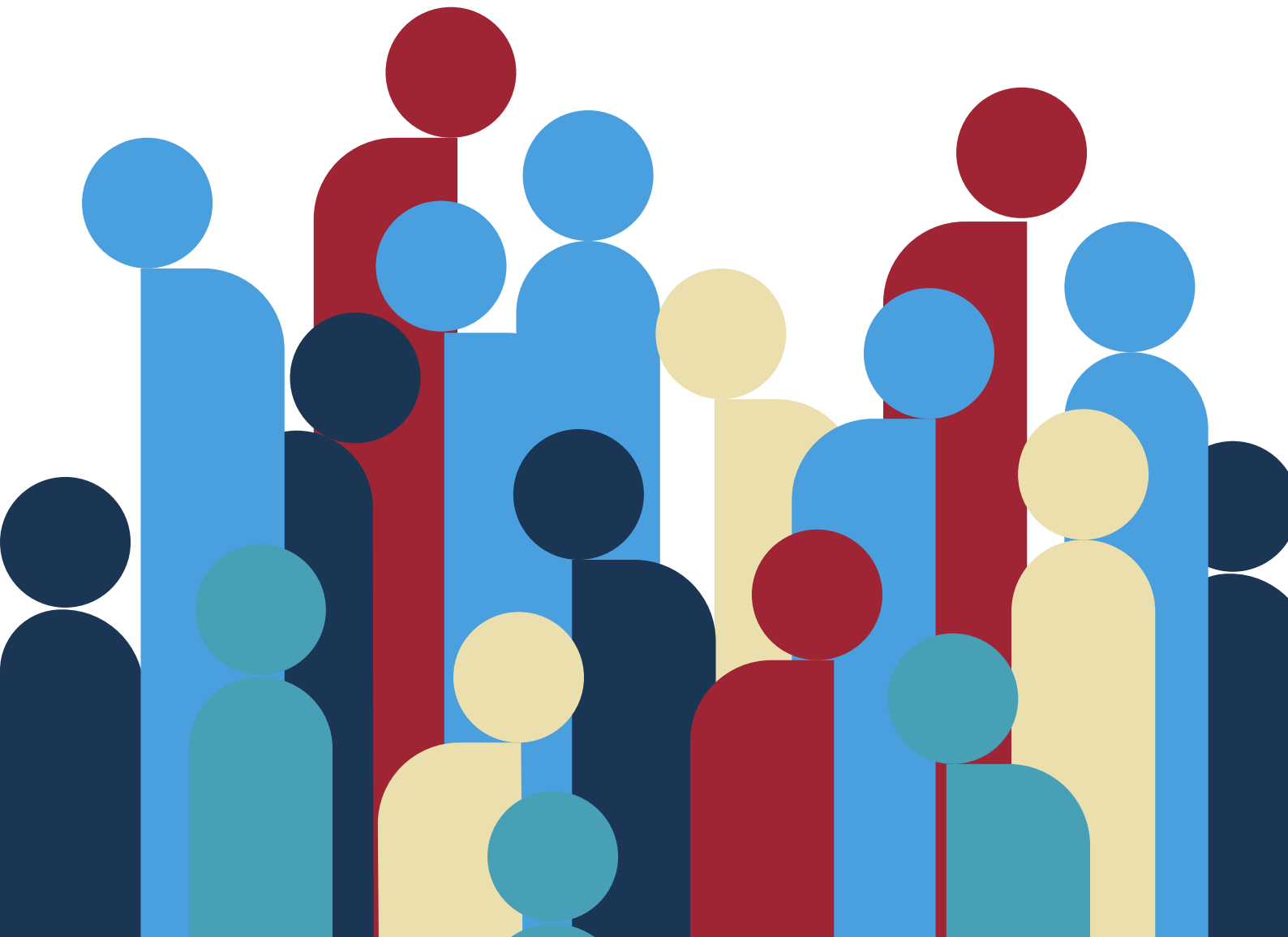


*The 'go to' organisation for Local
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ELECTED MEMBER BRIEFING NOTE

Ending Destitution for People with No Recourse to Public Funds



Elected Members Briefing Series

The Improvement Service (IS) has developed an Elected Members Briefing Series to help elected members keep pace with key issues affecting local government.

