade, age 12



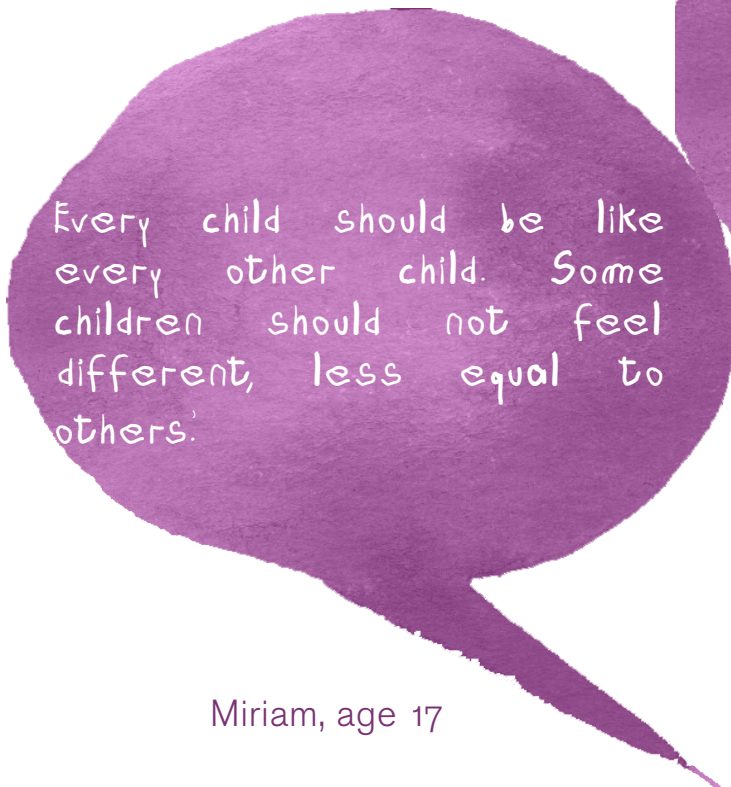
'It doesn't make sense at all. I have a British passport. It seems very very unfair.'

Ali, age 12



'Everyone is meant to get the same treatment. Everyone should have recourse to public funds if people don't, it's wrong.'

Mohammed, age 8



'Every child should be like every other child. Some children should not feel different, less equal to others.'

Miriam, age 17

## Chapter Eight

### Conclusion and our recommendations

#### Recommendations from children and young people

##### Listen and help

The children we spoke to told us that they wanted local authorities to listen to them and their parents. They said they wanted social workers to be friendly, kind, and helpful. In particular, they wanted social workers to help their families to resolve their issues rather than make things harder. They also said they wanted to be asked for their views. One child said that local authority staff should not be mean or shout at people.

'If they spoke calmer and gave me time to answer questions, it would be better. They should be loving and treat people nicely if they are from another country or have another skin colour.' Amir, age 9

##### We need somewhere to sleep and money to eat

The children we spoke to also said local authorities needed to ensure children have somewhere to sleep and that their families have enough money to live.

'If I were a social worker I would fight for what was right even if they say if you help this person you'll get fired, they should still help the person'

Joel age 9

##### We need access to public funds

The children who were able to understand that their parents had no recourse to public funds wanted their families to be given access to public funds.



'What I would change about what happened is that my family had just had recourse of public funds from the beginning so none of this would have happened.' Anya, age 10

### **We want our own space in our communities**

Several children said that families should not be forced to share accommodation with other families or be forced to move very far away from their friends and schools.

Shanice, age 10, said: 'It was very stressful to live so far away. I had to wake up very early. When I used to go to my friend's house, I used to feel a bit sad when I had to leave. That I had to go away from the place I grew up in. I wouldn't really want anyone to go through what I've been through because I feel like it wouldn't be nice for them.'

### **Give us something to do !**

Many children talked about being present at the Council when their parents were requesting support and being interviewed. They complained that there was nothing for children to do during the long waiting periods. They recommended that local authorities provide things for children to do.

Matthew, age 8, 'I felt sad waiting. There should be things to do in the Council. If I could watch a video I wouldn't have to think about waiting.'





## Conclusion

The experiences of the children and young people featured in this report are deeply concerning. It is clear that local authorities are failing in their duties under the Children Act 1989 and their obligations under the UN Convention on the Rights of the Child. It is disturbing that in a country as rich as the UK, children are being left street homeless, and without enough money to eat or go to school. Urgent action needs to be taken to ensure children living in families with no recourse to public funds are treated fairly and given the support they need to live.

Children are being increasingly marginalised from a process designed to focus precisely on them. As local authority staff run credit checks, investigate social media accounts, and forensically examine bank statements, children are left suffering and unheard.

The immigration statuses of their parents should not be held against these children, who are some of the most vulnerable and disadvantaged young people in the UK. No recourse to public funds is simply 'not fair', as Anya, one of the children featured in this report, put it. All children have the right to a home and enough to eat, regardless of their parents' immigration status, and these rights must be upheld. A precursor to the hostile environment, NRPF embodies a discriminatory agenda that leaves individuals with nowhere to turn. It is crucial that NRPF is brought to an end and that central government and local authorities pay heed to the children and young people in this report.

## Our recommendations

### Local authorities

- Assessments should be child-focused, fair, and transparent. They should be conducted by social workers, in line with statutory guidance. Children's views, wishes, and feelings should be solicited and given due regard in decision-making. In line with Article 3 of the UN Convention on the Rights of the Child, the best interests of children should be the primary concern when staff are making decisions that may affect children.
- Local authorities should be sensitive to the vulnerabilities of families approaching them for support and give parents ample opportunities to provide an explanation for inconsistencies or gaps in information. Local authority staff should treat families with dignity and respect.
- Immigration and fraud officers should not be part of Child in Need assessments. They act as a deterrent to vulnerable families and therefore put children at greater risk of destitution.
- NRPF Network Practice Guidance should be adopted by local authorities to ensure they are carrying out consistent, lawful assessments and making decisions in accordance with best practice.
- Starting rates for financial support provided to families with NRPF under section 17 should never be lower than rates provided to destitute asylum-seeking families under section 4 of the Immigration and Asylum Act 1999. Financial support should be provided to the family as a whole and should be sufficient to meet the family's needs. Information about how rates of financial support have been calculated should be accessible to families and social workers should make sure that families feel confident to raise issues about subsistence.
- Local authorities should carry out checks on accommodation provided before families are moved into properties. Accommodation provided should be suitable for families and consideration should be given to the need for privacy, the location of a child's school and their community, the behavior of other residents, and access to basic facilities. Social workers should make sure that children have adequate privacy, space for homework, and feel safe in the accommodation.

## Central Government

- The Home Office should not apply the NRPF condition to individuals granted leave to remain on human rights grounds.
- Local authorities should be sufficiently funded by central government to meet their duties under section 17.
- Central government should consult and provide statutory guidance on the provision of accommodation under section 17.
- Changes should be made to The Education Act 1996 to ensure children in families with NRPF are entitled to free school meals.
- The government's 30 hours free childcare scheme should be made available to families with NRPF.
- Legal aid should be reinstated for individuals applying for leave to remain on the basis of family or private life.
- Immigration application fees for leave to remain on the basis of family or private life should be scrapped.

## Project 17

- To explore how we can be more effective at seeing and hearing the children and young people we work with.
- Identifying further partnerships and funding opportunities to build on this work.
- Developing a charter for local authorities to consider how they will work towards a child-friendly environment for families with no recourse to public funds.





