



CWB Item 5.2



### No Recourse to Public Funds: National Guidance and Campaign Development

#### Summary and Recommendations

This paper updates on the Board on progress made to develop new national guidance on migrants' rights and entitlements to local authority services and presents a full draft for consideration. The guidance is due to be published in January 2019 at a high-level event with Scottish Government, following which, COSLA will deliver a series of regional information and training workshops for local authority staff.

The paper also advises on progress made to develop a joint campaign with Local Government partners and third sector allies across the UK. It sets out key elements of a proposed campaign approach and seeks feedback and endorsement for the proposed aims and recommendations.

Members are invited to:

- i. Note the draft national guidance *Migrants' Rights and Entitlements' to Local Authority Services in Scotland*, which is due to be published in January 2019 and to provide any comments; and
- ii. Consider and approve the campaign proposal. In particular, views are sought on the recommendations and proposed approach.

#### References

- 18-09-21 CWB Item 2.5: Supporting Vulnerable Migrants with No Recourse to Public Funds
- 17-11-03 - CWB Item 4 – Destitution, Asylum and Insecure Immigration Status

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### No Recourse to Public Funds: National Guidance and Campaign Development

#### Purpose

1. This paper updates the Board on progress made to develop new national guidance on migrants rights and entitlements to local authority services in Scotland and presents a full draft for consideration. The paper additionally advises on progress made to develop a joint campaign with Local Government partners and third sector allies across the UK. It sets out recommendations and the key elements of a proposed approach. The purpose is to seek feedback and endorsement.

#### Current COSLA Position

2. COSLA has been leading work to strengthen support for local authorities to better meet the needs of migrants at risk of destitution. We have commissioned new national guidance on establishing migrants' rights to access local authority services. This was based on feedback from local authority officers and responded to recommendations from the Scottish Parliament's Equalities and Human Rights Committee. In partnership with Scottish Government, we have been working with two consultants with specialist policy and legal expertise in this area to produce the resource.
3. The Board has also asked that COSLA officers prioritise policy development in this area. At the September Board, members endorsed proposals that COSLA works with other Local Government Associations across the UK to develop joint positions and advocacy on these issues. In particular, to ensure that vulnerable groups, including families with children, victims of human trafficking and women fleeing domestic violence have recourse to public funds and to press for UK Government funding to meet the costs of providing support.

#### What is changing?

##### *New National Guidance*

4. The new national guidance sets out the legal framework in which local authorities have to make decisions about the provision of support. It is intended that the resource will help local authorities to identify and make decisions about the provision of services to migrants who are eligible for support from local authorities, with a focus on assisting people with No Recourse to Public Funds (NRPF).
5. To support the implementation of the new guidance, we are developing a series of dissemination and training events to improve the skills and confidence of frontline staff in supporting people with NRPF. The events will assist local authority staff and strategic leads to understand migrants' rights to support and to explore ways in which guidance can be used to improve their own policies and practice.
6. A close to final draft of the new guidance can be accessed by clicking on the following hyperlink: [Migrants' Rights and Entitlements' to Local Authority Services in Scotland](#). **Please note that due to the complexity of the issues that it covers, the guidance is very lengthy and technical in nature, and there is not necessarily an expectation for**

**members to comment on the detail.** Members should also note that an expert steering group, involving local authority practitioners, has had opportunities to comment on, and provide amendments to, earlier versions of the document. We would however welcome any comments and feedback that members might have.

7. The guidance is due to be published in January 2019 and will be accessible online. Given the complex and detailed nature of the guidance, the online version will allow for the provision of a more accessible format, including hyperlinks to enable users to navigate quickly between chapters and topics, as well as a range of best practice and assessment tools to assist with delivery in practice.

#### *Campaign Development*

8. COSLA plans to take forward proactive lobbying and campaigns work to influence changes in UK Government policy. The aim of this activity is to secure policy changes that will help to reduce rates of migrant destitution as well as reduce the impact on Local Government of responding to destitution. The campaign will utilise opportunities presented by the current political and media focus on Home Office immigration policies, as well as growing public sympathy towards vulnerable migrants and asylum seekers and the increased profile of these issues, to secure a shift in UK policy.
9. Our preferred strategy is to work in partnership with other Local Government associations and local authorities across the UK, ideally with the support of key political and third sector allies, to present a unified, high profile call for policy change. It will focus on identifying and communicating a clear, pragmatic, and achievable policy change/set of changes that will meet our objectives, behind which our key partners can all align. We have held two initial meetings and have initial agreement to work in partnership with the LGA, WLGA, Greater London Authority and London Councils to take forward this campaign.

#### **Proposed COSLA Position**

10. We recommend launching a public campaign in 2019 to seek to secure changes in UK policy on NRPF rules. We recommend that our headline campaign call should be for the UK Government to end the use of 'No Recourse to Public Funds' policies for vulnerable migrants (including families with children who are applying for leave to remain under the family/private life rules as well as for care leavers, victims of domestic abuse and modern slavery). This call is likely to make sense publicly, could be communicated effectively as part of a public facing campaign and would help to prevent destitution, by enabling vulnerable groups to access mainstream services and support, including benefits.
11. We propose structuring our campaign messages around the impact of current NRPF policy on migrants (including demonstrating risks of homelessness, trafficking and domestic abuse) and the cost to Local Government and communities (focusing on costs to social services and third sector). We also propose setting out pragmatic and workable solutions which emphasise the benefits of recommended policy changes on migrants, communities, public services and UK Government.
12. There are also further specific measures we may wish consider pushing for. These include:
  - Conducting a one-off exercise to systematically grant indefinite leave to remain to individuals or households receiving local authority support where regularisation of immigration status is outstanding.
  - Providing financial compensation to local authorities for costs incurred by supporting individuals and families who are restricted from accessing public funds by their

immigration status – including former Looked After Children who are being supported indefinitely by local authorities under continuing care duties.

- Ensuring applications for asylum support are processed promptly where otherwise the local authority would incur costs of providing support.
  - Ensuring that immigration claims made by households receiving local authority support are expedited by Home Office casework teams.
  - Reviewing the use of the 10-year settlement route where people are granted leave to remain on human rights grounds and have been accepted as having a long term future in the UK .
  - Removing the Scottish Social Welfare Fund and other devolved benefits from the list of regulated public funds to help people on low incomes with NRPF to avoid destitution.
  - Significantly reducing citizenship fees and/or introducing a fee waiver or exemption for children in low income families, including those receiving section 22 support, or who are in the care of social services.
  - Exempting people receiving social services' support from secondary and community NHS charges (mostly England and Wales).
13. The campaign will focus on influencing the UK Government to accept key campaign calls through delivery of a successful public and parliamentary engagement strategy. This is likely to include parliamentary, media and public awareness work. We will develop a strategy that includes cross-party engagement with MPs, publication of a joint briefing setting out our key arguments and a timetable of activities to raise awareness and communicate our positions to key UK Government decision-makers (including through co-ordinating advocacy messages with Local Government partners across the UK).
  14. A more detailed draft campaign strategy is attached as an appendix for further information. We would welcome initial views on the content of the draft and, specifically, on the shared calls, and the best strategy for their adoption.

#### **Next Steps**

15. COSLA officers will work with Scottish Government to launch the national guidance and deliver a range of dissemination events in January 2019. Councils will be apprised of key dates in this regard and members are encouraged to promote local authority engagement in these activities.
16. COSLA officers will look to take forward activities with Local Government partners across the UK in the coming months, in order to deliver on the campaign proposal set out in this paper. While members will be kept informed about these activities, initial comments and views on the direction of travel would be welcomed.

**December 2018**