Some briefing notes are directly produced by IS staff but we also make available material from a wide range of public bodies, commentators and observers of public services.

We will use the IS website and elected member e-bulletin to publicise and provide access to the briefing notes. [All briefing notes](#) in the series can be accessed on the IS website.

About this briefing note

This briefing provides elected members with information on the impact of No Recourse to Public Funds (NRPF) conditions upon people and communities and highlights the critical role members can play in raising awareness and supporting people at risk of destitution.

The Scottish Government and COSLA share a joint commitment to mitigate the impact of NRPF conditions, including the increased risk of destitution via the [joint Ending Destitution Together \(EDT\) Strategy](#). The strategy (2021-24) sets out a cross-sector approach to enhancing supports which mitigate destitution and associated harms. As the first strategy of its kind in Scotland, the vision of EDT is that:

“No one in Scotland is forced into destitution and everyone has their human rights protected, regardless of their immigration status.”

The risks of destitution arising from NRPF conditions are becoming more widespread following policy and legislative changes such as Brexit, the Nationality and Borders Act and more recently the Illegal Migration Act. These changes have resulted in the work to support people facing destitution becoming more complex and requiring increasing resource to deliver.



Glossary of Terms

No Recourse to Public Funds (NRPF) is a condition applied by the UK Government to people who are subject to immigration control under UK immigration law. It restricts access to certain public services and benefits, including social security benefits, homelessness assistance and a local authority allocation of social housing. Public funds are defined in the UK immigration rules.

Subject to immigration control – this category refers to people who require permission to enter the UK, or permission to stay in the UK to live, work and study here.

Illegal Migration Act - the Illegal Migration Bill was introduced on 7 March 2023 and was given Royal Assent on 20 July 2023. The [Illegal Migration Act](#) outlines significant reform of the asylum and immigration law in the UK, which will further limit the rights and entitlements of people to seek asylum in the UK. Full implementation plans of the Act are not known at the present time.

Leave to enter/remain - Every person requires leave to enter or remain in the UK unless they are a British citizen, an Irish citizen or a Commonwealth citizen with the right of abode. People who require leave to enter or remain are subject to immigration control. Cases where someone requires leave to enter/remain but does not have it include visa overstayers, asylum seekers or EEA nationals who applied to join the UK after the 31 December 2020.

People with leave to enter/remain subject to NRPF conditions include work permit holders, seasonal migrant workers, spouses of British citizens/settled people, Hong Kong BNO or EEA nationals granted leave to enter after 1 January 2021.

What is the issue and why does it matter?

No Recourse to Public Funds (NRPF) restrictions have a significant impact upon the rights and entitlements of people who come to the UK by removing access to the vital welfare safety net many families and households rely on when uncertainty and crisis arise.

- Many people who come to the UK with NRPF conditions do so to work, study or join family.
- It is estimated that in 2019, around 1.3 million people were resident within the UK with NRPF restrictions. Of these people, it is estimated that around 13%, or 176,000, are under 18 years of age.¹
- NRPF restrictions form part of reserved policy matters and are decided upon by the UK Government. NRPF conditions are an area of long-standing human rights concern in Scotland, however as this is a reserved issue Scottish local government have limited discretion to act.
- People with NRPF face disproportionate risks of destitution because their immigration status means they can't access social welfare and housing support, even if they've lived in the UK for years. Many people are unable to work due to their immigration status. Without savings or access to social welfare support, people with NRPF are particularly vulnerable to wider economic and labour market changes which may limit the availability of suitable employment, while changes in the economy may increase the cost of living.
- The risks associated with destitution also include an increased risk of people entering or remaining in exploitative or abusive relationships. This can include cases where people enter exploitative employment arrangements as their only means of accessing shelter or making a living. This makes destitution hidden and even more challenging to overcome.
- The Illegal Migration Act (2023) will increase the number of vulnerable people, including children, seeking support and assistance from councils. This is likely to exacerbate destitution in our communities and place unsustainable financial burdens on local authorities.

Through the joint Ending Destitution Together Strategy, COSLA and Scottish Government committed to address the risks arising from NRPF conditions as part of broader commitments on upholding human rights, ending poverty, homelessness, and in delivering public services to enhance wellbeing.

