



Briefing on Work and Pensions Committee Report: Children in Poverty: No Recourse to Public Funds, What next?

Produced as background reading for the registered members of the APPG on No Recourse to Public Funds ahead of the 15th of June 2022 panel discussion.

In January 2020 the Work and Pensions Committee, chaired by Sir Stephen Timms MP, launched a wide ranging inquiry to examine what the Government could do to reduce the numbers of children growing up in Poverty. The second part of this inquiry focused particularly on children in families with no recourse to public funds (NRPF) and the impact of a lack of access to mainstream benefits is having on them.

All contributors to the inquiry recognised that a family with NRPF has no safety net when they fall on hard times, as many did during the pandemic and this can lead to serious negative consequences for children in families with NRPF. They can struggle to afford unavoidable living costs such as energy, water and council tax bills as well as furniture and home maintenance costs. It was found that if families do manage to make their housing-related payments, it is often through community support or incurring significant debt.

The inquiry was conducted during the recovery from the coronavirus pandemic. Evidence was heard from many organizations and charities within the sector helping children in families with NRPF and from local authorities. Vast amounts of evidence was provided documenting the terrible consequences of the no recourse to public funds policy. With the help of the evidence from parents and stakeholders, the inquiry was able to look at the impact that a lack of access to social security is having on children in families with NRPF, and what more could be done to support them. No written evidence was provided from the Government.

Background

Every year we see hundreds of families facing homelessness and struggling to buy food because they are excluded from the welfare safety net because of the NRPF condition attached to their immigration status. Families subject to NRPF are prohibited from access to mainstream benefits. As a result, many families are unable to afford basic necessities such as enough food, clothing, school uniform, and transport. Financial support provided to families under Section 17 of the Children's Act 1989, (children act insert) 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. Local authorities do not receive extra funding from Central Government to support families subject to NRPF, and we often see excessive gatekeeping of the resources they do have, as a result of this.

The inquiry revealed that the Government is unable to provide Parliament with an estimate of how many people are subject to NRPF. It was recognised that without accurate data it is impossible for Government, local authorities and NGOs to cost and plan support for families with NRPF. This is particularly and pressingly relevant because of the increase in the number of parents with NRPF following the

UK's withdrawal from the EU and now because of the Nationality and Borders Act.

During the pandemic various schemes were put in place to help the vulnerable and those on low incomes. However, what became clear was that many of these schemes were not accessible to children and families with NRPF as access was linked to mainstream benefits. For example, the Unity project reported that the opportunity to access the furlough or self-employed schemes was limited for families with NRPF. Many parents with NRPF are on informal or zero-hours contracts, and these schemes did not provide any support to those who saw their contracts terminated or hours reduced due largely to being in precarious employment. Furloughed workers still had to apply to have their NRPF condition lifted due to poverty, highlighting the limits of these schemes for those with NRPF.

In a request to suspend the NRPF condition during the pandemic the Government refused to do this, stating that Change Of Conditions applications are available for families with NRPF who were struggling. The inquiry looked at the evidence submitted from the Unity Project and others and concluded that although available, the application process was cumbersome and impossible for people to access

without the help of an advocate. There was also very little knowledge of these applications across the sector.

Recommendations of the Report

The WPC report [Children in poverty: No recourse to public funds - Work and Pensions Committee](#) was published on 14 April 2022.

Many who contributed to the inquiry had argued for an end to the NRPF policy either in its entirety or at least for families with children, due to severe impacts on the mental and physical health of children.

The report made many recommendations on the evidence provided in the inquiry. However, for the purposes of this briefing and the APPG, we will highlight what we think are the most important ones for our session today and for our panel of speakers.

It is important to note that during the pandemic and after much publicity, free school meals were temporarily extended to some families with NRPF as a result of campaigning on this. Following the inquiry, and on 24 March 2022, eligibility for free school meals was permanently extended to children from all families with

NRPF subject to an income threshold and a capital savings threshold comparative to families with recourse to public funds. This is a welcome and important development as a result of the inquiry.

Concerns

Although welcomed, we believe the recommendations in the report do not go far enough to alleviate child poverty in families subject to NRPF. While they may relieve some of the burden faced by families with NRPF they do not address the causes of homelessness or severe poverty.

One of the stark revelations of the inquiry was the lack of any Government data on how many families and children are subject to NRPF. This means that we have no idea how many children and families are actually facing destitution which in turn presents difficulties with correctly targeting help for this group.

We are concerned that the recommendation that the NRPF condition be restricted to a period of five years instead of the current ten years does not go far enough and will not impact the spiraling cycle of debt that children and families find themselves in when this condition is imposed on them. It does not provide families with any safety net when they fall on hard times, as the pandemic exposed. Once families with children who have NRPF enter into a cycle of debt it is very hard for

them to come out of this. Precarious working and child care issues are contributing factors as well as the very low levels of support they receive from local authorities. Even when there is a process to make a change of conditions application, in order to access benefits, the inquiry heard from charities helping families with NRPF, that they struggled to know about this or make these applications without help. When they did, these were often refused without a right of appeal when made without the help of an advocate.

The recommendation to extend access to child benefit to British children in families with NRPF is again welcome but we would submit it can also have the effect of dividing and discriminating against children in families on the basis of their nationality. This can create a culture of the deserving child against the ‘other’, which we believe will have long term consequences of psychological damage for children and their parents. We believe that all children have the right not to live in poverty and destitution and this right should not be predicated on the basis of their nationality.

Another recommendation discussed in the report concerned adequate childcare and this was identified as an area that requires improvement for families with NRPF. The inquiry heard from organisations about the difficulty many parents with NRPF

have in finding safe childcare when working and the detrimental effects on child development when children do not have access to early years structured learning. During the pandemic access to free nursery education for 2 year olds was extended to include families and children with NRPF who are undocumented and on section 17 support. This was a helpful and welcome addition. However children and families with NRPF remain excluded from access to the provision of 30 hours free childcare for parent/s working at least 16 hours a week. This we believe would be a helpful addition for children and families with NRPF because parents would be able to access secure, full time employment without risking the health and safety of their children. This in turn would allow them to increase their income to bring them out of the poverty trap.

The report recommended that the Government ensure the Support for Migrant Victims Scheme (SMV) is evaluated swiftly so that the pilot can be rolled out or alternative measures put in place immediately to ensure that survivors of domestic abuse, including children, receive the necessary support. The SMV provided 500 migrant victims of domestic and other forms of gender-related abuse (and their children) who are subject to the No Recourse to Public Funds (NRPF) Rule. However the MSV scheme ended on 31 March and we are concerned that it

remains unclear as to what has been provided in its place for children and families with NRPF.

During the inquiry, the London School of Economics (LSE) and the Greater London Authority (GLA) published a social cost benefit analysis of the NRPF policy in March 2022, [Social Cost Benefit Analysis of the no recourse to public funds \(NRPF\) policy in London](#), and found that if households with children (either UK or foreign born) were given access to public funds, it could lead to net societal gains of up to £872 million over ten years. The report further suggested that the psychological and physical challenges when people are in debt would be avoided thereby preventing the further cost to health services to deal with this. We would support the view that preventing children and families from falling into debt in the first place would be the better outcome in the long term for children and families with NRPF and society as a whole.

We are concerned that many families with NRPF remain unable to access much needed support as a result of the pandemic and the cost of living crisis for some of the reasons outlined above and that this means many of these families are still facing destitution and homelessness as a result.

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