¹ [Between a rock and a hard place: the COVID-19 crisis and migrants with No Recourse to Public Funds \(NRPF\)](#) - Migration Observatory - The Migration Observatory (ox.ac.uk)

Why does this matter?

A continued focus upon supporting people at risk of destitution is critical to ensuring Scotland remains a place of safety and welcome for all, irrespective of their immigration status.

In recent years, the landscape to support NRPf households has become more complex as local authorities are required to navigate changes in policy and legislation e.g., EEA nationals' rights post-Brexit, Illegal Migration Act, widening of asylum dispersal and cost of living crisis.

Local authority powers to support people with NRPf are limited and some people remain excluded under immigration rules. However, local authorities do have statutory duties to provide support to families with children and adults with care needs, regardless of their immigration status. Assistance from local authorities can include financial support, help with housing costs, along with wider welfare and social work support.²

To support councils assist people subject to NRPf conditions at risk of destitution, COSLA and JustRight Scotland produced [National Migrants Rights and Entitlements Guidance](#) to assist local authorities meet statutory duties in supporting vulnerable households.

In 2022 COSLA's Community Wellbeing Board agreed the introduction of an annual survey of local authorities to build an evidence base on the scale and impact of NRPf conditions on local authority services in Scotland. COSLA issue this survey to Scottish local authorities and [publish the data online](#).

Evidence from this survey found:

- In 2021/22 local authorities in Scotland supported at least 811 NRPf cases at a cost of at least £5.9m. Of this expenditure, 86% was used for accommodation.
- Between 2020/21 and 2021/22 councils saw a 40% increase in the number of NRPf cases supported and a 48% increase in the number of referrals. The majority of referrals and support provided in both years fell under the Children Scotland Act (support provided to a family to meet a child's needs).

² For detailed information on local authority duties and powers in this area please see the [National Guidance on Migrants' Rights and Entitlements](#)

What does this mean for elected members?

Destitution is particularly relevant to the work of elected members, as it has devastating impacts on the wellbeing of people and communities in Scotland. It is a condition that isolates people, wastes human potential and ultimately costs the public purse. It impacts the wellbeing and stability of households, affects community cohesion and prevents the development of inclusive communities where everyone is welcomed and supported.

Destitution also contravenes local government's priorities to protect human rights, deliver equality duties, safeguard and protect vulnerable groups and to tackle poverty, including child poverty, both key priorities in the [Verity House Agreement](#) between COSLA and Scottish Government. It can also make it harder to meet joint COSLA/local government and Scottish Government commitments set out in national strategies to end child poverty,³ homelessness⁴ and to support the vision of a welcoming Scotland.⁵

Elected members have a crucial role to play in working for the good of all our communities, including people who are destitute because of immigration policy. As those with NRPF are at increased risk of destitution and exploitation, it is even more crucial to ensure that they receive all the support they are entitled to and that they are not locked out of essential safety nets in times of need.

Elected members can help work in this area by:

- Encouraging the effective monitoring and recording of NRPF cases to better understand the scale and complexity of the issue in your council area. COSLA provide an annual survey to all councils for collation of these issues at a national level.
- Engaging with, and widely promoting available [guidance and resources](#) across councils to raise the profile of these issues within your organisation and highlight good practice examples.
- Working alongside public sector partners, third sector organisations and community groups to fostering long-term local solutions to destitution. This could include working across a range of existing partnership networks (e.g., community planning, employability, education, welfare advice) to raise awareness on the risks of destitution, its hidden nature and what to do if services encounter people with NRPF at risk of destitution.

3 [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#) - gov.scot (www.gov.scot)

4 [Ending Homelessness Together Strategy](#)

5 [New Scots Refugee Integration Strategy](#)

- Recognising that recent legislative changes in this area will result in an increased demand for support for NRPF households, members can highlight this issue via internal political channels to ensure staff and services are prepared, informed and resourced to meet future demand.
- Explore how powers to enhance wellbeing within the Local Government Scotland Act (2003) may be employed to enhance the overall wellbeing of people at risk of destitution.



What does good practice look like?

In meeting the ambitions of the Ending Destitution Together Strategy, COSLA leads on work to develop and update No Recourse to Public Funds (NRPF) guidance and training for local authorities and to champion good practice in this area. This is part of COSLA and Scottish Government's shared commitment to embed an effective and consistent approach to ending destitution across Scotland, foster a joined-up approach across the public and third sector, and support strong service delivery and local planning to respond to migrant destitution.

Local authorities continue to regularly adapt and innovate their approaches to provide holistic support to people with NRPF and contribute to the wider ambition of ending destitution in Scotland.

- The Ending Destitution Together Strategy [Year 1](#) and [Year 2](#) progress reports include examples of local authority good practice and innovation in tackling destitution at local level.
- The [National Guidance on Migrants' Rights and Entitlements](#) and [Migrants' Rights and Entitlements Webinar](#) also cover case studies highlighting good local authority practice in responding to the needs of destitute people with No Recourse to Public Funds (NRPF).
- COSLA has a partnership with the [International Organization for Migration \(IOM\)](#) who provide access to specialist immigration advice to support local authorities assisting people with NRPF. Local authorities and third sector organisations can access support from IOM immigration caseworkers who provide legal advice and assistance to vulnerable individuals to enable them to regularize their immigration status.
- During 2022-23, COSLA and Scottish Government supported the set-up and implementation of third sector ([Fair Way Scotland](#)) and local authority NRPF partnership structures in two local authority areas. Local liaison groups were set up at both casework and strategic levels to ensure that people with NRPF accommodated under COVID-19 public health emergency powers were supported to explore all options for continued accommodation and support. The NRPF local liaison groups continue to meet regularly and to build on good practice and collaborative working between local authorities, third sector and other key actors.
- COSLA coordinates the national No Recourse to Public Funds (NRPF) Scotland Network for local authorities which incorporates practice-sharing, capacity-building and training, including in collaboration with third sector. One of the key aims of the network is to share learning, experience and good practice. Local authority officers can contact cristina@cosla.gov.uk for more details.



Key considerations for elected members

Context: The risks of destitution associated with NRPF are becoming even more acute as local authorities are having to navigate significant changes in policy and legislation relating to EEA nationals' rights after Brexit and the introduction of the Illegal Migration Act. As a result of these changes, more people will likely be in need of support, the complexity of cases will increase and there will be even fewer resources to go around.

Below are some key considerations for elected members

- How can local government respond at a local level to support residents at risk of destitution in the face of these increasing pressures and challenges? (emphasis on local solutions)
- What opportunities are there to raise the profile of this issue (and the work) and its impact on our local communities? (including how to weave destitution/NRPF work into other policy areas)
- How can we continue encouraging public bodies to use their statutory and discretionary powers to mitigate destitution?
- Is there additional work that could be done to promote and disseminate existing NRPF local authority guidance and resources across (elected members') local authority networks/within local authorities?
- Are there new/additional ways to highlight good local authority practice in this area (e.g., by providing case studies and examples of good practice to elected members to share via their platforms and help raise profile of this work)?
- How can we collectively maintain a focus on preventative action that stops people becoming destitute in the first place?



Summary

As the Ending Destitution Together Strategy asserts: *“Destitution should be unthinkable in modern Scotland”*.

However, the risks of destitution associated with NRPF are becoming even more widespread and complex following recent policy and legislative changes. In this context we anticipate rising destitution, an increase in the numbers of people with NRPF, increased complexity of cases and added pressures on local authority services.

Tackling destitution helps local government meet their goals and commitments – whether that’s a safer and more welcoming community, or tackling poverty, including child poverty.

A continued focus upon supporting people at risk of destitution is vital to ensuring Scotland remains a place of safety and welcome for all, irrespective of their immigration status.

Further information and contacts

COSLA’s Migration, Population and Diversity team has responsibility for policy issues relating to migration to Scotland in all its forms (including asylum seekers and refugees), human trafficking, population and demographic change, and also provides oversight of equality and human rights issues.

Further details on our work and contact details for the team can be found at: www.migrationscotland.org.uk

Further information on NRPF and local authority support can be found in the [National Guidance on Migrants’ Rights and Entitlements](#).

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Nov 2023

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The logo for Improvement Service, featuring the lowercase letters 'is' in a dark blue font. The letter 'i' has a red dot above it, and the letter 's' has a red dot at the bottom right. Below the 'is' is the word 'improvement' in a dark blue sans-serif font, followed by the word 'service' in a red sans-serif font.
improvement **service**